

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the William J. Clinton
Presidential Library Staff.**

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Chief of Staff

Series/Staff Member: Maria Echaveste

Subseries:

OA/ID Number: 19776

FolderID:

Folder Title:
Gonzales, Elian [2]

Stack:

S

Row:

23

Section:

6

Shelf:

3

Position:

3

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

COMMITTEES:

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION AND CLAIMS
RANKING DEMOCRATIC MEMBER
SUBCOMMITTEE ON CRIME

COMMITTEE ON SCIENCE
SUBCOMMITTEE ON SPACE AND AERONAUTICS

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE:
410 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
202-225-3816

DISTRICT OFFICE:
1919 SMITH STREET, SUITE 1180
THE GEORGE "MICKEY" LELAND FEDERAL BUILDING
HOUSTON, TX 77002
713-655-0050

January 25, 2000

William Jefferson Clinton
The President
1600 Pennsylvania Avenue
Washington, DC 20500

VIA FAX AND HAND
DELIVERED

CC:
Maria E.
Jake Siewert
NSC (reply)
Leg affs
(fyi)

Dear President Clinton:

As the Ranking Member of the House Subcommittee on Immigration, I am writing to applaud the decision that has been made by the Department of Justice to affirm the INS decision to act within the best interests of the child in the case of Elian Gonzalez. I also applaud the decision of the INS that compels the Miami relatives of Elian to bring him to a neutral site so that he may reunite with his grandmothers.

As you know, today I have had the opportunity to meet with Elian's two grandmothers, Raquel Rodriguez and Mariela Quintana, and Members of Congress to discuss his safe return back to Cuba. By meeting with these endearing women, I want to ensure the enforcement of the INS' previous decision. It is imperative that we end the political posturing surrounding this young boy's plight. Elian Gonzalez is not an orphan and his father has not been proven to be unfit and no abuse of Elian has been found that would normally deny a natural parent custody of his child.

You may also be aware that there are several bills in the Congress that would make Elian a citizen or a legal permanent resident of the United States. After meeting with the grandmothers, I have learned that their wish is for their precious grandson to return to Cuba to be with their natural father and them. I urge you to veto any bill that would make this young boy a citizen or legal permanent resident. I also think that it is important that you meet with these women and look in their eyes, and feel their emotions in order for you to fully appreciate this issue.

I am enclosing a letter from the grandmothers given to me today directed to you Mr. President asking for your help in returning Elian to his family in Cuba.

Thank you for your time and consideration.

Sincerely,



Sherita Jackson Lee
Member of Congress

SJL:lcb

Enclosure: Letter to President Clinton from the Grandmothers of Elian Gonzales

La Habana, 21 de enero de 2000

*Excmo. Sr. William Clinton
Presidente
Estados Unidos de América*

Estimado Presidente:

Las dos abuelas del niño Elián González Brotons hemos venido hasta Nueva York con la esperanza de recuperarlo.

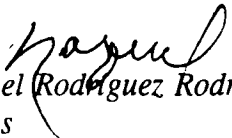
Podrá suponer usted que hacer este viaje ha significado un gran sacrificio para nuestra familia, que no se ha separado un solo instante desde el momento de la tragedia en que perdimos a una hija y hemos sido forzados a contemplar con infinito dolor el secuestro de nuestro nieto. En los últimos días los que retienen criminalmente al niño ya no nos permiten siquiera hablar con él.

Sabemos que usted, enfrentándose a grandes obstáculos, ha expresado su reconocimiento al derecho indiscutible del padre de recuperar a su hijo. Juan Miguel el padre de Eliancito, nosotras y toda la familia estamos destruidos y vivimos el horror de ver pasar el tiempo.

A pesar de que conocemos de su inmenso trabajo, le solicitamos que nos reciba aunque sea por unos minutos. De usted preferirlo, sería absolutamente confidencial.

Si nos concede ese honor, constituiría para nosotras un extraordinario aliento, que ahora o en el futuro sería muy apreciado también por el pueblo de Estados Unidos que, apegado a los valores de familia, en muy amplia mayoría es decididamente partidario de que el niño regrese junto a su padre, abuelos y demás familiares.

Puede localizarnos en la casa de la Reverenda Joan Campbell, y el contacto se haría en la forma y lugar que usted estime pertinente.


*Mariela Quintana Garrido y Raquel Rodríguez Rodríguez
Abuelas de Elián González Brotons*

ELIAN GONZALEZ LEGISLATIVE PROPOSALS CONGRESSIONAL BRIEFING POINTS

- The State Department is deeply concerned that Congress is considering trying to divest INS of jurisdiction over the case of Elian Gonzalez and forcing this matter into the state courts of Florida.
- The right of a child to grow up with a parent, and of a parent to raise his child, is one of the most fundamental and widely respected human rights.
- Legislation divesting INS of jurisdiction will be seen as imposing obstacles to the ability of Elian and Juan Gonzales to enjoy this right.
- International family law experts do not recognize a legitimate custody question for the state courts of Florida.
 - Juan Gonzalez is Elian's father, he provided for Elian, he has a close and loving relationship with Elian, and he has not abandoned him – he immediately asked appropriate officials to return Elian to him.
 - It is clear that Juan Gonzalez, as Elian's father, is legally entitled to custody of Elian and to act for Elian.
 - If Elian and his father were protected by our Constitution, there would be no constitutionally sustainable basis for governmental interference with the father's decision to take Elian to Cuba. Our Supreme Court has set a very high standard that the government must meet before it can interfere with or terminate parental rights. Termination requires clear and convincing evidence of parental unfitness.
- It would be a dangerous international precedent to invite a domestic family court to second-guess a foreign parent's decision to continue raising his child in the child's home country, or to suggest that a domestic court should decide what is best for a foreign child when there is a parent who can do this.
- Imposing citizenship on Elian Gonzalez would be inconsistent with international law. Other countries could and likely would refuse to recognize Elian as an American.
- The United States has historically taken the position that the involuntary conferral of citizenship violates international law except in very limited situations not applicable here.
 - Elian's father asked for Elian's return almost as soon as Elian arrived here. Elian had none of the ties to the United States that international law would expect a person to have before being made a citizen.

To: Maria Echaveste
From: Wendy Sherman

5pgs + cover

hope this helps.
More by 11am.



United States Department of State

*Assistant Secretary of State
for Consular Affairs*

Washington, D.C. 20520

DECLARATION OF MARY A. RYAN

I, Mary A. Ryan, hereby declare as follows:

1. I am the Assistant Secretary of State for Consular Affairs of the United States Department of State, a position I assumed on May 12, 1993. I am also a career member of the United States Foreign Service, in which I hold the rank of Career Ambassador. Since joining the Foreign Service in 1966, I have held a variety of assignments in Latin America, Africa, the Middle East, and the United States. These have included consular and management positions and a Presidential appointment as United States Ambassador to Swaziland. I make this declaration based on information available to me as Assistant Secretary for Consular Affairs and on my thirty-four-years experience in the diplomatic and consular service of the United States.
2. I submit this declaration in connection with the decision made by the Commissioner of the Immigration and Naturalization Service (INS), and ratified by the Attorney General, that the six-year-old Cuban child, Elian Gonzalez Brotons, should be returned to his father in Cuba. The Department of State would expect a foreign government to make the same decision with respect to an American child in Elian Gonzalez Brotons' circumstances. The INS decision is also consistent with the principles that the Department of State would seek to have followed in cases involving a child whose custody is disputed between two parents, one in the United States and the other in a foreign country to which the child has been taken. It is my belief that failure to implement the INS decision could seriously prejudice the ability of the United States Government to help parents in the United States recover their children taken to foreign countries.
3. As Assistant Secretary for Consular Affairs, I am the senior State Department official charged with exercising the Secretary of State's responsibility to protect and provide consular services to United States citizens abroad. These services are provided by the Department of State's Bureau of Consular Affairs, which I head, and by United States consular officers under my general direction who are assigned to United States embassies and consulates throughout the world. Consular services include such activities as issuing passports and assisting citizens involved in emergencies outside the United States, including deaths, arrests, medical emergencies, and evacuations.
4. A substantial and ever-increasing aspect of the Department's consular work involves the provision of services in connection with children. We document children born abroad as U.S. citizens and repatriate destitute and runaway U.S. citizen children. We issue U.S. visas to children adopted abroad by U.S. citizen parents; seek to prevent abuse, abandonment, neglect and exploitation of U.S. citizen children abroad; and issue and validate passports so

that U.S. citizen children may travel with their parent(s), among other services. We also seek to prevent and resolve cases involving international parental child abduction. In this connection, the Office of Children's Issues in the Bureau of Consular Affairs serves as the United States Central Authority under Article 6 of the Hague Convention on the Civil Aspects of International Child Abduction (the "Hague Convention"). As such, it is responsible for cooperating with the Central Authorities in other countries to "secure the prompt return of children" to their place of habitual residence under the Hague Convention when they have been "wrongfully removed . . . or retained" by one parent, and to achieve the other objectives of the Hague Convention. (Generally speaking, a wrongful removal or retention occurs when a child is taken to or kept in another country in violation of custody rights of the left-behind parent.) Our work on behalf of children is generally initiated by a parent's request for assistance, and often occurs in the context of an international child custody dispute involving an American child. As the U.S. Central Authority under the Hague Convention, however, we also assist foreign governments in seeking the return of children brought to the United States in violation of the custody rights of a parent in a foreign country.

5. The role of consular officers in protecting children is recognized in the 1963 Vienna Convention on Consular Relations ("VCCR"), 21 UST 77, which largely codified customary international law and which now, with over 160 countries as parties, sets forth well-established and generally recognized principles. Article 5(h) of the VCCR specifically provides that consular functions include, "safeguarding . . . the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons." Article 37 (b) of the VCCR generally requires the "competent authorities of the receiving State" (*i.e.*, the country in which a foreign national is found) "to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State."
6. The rights of parents are also recognized internationally and have long been a central premise of our consular work on behalf of Americans. It is a basic precept of our work that the parents of American citizen children, not the Department of State or the United States Government, should decide what is best for their children. For example, although use of United States passports for travel to Libya and Iraq has been restricted under 22 USC 211a because there is an "imminent danger to the public health or the physical safety of United States travellers" in those countries, we validate passports for travel to such countries on a case-by-case basis, pursuant to 22 CFR 51.74. We have validated passports for U.S. citizen children being taken to Libya or Iraq to live with their Libyan or Iraqi national parent(s) (who in some cases are married to American citizens) who are domiciled there. (Recently, for example, we validated the passport of a fourteen-year-old American child residing in Libya with his Iraqi parents.) In such cases, we act on the premise that it is the right of the parent(s) to decide whether to raise their children in Iraq or Libya, rather than in the United States. Moreover, "American citizens residing in Iraq on February 1, 1991, who continue to reside there," are exempt from the Iraq passport restriction. This permits such citizens, including citizen children, to continue to live in Iraq with their families, whether the family is multinational or simply deeply rooted in the country. As a general matter, the issuance of passports to and travel by minor U.S. citizen children is governed, under Department of State regulations and practice, by the wishes of their parents.

7. The United States is at the forefront in the provision of consular services to its citizens abroad and in its advocacy on behalf of parents seeking the return of their children to the United States. Because other countries carefully scrutinize the practices of the United States, our credibility and effectiveness depend upon our ability to adhere to the principles we espouse. If the United States fails to act in accordance with such principles, it jeopardizes its ability to insist on adherence by other countries. Consistency between principles and practice is particularly important in matters of foreign relations, where enforcement of rights so often depends upon reciprocity, diplomatic pressure and negotiations, and cooperation. These considerations are critical to the ability of the United States to obtain the return of children to the United States. Over the years, hundreds of children have been returned to their parents in the United States because other countries have been willing to respect basic principles of international law and custom and, when applicable, relevant treaty obligations.
8. When a young child is found in a foreign country, the accepted international practice is to attempt to identify the child's parent or parent(s), and to return the child to that person whenever possible, often through the assistance of consular officials representing the child's country of origin. Were a U.S. citizen minor child found in a foreign country in the circumstances of Elian Gonzalez Brotons, we would expect the government of that country immediately to seek the child's surviving parent, if any, and to contact U.S. consular officials for assistance in doing so if necessary. We would then expect the government promptly to return the child to the parent, unless the parent expressly asked that other arrangements be made. We would ensure that the foreign government was aware of the parent's wishes and would not expect our representations in that regard to be questioned. Thus, we would expect that the parent's direct participation in proceedings in the foreign country would not be required. We would not expect that the surviving parent would necessarily have to travel to the foreign country to recover the child. Nor would we expect the surviving parent to have to participate in a foreign court's custody proceedings to establish his or her right to assume responsibility for the child. We would not agree that there was any custody issue to be resolved; rather, custody would clearly belong to the surviving parent. We would object strongly if a foreign government declined to return an American child to its only surviving parent because other relatives sought custody of the child or because of a judgment that the child would be better off in the country in which the child was found. We also would take vigorous exception to a foreign government or court that sought to substitute its view of the "best interests of the child" for those expressed by a parent, absent a previous finding that the parent was unfit. Moreover, we would expect any decision about fitness or custody to be made not by a court in the country where the child was found, but by a court in the country of the child's habitual residence. A failure to return Elian Gonzalez Brotons to his father would be fundamentally inconsistent with these principles and with what we would advocate in the case of an American child.
9. The case of Elian Gonzalez Brotons is straightforward because there is no surviving parent in the United States. Cases involving a child with two living parents who is taken to a foreign country by one parent are far more complex and difficult to resolve. The behavior of the United States in the Elian Gonzalez Brotons case has implications for such cases as well, however. Many countries of the world, like Cuba, are not party to the Hague Convention on the Civil Aspects of International Child Abduction. When children are taken from the United States by one parent to such a "non-Hague country," the Department of State typically seeks

the cooperation of officials of that country in securing the return of the child to the parent left behind in the United States. These efforts have taken a variety of forms, including in some cases direct requests by senior U.S. Government officials to high level foreign officials. If INS's decision is not upheld, the ability of the United States to make such requests successfully in the future will surely be impaired. First, such requests appeal to the foreign country involved to respect the rights of the left-behind parent and the importance of the parent-child relationship; the ability of the United States to appeal to these considerations with credibility will be diminished. Second, foreign authorities will have to consider the possibility that their own countrymen will remember the failure of the United States to return Elian Gonzalez Brotons to his father and react negatively if such authorities return a child to a left-behind parent in the United States.

10. Because in recent years consular work has been enormously complicated by the increasing number of multinational families, the Department has made an effort to develop conventions to address the unique problems that arise in such families. The Department led the U.S. delegations that negotiated the 1980 Hague Convention on the Civil Aspects of International Child Abduction; the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption; and the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children. These and other private international law agreements, such as those currently being negotiated on reciprocal child support enforcement, seek to provide an agreed legal framework and appropriate legal remedies to assist and protect children and parents in multinational families, particularly when the family breaks apart and becomes transnational.
11. When a child custody dispute involves countries that apply the Hague Convention, the Convention's mechanisms and legal standards can be invoked by the left-behind parent to seek the return of a child taken from his or her "habitual residence." The U.S. subscribes fully to the Convention's core concept that a child should be returned to the child's habitual residence when the child has been wrongfully removed, absent evidence of "grave risk" to the child as defined by the Convention. We do not accept that a "grave risk" can be found under the Convention based on a judgment that the child will have a better life in the country to which he or she has been taken. We also look with extreme caution on suggestions that a decision whether to return a child should be based on the views of the child. The Hague Convention permits consideration of the views of a child only when the child has attained "an age and degree of maturity at which it is appropriate to take account of its views." Because of concerns that this provision could be abused as a basis for not returning a child to his or her habitual residence, the United States originally took the position that the Convention should not permit consideration of the views of the child at all, or at least not if the child was under age twelve. We were concerned that a younger child would not be mature enough, and that the child would inevitably have been influenced by the parent or person with immediate physical custody. Although the negotiators declined to establish an absolute age-limit, there was a general agreement in principle with the United States' views and concerns. Thus, in applying this exception, the courts of most countries have been careful and restrained.

12. Regardless of whether a child is taken to a Hague or a non-Hague country, the United States maintains that a child should be returned to the child's place of habitual residence except in limited circumstances. Such circumstances would include situations in which returning the child to the place of habitual residence would be inconsistent with the U.N. Refugee Convention and Protocol or the Torture Convention. The INS decision that Elian Gonzalez Brotons should be returned to his father in Cuba is consistent with these principles.
13. A failure to enforce the INS decision would, conversely, be inconsistent with the principles we advocate on behalf of the United States and could have potentially lasting negative implications for left-behind parents in the United States and for U.S. citizen children taken to foreign countries. First, not returning Elian Gonzalez Brotons to his father would be perceived as a decision that the fundamental parent-child relationship can be ignored, even where there is no evidence of unfitness. A decision based on the "independent" views of a six-year-old child would also be a dangerous precedent. Finally, not returning Elian Gonzalez Brotons to his father could be perceived as endorsing the right of the country in which a child is found to refuse to return the child to the child's habitual residence based on a judgment that the habitual residence is not a desirable place to raise a child.
14. Hundreds of cases involving children taken from the United States over the past twenty-five years have taught us that it is extremely difficult to obtain the return of a child from a country that acts in whole or in part on the basis of judgments about the environment in which a child will be raised. This is a particular problem when we seek the return of U.S. citizen children from Islamic countries, which generally give custody to the father but which will sometimes give custody of very young children to the mother. For example, an abducting father defending his custody in a Middle Eastern country's courts against a left-behind American mother last year alluded to the "moral decay" invading the United States. We frequently find that a father who has abducted a child to an Islamic country, even if conceding that the left-behind mother in the United States is a good parent, will justify the abduction on the ground that the social environment in the United States is immoral, sexually promiscuous, or otherwise unsuitable for the raising of children. I believe that a decision not to return Elian Gonzalez Brotons to Cuba could encourage the making of such arguments by abducting parents and their acceptance by foreign authorities.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C., on January 24, 2000.



Mary A. Ryan

Final!

ELIAN GONZALEZ LEGISLATIVE PROPOSALS CONGRESSIONAL BRIEFING POINTS

- The State Department is deeply concerned that Congress is considering trying to divest INS of jurisdiction over the case of Elian Gonzalez and forcing this matter into the state courts of Florida.
- The right of a child to grow up with a parent, and of a parent to raise his child, is one of the most fundamental and widely respected human rights.
- Legislation divesting INS of jurisdiction will be seen as imposing obstacles to the ability of Elian and Juan Gonzales to enjoy this right.
- International family law experts do not recognize a legitimate custody question for the state courts of Florida.
 - Juan Gonzalez is Elian's father, he provided for Elian, he has a close and loving relationship with Elian, and he has not abandoned him – he immediately asked appropriate officials to return Elian to him.
 - It is clear that Juan Gonzalez, as Elian's father, is legally entitled to custody of Elian and to act for Elian.
 - If Elian and his father were protected by our Constitution, there would be no constitutionally sustainable basis for governmental interference with the father's decision to take Elian to Cuba. Our Supreme Court has set a very high standard that the government must meet before it can interfere with or terminate parental rights. Termination requires clear and convincing evidence of parental unfitness.
- It would be a dangerous international precedent to invite a domestic family court to second-guess a foreign parent's decision to continue raising his child in the child's home country, or to suggest that a domestic court should decide what is best for a foreign child when there is a parent who can do this.
- Imposing citizenship on Elian Gonzalez would be inconsistent with international law. Other countries could and likely would refuse to recognize Elian as an American.
- The United States has historically taken the position that the involuntary conferral of citizenship violates international law except in very limited situations not applicable here.
 - Elian's father asked for Elian's return almost as soon as Elian arrived here. Elian had none of the ties to the United States that international law would expect a person to have before being made a citizen.

Eliau Gonzalez – Congressional Briefing Points
Draft of January 25, 2000

CONTINGENCY POINTS

Q. ARE YOU SAYING THAT INTERNATIONAL LAW REQUIRES THAT ELIAN BE RETURNED TO CUBA?

-- Yes. There is no basis under international law for not returning Elian to his father.

-- There also is no basis under international law for not returning Elian to Cuba at his father's request. There is no legal basis on which the United States could credibly insist that the father and son be reunited somewhere else.

-- There is no remotely credible allegation that Elian would be persecuted under the Refugee Convention or tortured under the Torture Convention. These would be the only legal bars to reuniting a father and son with a proven parental relationship in the country designated by the father.

Q. ARE YOU SAYING THERE IS NO APPROPRIATE ROLE FOR CONGRESS?

-- It would be best if Congress stayed out of this. It certainly should not do anything that divests INS of jurisdiction.

Q. CONGRESS WON'T STAY OUT, SO WHAT DO YOU RECOMMEND WE DO?

-- We would be less concerned if Congress acted to make it possible for the father to come, if he wishes to, without being embroiled in highly questionable litigation.

-- Congress should not force the father to come here, or force the father or Elian to stay here over the father's objections.

-- We would not object to giving Elian the right to return to the United States in the future, but only if INS maintains jurisdiction and Elian is first reunited with his father in Cuba.

Q. WHAT ABOUT THE MOTHER'S WISHES FOR ELIAN?

-- We have no way of knowing what she would have wanted.

-- The fact that she set out from Cuba with him doesn't mean she would want him here without her.

-- Her own mother says that she would have wanted Elian returned to his family in Cuba.

-- In any event, the law provides for return of a child to the sole surviving parent in these circumstances, and the father has clearly expressed his desire for that result.

Elian Gonzalez -- Congressional Briefing Points
Draft of January 25, 2000

-- The father's request cannot be denied based on speculation that the father's expressed wishes are not his true wishes, or on speculation about what the mother would have wanted.

Q. SHOULDN'T THE FATHER HAVE TO EXPRESS HIS VIEWS HERE, IN A FREE ENVIRONMENT?

-- We would not agree that an American parent in a similar situation should have to travel to a foreign country and participate in a court proceeding to reclaim his or her child from distant relatives.

-- INS made a reasonable decision that the father is expressing his true wishes. Those who have met with him privately -- as an INS officer and State Department witness did twice -- are in the best position to judge this.

-- The father's concerns about having to travel to Miami are entirely understandable.

-- He should not have to become embroiled in unfounded litigation.

-- He should not have to travel to a place that he may genuinely consider hostile or unsafe.

-- He has publicly expressed concern about the media coverage of his son and may legitimately not want to be swept up into it.

-- If this were an American parent, we would be sympathetic to a request that we seek to arrange for the child's return without the parent having to travel.

Brian S. Mason
01/24/2000 02:32:21 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Joe Lockhardt comments on Elian Gonzalez and possible Congressional action

Q Joe, the Congress seems likely to pass a bill this week to grant citizenship to Elian Gonzalez. What will the President do when that passes?

MR. LOCKHART: Well, I think since the House doesn't come back for votes until next week, it would be unlikely they'll pass anything this week.

But let me address that. I think, obviously, we're going to wait and see what they have in mind before making any decisions. The President has several times over the last few weeks stated his concern that he doesn't want politics injected into this case, and that still stands. I know the Senate is trying to use some procedural mechanism to bring this up quickly, and that will be their business -- and if they pass something, obviously, we'll take a look at it.

I would certainly hope that given the vigor that they're showing on this case will spill over into other cases. We heard from Senate Majority Leader Lott last week that he didn't think they could get anything done this year. And now they're going to waive a number of rules to try to get something done in a couple days. I think our challenge to the Republican leadership is use the same vigor on patients' bill of rights, on getting a prescription drug benefit for Medicare, on minimum wage, on passing sensible gun safety legislation. If they can show that kind of vigor on these issues, then I think the American people will come out all right.

Q Do you think that this speedy process that the Senate has taken -- is that the political process that the President didn't want this case to be --

MR. LOCKHART: Well, we'll have to see how the debate goes. But I think there is a real danger here that this can become a political issue, that this young boy will be a political football. And I think the President has made it very clear to everyone that they ought to stay away from politics here and stick to what the facts and the law dictate.

Q Well, Joe, would the President prefer that Congress stay out of the matter?

MR. LOCKHART: This is obviously a case that's in the courts now. So the courts will have to decide, based on the filings that have been made before. And I think there is concern that if this goes to the floor of the Senate or the floor of the House that it's going to become a political debate, rather than the substantive debate that it should be.

Q But isn't the boy already a political football between the anti-Castro Cubans down in Miami and the Cubans in Cuba?

MR. LOCKHART: I think that the President has spoken very harshly about some of the things that have gone on in Cuba on this case. And I think politics has become too important here. But that doesn't mean that we can't base our decisions on the facts and the law and move forward, and try to do everything we can to keep politics out of it.

Q Joe, with this case changing attitudes towards immigrants in general, as it apparently might have had an effect on Haitian immigrants, will it open up the process to more immigration from Haiti and from other Central American areas?

MR. LOCKHART: Well, I mean, I think that we believe that we have very sensible immigration laws in this country that are administered in a proper way. I think you'd have to go to the House and the Senate to see if they believe that more needs to be done on Haitians or any other immigrants.

Q But Cuba appears to get special treatment.

MR. LOCKHART: No, Cuba is treated -- we have very strict regulations on the immigration of Cubans. We want it to be legal, safe and orderly. And that's what guides the policy. And we think that that policy makes sense, and we don't see any reason to change it.

Q So he is not -- I mean, until he gets the bill, then he would --

MR. LOCKHART: Well, we're not even sure what they're actually proposing at this point. There's a lot that would have to happen on the Senate floor and over in the House, so we'll wait to see what they do.

Q If Congress decides to grant him citizenship, is it something that the President would have to sign? Do we even know that much about the process?

MR. LOCKHART: Well, it's certainly my understanding that to pass a law, it's got to come up here to the White House for signature at some point.

Q I mean, do we know -- can Congress grant somebody

citizenship without the President --

MR. LOCKHART: Not that I'm aware of.

Q Is residency more acceptable than citizenship to the President?

MR. LOCKHART: Listen, this is a matter that is before a federal court now and I'm certainly not going to try to litigate here for the sake of public discourse.

Q So might he sign a bill and say, I'll sign this, but let the courts make the ultimate decision?

MR. LOCKHART: I wouldn't get into a "might" or "if" here.

Q Isn't a "might" or "if" a religious sort of --
(laughter.)

MR. LOCKHART: To tell you the truth, I was just reading a very interesting segment of Helen's book yesterday, while I was going through. And it has a section in there where my predecessor talked about, only fools answer hypotheticals. So I will not be foolish today.

Message Sent To:

Charles M. Brain/WHO/EOP@EOP
Broderick Johnson/WHO/EOP@EOP
Tracey E. Thornton/WHO/EOP@EOP
Martha Foley/WHO/EOP@EOP
Joel K. Wiginton/WHO/EOP@EOP
Lisa M. Kountoupes/WHO/EOP@EOP
Mark D. Magana/WHO/EOP@EOP
Joanna E. Staney/WHO/EOP@EOP
Julie K. Anderson/WHO/EOP@EOP
Michael Williams/WHO/EOP@EOP
Joshua J. Ackil/WHO/EOP@EOP
Erica R. Morris/WHO/EOP@EOP
Taneesha J. Johnson/WHO/EOP@EOP
Lauren K. Gillespie/WHO/EOP@EOP
Rebecca Hunter/WHO/EOP@EOP
Marty J. Hoffmann/WHO/EOP@EOP
Hildy Kuryk/WHO/EOP@EOP
Bobby D. Conner/WHO/EOP@EOP
Courtney C. Crouch/WHO/EOP@EOP
Devanshu Patel/WHO/EOP@EOP
Alon J. Kupferman/WHO/EOP@EOP
Brian S. Mason/WHO/EOP@EOP



U.S. Department of Justice
Office of Legislative Affairs

Washington, D.C. 20530

FAX COVER SHEET

TO: Maria E

FAX NO. _____

FROM: John R

PHONE NO. _____

FAX NO. _____

DATE: _____

NO. OF PAGES _____ (EXCLUDING COVER)

COMMENTS _____

Maria E.

I know this precious little boy and what to do with him has generated a lot of controversy, but let's be clear here, he really belongs with his dad and his grandmas. After what he's been through, he just needs to be in a familiar setting, and I think it's beyond clear that his dad and grandparents in Cuba provide that for him. They really need to be a family again, and just get the tv cameras away so that little boy can heal over the loss of his mom.

I'm concerned that there's a real distraction going on, with this whole question that Congress may be thinking about making that 6 year old boy a citizen. Citizenship is so important, and I don't know too many people who wouldn't like to be a US citizen, but the truth is it has nothing to do with whether or not that little boy belongs with his dad, and he does. I really hate for Congress to get us away from that fact. I've tried really hard to let the INS do it's job, without politics, and try to return this kid to his dad, and now we've got the courts involved too, and I just can't see that Congress getting involved helps this little boy get home at all. If being a citizen made that custody decision any easier, than I might see it, but it doesn't, and since in my view it slows down our ability to work out a way to get him home, then I'm just not for it.

Robert



OFFICE OF LEGISLATIVE AFFAIRS HOUSE LIAISON

112 East Wing
Office phone: 456-6620
Office fax: 456-2604

FACSIMILE TRANSMISSION

DATE: 1/24/00
To: Maria Echazeste
FAX: 456-1907 PHONE: _____

FROM: _____ BRODERICK JOHNSON _____ JOSH ACKIL
_____ AL MALDON _____ ERICA MORRIS
_____ LISA KOUNToupES _____ LAUREN GILLESPIE
☒ MARK MAGANA _____ BRIAN MASON
_____ JANELLE ERICKSON

Comments: _____

PAGE ONE OF _____

Irene Bueno

01/24/2000 04:04:49 PM

Record Type: Record

To: Leslie Bernstein/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Sen. Mack's Press Release 

FYI

FOR IMMEDIATE RELEASE

Monday, January 24, 2000

**MACK: GRANT ELIAN HONOR, FREEDOM &
CITIZENSHIP**

Let the Court Decide Elian's Future

Washington – U. S. Senator Connie Mack (R-FL) today introduced the Elian Gonzalez citizenship bill which would grant United States citizenship and guarantee the boy's future will be decided in a fair open court of law rather than by a political government agency.

Mack said:

"The United States is a country of laws and we zealously believe in the rule of law. The boy's future should not be a political decision made by a government agency, but by a fair hearing in family court. Our goal should be what is in the best interest of the child.

"Elian's mother gave her life in pursuit of freedom for her child. We owe it to her memory to ensure her wishes are at least considered. The legislation does not dictate an outcome, but simply steers the matter to court, the appropriate forum for custody matters."

This measure is co-sponsored by Senators Robert Torricelli (D-NJ), Jesse Helms (R-NC), Charles Robb (D-VA), Trent Lott (R-MI) and Bob Graham (D-FL).

LESLIE

**LESLIE
BERNSTEIN**

01/24/2000 12:38:20 PM



Record Type: Record

F:\M6\MCCOLL\MCCOLL.078

H.L.C.



(Original Signature of Member)

106TH CONGRESS
2D SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. MCCOLLUM introduced the following bill; which was referred to the
Committee on _____

A BILL

For the relief of Elian Gonzalez-Brotons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. NATURALIZATION OF ELIAN GONZALEZ-**
4 **BROTONS.**

5 Notwithstanding section 337(a) or any other provi-
6 sion of title III of the Immigration and Nationality Act
7 (8 U.S.C. 1401 et seq.), Elian Gonzalez-Brotons shall be
8 considered to be a naturalized citizen of the United States



F:\M6\MCCOLL\MCCOLL.078

H.L.C.

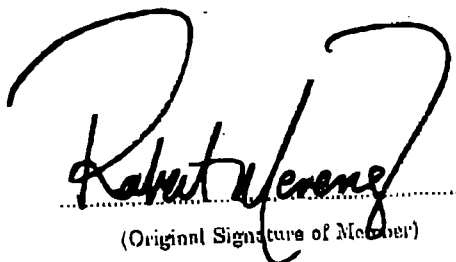
2

- 1 as of the date of the enactment of this Act and shall be
- 2 furnished by the Attorney General with a certificate of
- 3 naturalization.



F:\M6\MENEND\MENEND.027

H.L.C.


(Original Signature of Member)

106TH CONGRESS
2D SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. MENENDEZ introduced the following bill; which was referred to the
Committee on _____

A BILL

For the relief of Elian Gonzalez.

1 *Be it enacted by the Senate and House of Representu-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PERMANENT RESIDENT STATUS FOR ELIAN**
4 **GONZALEZ.**

5 Notwithstanding the Immigration and Nationality
6 Act, or any other provision of law—

7 (1) Elian Gonzalez is declared to be an alien
8 lawfully admitted for permanent residence in the



F:\M6\MENEND\MENEND.027

H.L.C.

2

1 United States as of the date of the enactment of this
2 Act; and
3 (2) the provisions of section 101(a)(13)(C)(ii)
4 of the Immigration and Nationality Act (8 U.S.C.
5 1101(a)(13)(ii)) shall not apply to Elian Gonzalez,
6 and he shall not be regarded as seeking an admis-
7 sion into the United States for purposes of the im-
8 migration laws, if he is absent from the United
9 States for any period by reason of having traveled
10 to Cuba.



1/24/00

RICK SWARTZ & ASSOCIATES

1869 Park Road, NW Tel: (202) 328-1313

Washington, DC 20010 Fax: (202) 797-9856

E-mail: RickSwartz@aol.com

To: Maria Echaveste

1pg.

Re: Ehan

I had an idea this morning which I just ran by Kanasaki re a possible response to Hott's move on Ehan, per today's Washington Times. Why not have Kennedy et al seek to amend Hott's citizenship bill for Ehan by adding citizenship for the "Late Amnesty" class? But for illegal conduct by the Reagan / Bush INS, the "Late Amnesty" class would be citizens now, or at least eligible to naturalize. This forces GOP to alienate Mexican Americans in order to court Cubans. Pats & Bush and McCain Forbes et al on the spot re Late Amnesty. May force GOP to say good things about Late Amnesty, etc. Even if amendment not in order, could create great PR!!

Rick

THE WHITE HOUSE
WASHINGTON

FAX COVER SHEET

TO: *Maria Echaveste 6-1907*
Wendy Patten 6-9140
Fax:

Lisa M 5-3109

FROM: **Irene B. Bueno, Special Assistant to the President
for Domestic Policy**
217 Old Executive Office Building
Washington, DC 20502
Phone: 202-456-6558 Fax: 202-456-5581
E-mail: irene_bueno@opd.eop.gov

DATE: *1/27/00*

PAGES: *4* INCLUDING COVER

- ☒ Per my e-mail or voice mail.
☐ For your information or review.
☐ Per your request.

COMMENTS:

State Dept Draft Letter

01/27/00 13:53 202 847 2762

United States Department of State

Washington, D.C. 20520

**DRAFT**

Dear,

I am writing to bring to your attention the implications for consular operations, and specifically the Department of State's ability to successfully pursue pending and future international parental child abduction cases, should Elian Gonzales Brotons not be returned to his father's custody and his place of habitual residence.

Earlier this week, I provided a declaration to the Department of Justice in support of the decision made by the Commissioner of the Immigration and Naturalization Service (INS), and ratified by the Attorney General, that Elian Gonzalez Brotons should be returned to his father in Cuba. I did so because the Department of State would expect a foreign government to make the same decision with respect to an American child in similar circumstances. The INS decision is consistent with the principles that the Department of State would seek to have followed in such cases. Failure to implement the INS decision could seriously prejudice the ability of the United States Government to help parents in the United States recover their children taken to foreign countries.

The State Department's Office of Children's Issues in the Bureau of Consular Affairs serves as the United States Central Authority under the Hague Convention on the Civil Aspects of International Child Abduction (the "Hague Convention"). It is responsible for cooperating with the Central Authorities in other countries to "secure the prompt return of children" to their place of habitual residence under the Hague Convention when they have been "wrongfully removed... or retained" by one parent, and to achieve the other objectives of the Hague Convention.

The role of consular officers in protecting children is recognized in the 1963 Vienna Convention on Consular Relations ("VCCR"), which largely codified customary international law and which now, with over 160 countries as parties, sets forth well-established and generally recognized principles. Article 5(h) of the VCCR specifically provides that consular functions include, "safeguarding . . . the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons."

The rights of parents are also recognized internationally and have long been a central premise of our work on behalf of Americans. It is a basic precept of our work that the parents of American citizen children, not the Department of State or the United States Government, should decide what is best for their children. As a general matter, the issuance of passports to and

01/27/00 13:54 202 647 2762

DRAFT

travel by minor U.S. citizen children is governed, under Department of State regulations and practice, by the wishes of their parents.

The United States is at the forefront in the provision of consular services to its citizens and in its advocacy on behalf of parents seeking the return of their children. Because other countries scrutinize our practices, our credibility and effectiveness depend upon our ability to adhere to the principles we espouse. If the United States fails to act in accordance with such principles, we jeopardize our ability to insist on adherence by other countries. Consistency between principles and practice is particularly important in matters of foreign relations, where enforcement of rights so often depends upon reciprocity, diplomatic pressure and negotiations, and cooperation. Over the years, hundreds of children have been returned to their parents in the United States because other countries have been willing to respect basic principles of international law and custom and, when applicable, relevant treaty obligations.

When a young child is found in a foreign country, the accepted international practice is to attempt to identify the child's parent or parent(s), and to return the child to that person whenever possible, often through the assistance of consular officials representing the child's country of origin. Were a U.S. citizen minor child found in a foreign country in the circumstances of Elián Gonzalez Brotons, we would expect the government of that country immediately to seek the child's surviving parent, if any, and to contact U.S. consular officials for assistance in doing so if necessary. We would then expect the government promptly to return the child to the parent, unless the parent expressly asked that other arrangements be made. We would ensure that the foreign government was aware of the parent's wishes and would not expect our representations in that regard to be questioned. We would not expect the surviving parent to have to participate in a foreign court's custody proceedings to establish his or her right to assume responsibility for the child. We would object strongly if a foreign government declined to return an American child to its only surviving parent because other relatives sought custody of the child or because of a judgment that the child would be better off in the country in which the child was found. We also would take vigorous exception to a foreign government or court that sought to substitute its view of the "best interests of the child" for those expressed by a parent, absent a previous finding that the parent was unfit.

Many countries of the world, like Cuba, are not party to the Hague Convention on the Civil Aspects of International Child Abduction. When children are taken from the United States by one parent to such a "non-Hague country," the Department of State typically seeks the cooperation of officials of that country in securing the return of the child to the parent left behind in the

DRAFT

United States. If the INS decision is not upheld, our ability to make such requests successfully in the future will surely be impaired. First, such requests appeal to the foreign country involved to respect the rights of the left-behind parent and the importance of the parent-child relationship; the ability of the United States to appeal to these considerations with credibility will be diminished. Second, foreign authorities will have to consider the possibility that their own countrymen will remember our failure to return Elian to his father and react negatively if such authorities return a child to a left-behind parent in the United States.

A failure to enforce the INS decision would also be inconsistent with the principles we advocate and could have potentially lasting negative implications for left-behind parents in the United States and for U.S. citizen children taken to foreign countries. Not returning Elian to his father would be perceived as a decision that the fundamental parent-child relationship can be ignored, even where there is no evidence of unfitness. A decision based on the "independent" views of a six-year-old child would also be a dangerous precedent. Finally, not returning Elian to his father could be perceived as endorsing the right of the country in which a child is found to refuse to return the child to his habitual residence based on a judgment that the habitual residence is not a desirable place to raise a child. A decision not to return Elian Gonzalez Brotons to Cuba could encourage the making of such arguments by abducting parents and their acceptance by foreign authorities.

I hope this information will be of use to you. Please do not hesitate to contact me if there is any further information that I can provide to you.

Sincerely,

Mary A. Ryan



Content and programming copyright 2000 Cable News Network Transcribed under license by Federal Document Clearing House, Inc. Formatting copyright 2000 Federal Document Clearing House, Inc. All rights reserved. No quotes from the materials contained herein may be used in any media without attribution to Cable News Network. This transcript may not be copied or resold in any media.
CNN

SHOW: CNN CROSSFIRE 19:30

January 11, 2000; Tuesday

Transcript # 00011100V20

TYPE: SHOW

SECTION: News; International

LENGTH: 4039 words

HEADLINE: Are Lawmakers Playing Politics With the Future of Elan Gonzalez?

GUESTS: Lincoln Diaz-Balart, Charles **Rangel**

BYLINE: Robert Novak, Bill Press

HIGHLIGHT:

Reps. Lincoln Diaz-Balart (R) of Florida and Charles **Rangel** (D) of New York debate whether Elan Gonzalez, a Cuban boy whose mother died trying to bring him to the United States, should return to his father in Cuba or stay with relatives in Miami.

BODY:

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

(BEGIN VIDEO CLIP)

REP. ILEANA ROS-LEHTINEN (R), FLORIDA: I'll be presenting the bill -- it's called a special bill -- to grant U.S. citizenship for Elan. I'll be doing it with other members of Congress, many of whom are eager to have this legal protection for Elan.

(END VIDEO CLIP)

ROBERT NOVAK, CO-HOST: Tonight, lawmakers do all they can to help 6-year-old Elan Gonzalez. Are they looking out for his best interests? Or are they just playing politics?

ANNOUNCER: Live from Washington, **CROSSFIRE**.

On the left, Bill Press; on the right, Robert Novak.

In the **CROSSFIRE**: In Miami, Republican Congressman Lincoln Diaz- Balart, and in New York, Democratic Congressman Charles **Rangel**.

NOVAK: Good evening. Welcome to **CROSSFIRE**.

Little Elan Gonzalez is going to stay in Miami -- for a while, anyway. The INS, Immigration and Naturalization Service, today backed away from its Friday deadline for sending the 6-year-old back to

Cuba. It likely will not deport him before a March 6th custody hearing set yesterday by a Miami judge.

The INS would have been in big trouble on Capitol Hill had it forcibly sent the Cuban boy home. A letter today to Attorney General Janet Reno, signed by members of Congress declared -- quote -- "We ask that you make a public commitment that the Justice Department will take no action to return Elian to Cuba until he has the opportunity to exercise all the legal options available to him" -- end quote.

Letter signers were headed by Republican Congressman Dan Burton, but included prominent Democrats, including Patrick Kennedy, chairman of the Democratic Congressional Campaign Committee. Even Al Gore expresses doubts that the INS is qualified to rule on the boy's future.

In contrast, a CNN/"USA Today"/Gallup poll shows the public favors sending Elian back 56 percent to 36 percent. "Bring Elian Home" demonstrators were at it again in Havana today as "Time" magazine put the boy's picture on its cover -- Bill.

BILL PRESS, CO-HOST: Congressman Diaz-Balart, let's start with this decision yesterday of the judge in Miami. I noticed a lot of celebrating among you and other Cuban-Americans in Miami. But it seems there are a couple of problems with it.

No. 1, the judge herself. We learned today that Judge Rosa Rodriguez, the -- her -- one of her political consultants in her campaign, she's an elected judge, is now the spokesperson for the family that is trying to keep Elian Gonzalez in Miami. She paid this guy and his wife a total of \$63,000 in her campaign. Don't you agree with legal experts today who said that that is a clear conflict of interest, and she should have recused herself?

REP. LINCOLN DIAZ-BALART (R), FLORIDA: No, that same spokesman for the family, who is a friend of the family, to my understanding also helped Janet Reno in her campaign against one of the lawyers for Elian's families here -- for Elian's family here, Jose Garcia Pedrosa.

So the important thing is that the chief judge today of the Florida courts stated that it was not a conflict of interest, and that Judge Rodriguez acted appropriately.

PRESS: There is another problem, of course, Congressman, which is jurisdiction. As you know, a federal law clearly says that the attorney general has jurisdiction in immigration matters where there's a kid unaccompanied by an adult. State court has zero jurisdiction. So in effect, her decision was politically popular but legally totally meaningless, wasn't it?

DIAZ-BALART: I don't know who your legal adviser was, but he should read the law. First of all, there is the child -- the Uniform Child Custody Jurisdiction Act, which is state law. There is the federal law, which is the Parental Kidnapping Prevention Act, and two international conventions, the Hague Convention of 1960 and 1980, both ratified by the Senate in 1988, which have the force of federal law as well as international law. All of them state that only a court of law can decide matters of custody of minors.

But in addition to that, Bill, INS itself -- President Clinton's INS itself, when it placed the child in the care of its family here in Miami, stated what I just said. The law requires, if there is a custody dispute, that only a court of law -- the Florida state law specifically, this is what INS said -- can resolve the matter. And it said in addition Elian will stay in the United States pending any dispute that may arise with regard to custody.

What happened later was that President Clinton, after Castro's ultimatum, 72 hours for President Clinton to make very clear that he's going to send that child back. Then Clinton ordered its own -- the administration ordered its own INS to change its own ruling, plus precedent, plus procedure, plus existing law, and to say that it was going to send the child back.

No, no, the law is being violated all right -- by the Clinton administration.

PRESS: Congressman, I did read the law today. It is a 1997 law that gives the attorney general final authority in immigration matters concerning children. You mentioned the state court laws. David Abraham, of the University of Miami Law School, today pointed out even in Florida, in child-custody law, it says clearly that child-custody decisions should be made in the jurisdiction where the closest relatives reside. His father and his four grandparents are in Cuba. Even under Florida law you can't make that decision there, correct?

DIAZ-BALART: Bill, I tried to be as clear as I could, that not only is the law clear, but the administration's own Immigration Service said so. And the administration said that Elian is going to stay -- pursuant to law, procedure and practice -- is going to stay. This is what the administration's INS said before Clinton personally intervened.

PRESS: They also said he should go back to Cuba, congressman.

DIAZ-BALART: After -- after the ultimatum by Castro. Since the ultimatum violates Immigration's own procedures, plus law, plus precedent, that's why the judge was correct in saying let's have a hearing, let's have the father heard, let's have everybody heard, and until there is due process and everyone is heard, this child cannot be expelled. That's what the law says, and that is what the judge ruled.

NOVAK: Congressman Charlie **Rangel**, you have spent a distinguished career as a champion of human rights and freedom. And I just want to get this straight: If you had your way, would you send this little boy back to communist dictatorship on Friday?

REP. CHARLES **RANGEL** (D), NEW YORK: I wouldn't think that way, Bob, but I will send him back to his father's loving arms, knowing that in this very tragic accident at sea, that he had lost his mother, and I would really want to stop the political football that we find ourselves in, where the concern for the child -- who is paraded up and down with American flags draped around him, going to Disneyland, going to baseball, having the television cameras surrounding him -- it's just not fair what's happening to this kid.

NOVAK: Congressman **Rangel**, talking about political football, the quarterback, the presumptive quarterback of the Democratic team, coming up, is Al Gore, and he split yesterday from President Clinton. Didn't get much attention, but let me just read what he said on "The Today Show" yesterday.

He said, "It is not clear to me that INS officials have the experience and expertise to really address a question like that. Due process requires that a question like this be adjudicated by those who have the body of the law that applies, and the experience in such cases."

Do you disagree with that?

RANGEL: I sure do. That's a political answer. He's running for president. He's looking for the electoral votes in Florida. Republicans probably will respond in the same way.

But President Clinton is right, this is a matter of law. We have a bilateral agreement with Cuba, and as far as the law in Florida is concerned, we will never see the day when a local elected judge can determine what the Immigration's laws are of the United States of America.

NOVAK: Well, Charlie, let me defend Al Gore -- I've been waiting for that for a long, long time -- from your abuse, and let me say that perhaps -- can you agree with me that Al Gore is not interested in trying to get votes for president out of the Cuban-Americans? They're going to vote Republican anyway. But he is taking a principled position that this little boy would be a lot better living in freedom than under a communist dictatorship.

RANGEL: I don't know whether Al Gore or the judge can make this subjective determination. You and I could make the same type of mistakes, and we probably both have. The question is that the law is abundantly clear, that the INS bungled the case by putting the boy in temporary custody with his relatives in Florida. The boy entered the United States illegally. We have compassion because his

mother died.

But let me tell you this: If you want to talk about compassion for kids who are seeking a better way of life, then say that we got to open up our shores and let the Cuban kids get on rafts and all head towards New York and towards Florida. Say that we got to open up to Chinese, and North Vietnams, and North Koreans. Say that Haitians and Mexicans and all the children that want to seek a better way of life can leave their families in their respective countries and get a favorable judge and stay here. You know this doesn't make any sense at all.

NOVAK: That doesn't sound that bad to me, because it...

RANGEL: It doesn't make sense.

NOVAK: My grandfather came here on the same way. Nobody invited him in.

RANGEL: I don't remember that being your position when the Haitians were in the shark-infested waters...

NOVAK: Oh, you're wrong, you're wrong, Charlie.

RANGEL: ... trying to get into the United States.

NOVAK: I've been a free immigration person. I just want to -- I want you hear something from the Republican debate last night by one of the candidates, Steve Forbes.

(BEGIN VIDEO CLIP)

STEVE FORBES (R), PRESIDENTIAL CANDIDATE: We would no more send a child back to Hitler's Germany, or Stalin's Russia, than we should Castro's Cuba. It is wrong, profoundly wrong. I hope the courts make the right decision, and that father should be allowed to go outside of Cuba and make the decision in a noncoercive atmosphere.

(END VIDEO CLIP)

NOVAK: What's wrong with that, having the father come here?

RANGEL: I don't know -- well, first of all, the father doesn't have to come here; the child has to be returned to the father, and that's what the law states. But I wonder whether Forbes, now that you've clarified your position as one that's for free immigration here, you know, what about the Mexican kids that we turn back every day of the year? What about the kids coming from other countries in Central America? What is so unique about Cuba, except that it's a political football, that we do have a Cuban-American vote in Florida.

NOVAK: It's communist, Charlie, that's what's unique.

RANGEL: Well, I tell you one thing, you're doing business with China, Vietnam, Korea, and they're communist, too. So what do you answer about that?

PRESS: Congressman Lincoln Diaz-Balart, Charlie mentions the word "political football." And I think the reason I feel really sorry for this kid, is because every day, he's surrounded by all these politicians who seem to want to use him for their political ends.

Let me just show you a little video of what we see every day about little Elian Gonzalez. First of all, Congressman of course, we see Elian Gonzalez every day playing with the puppy that you gave him, and the cameras are brought in every day so we can see those scenes of little Elian with his puppy.

DIAZ-BALART: Let me tell you something about the puppy.

PRESS: I want to finish. Let's look at all of the video first.

Then of course there's your other colleague Republican Congresswoman -- we're going to see in just a second -- Iliana Ros- Lehtinen, who I think is velcro; she's stuck to little Elian all of the time, wrapping him in the American flag.

And of course Congressman Dan Burton has issued -- given him, I guess, a present every 6-year-old needs, a subpoena, and the family, of course, hoists the kid up for the TV cameras again, so he can wave the subpoena, which he doesn't understand around.

I guess my question, congressman, to you is, honestly, aren't you really embarrassed to be part of all of this blatant political pandering, using that kid?

DIAZ-BALART: Let me tell you something about the -- since you brought it up, the issue of the puppy. My wife and I, on Christmas -- the day after Christmas took him a puppy, and when I gave him that puppy -- and by the way, we didn't take any cameras there, and there was a pool camera at that time -- there wasn't all this commotion, and there -- I did find out when I got there that the networks had one pool camera that was there 24 hours a day. I didn't know there would be a camera. I did not tell the press I was going to give him this gift. But we wanted to give him a gift for Christmas. We know he lost his mom. He's gone through an extraordinarily difficult time. And I told him, Elian, this is your puppy, and you name him what you want. And he looked at me, and within a second, he said, "Dolphin."

And his relatives, his family here, they choked up, and they started crying, and they told me, it's amazing that he named him "Dolphin." He doesn't stop talking about the dolphins that in the ocean saved him from the sharks. Those are his friends, the dolphins.

So I don't know what you're talking about. If you don't think that I had the right, my wife and I had the right, to give this child who lost his mother a gift for Christmas, I disagree with you. I have no problem with having given him a puppy.

What I think you can not remember, we can not forget, is that his mom died to bring him to freedom. She has to be remembered in her rights as well, and we want the father to be heard. That's why we said, and the court said, come here, and be heard, and we want his family, his new wife and son, to also come, so that we can be certain that he's not under coercion. Don't you think any father in the world would be here after his son almost died?

PRESS: Congressman, I'm sure you gave him the puppy with the greatest sincerity, because you wanted to help the kid. But do you think the kid can replace his father? I mean, do you think the puppy can replace his father? The father had spoken. The father has said...

DIAZ-BALART: Bill, Bill.

(CROSSTALK)

PRESS: Just a second.

Let me finish, the father has said I love this kid and I want him back.

My question to you is, Congressman, what right do you have to get between this kid and his father? The father has said, I want my son back. Why shouldn't he have his son back?

DIAZ-BALART: How do you know that?

PRESS: Because everybody -- the people have talked to him. The INS talked to him. The National Council of Churches talked to him. Reporters have talked to him. He said, I love my son, and I want him back.

DIAZ-BALART: Bill, where is the father? And let me ask you two questions.

PRESS: He's in a home, he's in Elian's home.

DIAZ-BALART: He's in Cuba. No. 2.

PRESS: Of course.

DIAZ-BALART: How did the family hear, find out that Elian was on his way? The father called and said, Elian is on his way, please let me know when he arrives. When the family called the father and said, he's here, the father was so relieved and said take care of him. After that is when the full weight of the totalitarian state fell on the father, and then we see him in all these demonstrations, reading speeches that obviously Castro writes them.

What we're saying is, we want the father to be reunited, we want him to speak before the court as the law requires. He has a right, and he has an extraordinarily strong right to be heard, here in freedom. Let's see what he really believes. That's why we want the father here, with we want him with his family so that he can go to that hearing on March 6 and express his true sentiments.

When -- after the full state of -- the power of the totalitarian state falls on him and we see him reading Castro's messages, you think that's the father speaking freely. Come on, Bill. I mean, you have to know a little bit about totalitarian states.

PRESS: All right, Elian Gonzalez -- should he stay in Miami or go back to Cuba. We'll take a break and get back with our two congressman in just a moment.

(COMMERCIAL BREAK)

PRESS: Welcome back to **CROSSFIRE**, and back to our debate over the fate of little Elian Gonzalez, now being pulled like a wishbone between state and federal rulings. And what about the father? Are his wishes being ignored? And how can we know if he's speaking freely as long as he remains in Cuba?

Two very different voices on that topic tonight, from Congressman Lincoln Diaz-Balart, Republican from Florida, and from Congressman Charles **Rangel**, Democrat from New York -- Bob.

NOVAK: Congressman **Rangel**, I'd like you to listen to what little Elian's cousin in Miami, Georgiana Cid-Cruz, had to say. Let's listen to it.

(BEGIN VIDEO CLIP)

GEORGIANA CID-CRUZ, ELIAN'S COUSIN: He doesn't want to go back to Cuba, and nobody is taking that into consideration. He said it a dozen times -- he doesn't want to go back, he doesn't want to go back. His mom died because of bringing him here, and I don't think anybody is paying attention to that.

(END VIDEO CLIP)

NOVAK: Isn't -- doesn't the child have some right to say, he doesn't want to go back to Cuba? Isn't that important?

RANGEL: Well you know, when a 6-year-old says they don't want to go back, and he came here negotiating shark-infested waters, and it was clear after that interview that no one explained how he would have to go back to Cuba, quite frankly, you and I would not want to make that trip again either.

The truth of the matter is, that the boy has his grandparents, both sets of his grandparents, in Cuba, and they have their arms open for him.

And you should know, as a father, that this father wants his kid back, and that's the bottom line. There is no legal basis for that boy being in the United States.

NOVAK: But I want to talk about the boy's wishes, Charlie. I can remember when I was 6 years old. It was a long time ago, it was right after the Spanish-American War, but I -- if I had been separated, if my mother was dead, I was separated from both sets of grandparents, from my father, I would be -- I would say, gee, I want to see my father, I want to see my father. You've got to take into consideration that this kid is not saying, please send me back to my father.

RANGEL: Yes, please put him on a rubber boat, and put him back in the water and send him back to his father. You know what you are doing, Bob, you are really sending an invitation to every hopeless kid, perhaps in Cuba and other developing countries, to get on a raft, and take your chances with the dolphins and the sharks, and if you manage to get here, Bob Novak will be there with a local judge to say you can stay. You know that's not the law. You know it doesn't work that way.

We both have compassion for the kid, but it's not what we feel for the kid; it's what's the best for the kid. And you have to say that his father and his grandparents should know better than his distant relatives in Miami.

PRESS: Congressman Diaz-Balart, I think that in my mind, the one politician surprisingly to me, who has made the most sense on this issue is Alan Keyes. Alan Keyes has said that he thinks the father should come here so we can hear him speak freely, but he also says that this is what is the heart, and should be the heart of this matter and the heart of this decision.

Let's listen to Alan Keyes up in New Hampshire last week.

(BEGIN VIDEO CLIP)

ALAN KEYES (R), PRESIDENTIAL CANDIDATE: I believe it's quite clear. I respect the bonds, and family ties and the obligations of family. We should not allow ideology or politics ever to trample upon those bonds. I think we need to respect that father's proper position and obligation or we're showing no respect whatsoever for family and parenting.

(END VIDEO CLIP)

PRESS: What happened to family values, congressman? DIAZ-BALART: I agree, I agree, and that's why the law says that only a court of law, with legal procedure, can make a decision with regard to the custody of a minor, No. 1, and that the father has an extraordinarily strong, a predominant position in the law, and that's why he needs to be heard, and that's the judge not only invited the father to come to the hearing March 6, but said that the father must come, and asked Immigration, since Immigration says that it can speak so freely with the father, and that the father has no problem, is under no coercion, have the father come here.

Let me ask you a question.

(CROSSTALK)

DIAZ-BALART: I did not interrupt, Charlie. I would appreciate not being interrupted. Let me make a point.

(CROSSTALK)

PRESS: Congressman, we do have a clock and we're running out of time. And it'll be OK if Congressman **Rangel** wants to make a decision -- wants to make a comment.

(CROSSTALK)

PRESS: Go ahead, congressman.

DIAZ-BALART: You control the rules.

RANGEL: Under what stretch of law do you believe that a domestic judge can subpoena and demand the appearance of a parent in a foreign country that she has no jurisdiction over a kid that's not a domicile of Florida and to interpret and overrule a federal decision that's been made? You know, and I know that there's no legal basis for that at all !

NOVAK: Just a quick answer, Lincoln.

DIAZ-BALART: May I answer? May I answer? May I answer? I know I wasn't given the time before, so now do I have time to answer

NOVAK: Quickly.

DIAZ-BALART: There is no federal ruling. The only ruling has been a state ruling based on the fact that only a court of law can make a determination with regard to the custody of a minor, and that's why the judge wants to have a hearing.

(CROSSTALK)

NOVAK: Gentlemen, we're out of time.

Thank you, Charlie **Rangel**, Lincoln Diaz-Balart.

And this lawyer -- what's your name? Bill Press and I will be back with closing comments.
(COMMERCIAL BREAK)

PRESS: OK, tomorrow night in the **CROSSFIRE**: top campaign advisers to George Bush and John McCain duke it out, 7:30 p.m. Eastern, right here on CNN. Won't want to miss that.

And, Bob, I've got a question for you. Let's say it's just the reverse. Mother takes a little boy to Cuba, she loses her life, the father, the grandparents are here, they want him back, and Cuba says no. Question: How long before we would send in the U.S. Marines to get that kid.

NOVAK: President Clinton won't send in the Marines, I guarantee it, not to Cuba.

PRESS: No seriously, we'd treat it differently wouldn't we, you admit that?

NOVAK: No I'll tell you, let me try to explain it to you. I don't care very much about whether the father's rights or the mother's rights, what I say is this little boy has a chance to live in this great country instead of that brutal, totalitarian, communist dictatorship. And Charlie **Rangel** talks about all these people coming on rafts. If we can save one life -- one life to make him an American, I say more power to them.

PRESS: Bob, the little boy belongs with his kid. This is a political kidnapping on the part of those Cuban exiles in Miami.

NOVAK: You like the communists, the Cuban communists. You like it. You like communist Cuba.

PRESS: No, I like family values. I like family values.

From the left, I'm Bill Press. Good night for **CROSSFIRE**.

NOVAK: From the right, I am Robert Novak.

Join us again next time for another edition of **CROSSFIRE**.

TO ORDER A VIDEO OF THIS TRANSCRIPT, PLEASE CALL 800-CNN-NEWS OR USE OUR SECURE ONLINE ORDER FORM LOCATED AT www.fdch.com

LANGUAGE: ENGLISH

LOAD-DATE: January 11, 2000

FOCUSTM

Search: General News;rangel , crossfire

To narrow this search, please enter a word or phrase:

Example: House of Representatives

[About LEXIS-NEXIS](#) | [Terms and Conditions](#) | [What's New](#)

Copyright© 1999 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

News Release

National Council
of the Churches of Christ
in the USA

Communication Department
Office of News Services
475 Riverside Drive, Room 850
New York, NY 10115-0050
212-870-2227
FAX: 212-870-2030
E-mail: news@nccusa.org
ECUNET: NCC NEWS
www.nccusa.org
www.wfn.org

Contact: NCC Media Relations 212-870-2227

NCC1/21/2000

Editor's Note: We expect the grandmothers' Saturday (1/22/00) schedule to be set by 8 a.m. and will post an advisory around that time. Check 212-870-2227 and/or watch for faxed updates. Our offices will be staffed through the weekend.

ELIAN GONZALEZ'S GRANDMOTHERS PLEAD FOR THE BOY'S RETURN AS THEY BEGIN NCC-FACILITATED VISIT TO THE UNITED STATES

January 21, 2000, NEW YORK CITY – In her first public statement on U.S. soil, Elian Gonzalez's maternal grandmother asserted today that the best way to honor her drowned daughter, Elian's mother, would be for Elian to come home to Cuba.

"Many people say it was the will of the mother that her son should stay here," said Raquel Rodriguez, Elian's maternal grandmother, at a news conference upon arrival in New York from Havana on a visit facilitated by the (U.S.) National Council of Churches. Elian's paternal grandmother, Mariela Quintana, and NCC leaders stood alongside her.

"(But) I talk for her because I knew her very much. She made that step because she had a person living with her who was very violent, sometimes very harsh with her, and he pushed her to be in that situation," Mrs. Rodriguez said, referring to her daughter's boyfriend, who organized the fatal crossing by boat.

Then, coming close to tears, she pled, "If you want to help us, help us return Elian home. I want my daughter to be in peace and she can't be in peace until Elian is back with his family."

The NCC, working since early December to ease Elian's return to his father and extended family in Cardenas, Cuba, is enabling the grandmothers' visit "to allow the grandmothers to speak for themselves," said the Rev. Dr. Robert W. Edgar, NCC General Secretary. Mrs. Quintana said, "We want to tell you we are free to say what we feel."

Dr. Edgar, along with the Rev. Oscar Bolioli (NCC/Church World Service and Witness Director for Latin America and Caribbean) and the Rev. Dr. Joan Brown Campbell, former NCC General Secretary, flew to Havana on Thursday, met with Elian's family, and returned today (Friday) with the two grandmothers. Also with them is the Very Rev. Oden Marichal, President of the Cuban Council of Churches and Vicar General of the Episcopal Church of Cuba.

They said they came with the blessing of Elian's father, whose message is simply that Elian should come home.

As today's news conference began, Dr. Edgar introduced himself and the others, noting that each is a grandparent. "We as people of faith believe that children should lead us to reconciliation and peace," Dr. Edgar said. "Our prayer is to take Elian home." The NCC and CCC stand ready to facilitate in any way that is helpful, he said. Pressed later for specifics, Dr. Edgar replied simply, "We believe in miracles."

The two grandmothers spoke in Spanish, with the Rev. Bolioli offering interpretation into English.

Mrs. Rodriguez's statement was one of several points of high emotion during the news conference, late this afternoon at JFK Airport.

She thanked "everyone in the U.S. government trying to facilitate so that our grandson can go to Cuba, so that we can finish with this tragedy which is so hard for us as a family, so our grandson can come home as soon as possible."

When a reporter asked the grandmothers the first thing they planned to say to Elian, his maternal grandmother replied, "There are so many things we want to tell him. I don't know if we could talk and ask questions. Maybe we will cry a lot. Today it's 63 days since we've seen him and for three days we haven't been able to reach him by phone."

Asked whether the grandmothers planned to go to Miami, Dr. Edgar said no, and Mrs. Quintana followed up, "I am not thinking to go to the house. They have no right to keep the child there. We are requesting the church to help us take the child to Cuba."

And asked about members of Congress who want to make Elian a U.S. citizen, Mrs. Quintana said, "Nobody outside has the right to make him an American citizen. He was born in Cuba, lives in Cuba, he's a Cuban. No one, even Congress or the President, can change his status."

Dr. Edgar concluded the news conference, saying, "These courageous women have come. They have begun to tell their story. They would like to have Elian return with them. They would like to have the opportunity to speak with any government official who can help with that process."

-end-

NewsAlert

National Council
of the Churches of Christ
in the USA

Communication Department
Office of News Services
475 Riverside Drive, Room 850
New York, NY 10115-0050
212-870-2227
FAX: 212-870-2030
E-mail: news@nccusa.org
ECUNET: NCC NEWS
www.nccusa.org
www.wfn.org

Contact: NCC Media Liaison, 212-870-2227

NCC1/22/00

MEDIA ADVISORY ELIAN GONZALEZ'S GRANDMOTHERS – SATURDAY JANUARY 22, 2000

This brief advisory is simply to confirm that Elian Gonzalez's grandmothers' public schedule for Saturday, January 22, is as follows.

The focal point of the day is their 1 p.m. meeting, at the U.S. Justice Department in Washington, D.C., with Janet Reno and Doris Meissner.

Whether the grandmothers make a public statement following that meeting has not yet been determined. Please keep in contact with the media relations office for the U.S. Justice Department concerning on-site arrangements.

No other meetings/events are on Saturday's public schedule and the Sunday schedule is yet to be confirmed and announced.

A number of reporters/media have requested one-on-one interviews with the grandmothers. The NCC Department of Communication has informed those who have made it onto today's schedule. Regrets to all others! We continue to record such requests at 212-870-2227. We will notify you if we can respond affirmatively to your request.

-end-

EDITOR'S NOTE: A BIG "OOPS ... " -- EARLIER WE FAXED OUT THE WRONG FILE AS AN NCC NEWS ALERT! THAT LONG LIST OF TIMES, NAMES AND CONTACT NUMBERS IS NOT SATURDAY'S SCHEDULE, OR ANY DAY'S SCHEDULE, FOR ELIAN GONZALEZ'S GRANDMOTHERS. IT'S SIMPLY A LOG OF VOICEMAIL MESSAGES RECEIVED SINCE LATE FRIDAY! THIS IS THE ADVISORY WE MEANT TO SEND! SORRY ABOUT THAT!

NewsAlert

National Council
of the Churches of Christ
in the USA

Communication Department
Office of News Services
475 Riverside Drive, Room 850
New York, NY 10115-0050
212-870-2227
FAX: 212-870-2030
E-mail: news@nccusa.org
ECUNET: NCC NEWS
www.nccusa.org
www.wfn.org

SCHEDULE UPDATE: GRANDMOTHERS OF ELIAN GONZALEZ

January 23, 2000

Following the worship service today at The Riverside Church, approximately 12:15 p.m., the grandmothers of Elian Gonzalez will leave via Riverside Dr. They will pause briefly for a photo op—**NO STATEMENTS WILL BE MADE**. They will then come to the offices of the National Council of Churches.

-end-

NewsAlert

National Council
of the Churches of Christ
in the USA

Communication Department
Office of News Services
475 Riverside Drive, Room 850
New York, NY 10115-0050
212-870-2227
FAX: 212-870-2030
E-mail: news@nccusa.org
ECUNET: NCC NEWS
www.nccusa.org
www.wfn.org

Contact: NCC News, 212-870-2227

NCC1/24/2000

ELIAN'S GRANDMOTHERS ON THEIR WAY TO MIAMI Leave Manhattan at Noon (January 24); "Want to see their grandson."

Noon Monday, January 24, 2000, NEW YORK CITY -- Elian Gonzalez's grandmothers have just left their New York City (Manhattan) host's residence for the airport, where they will board a plane for Miami.

"The grandmothers are going to Miami because they want to see their grandson," said the Rev. Randy Naylor, Director of Communication for the National Council of Churches (NCC), which is facilitating the grandmothers' visit to the United States.

The traveling group includes: Mariela Quintana, Elian's paternal grandmother; Raquel Rodriguez, Elian's maternal grandmother; the Rev. Dr. Robert W. Edgar, NCC General Secretary; the Rev. Oscar Bolioli, Director, Latin America and Caribbean Department, NCC/Church World Service and Witness Unit; the Rev. Dr. Joan Brown Campbell, the NCC's former General Secretary (retired from that post as of December 31, 1999); the Rev. Naylor, and the Very Rev. Oden Marichal, President, Cuban Council of Churches.

No further information is available at this time.

-end-

Final!

ELIAN GONZALEZ LEGISLATIVE PROPOSALS CONGRESSIONAL BRIEFING POINTS

- The State Department is deeply concerned that Congress is considering trying to divest INS of jurisdiction over the case of Elian Gonzalez and forcing this matter into the state courts of Florida.
- The right of a child to grow up with a parent, and of a parent to raise his child, is one of the most fundamental and widely respected human rights.
- Legislation divesting INS of jurisdiction will be seen as imposing obstacles to the ability of Elian and Juan Gonzales to enjoy this right.
- International family law experts do not recognize a legitimate custody question for the state courts of Florida.
 - Juan Gonzalez is Elian's father, he provided for Elian, he has a close and loving relationship with Elian, and he has not abandoned him – he immediately asked appropriate officials to return Elian to him.
 - It is clear that Juan Gonzalez, as Elian's father, is legally entitled to custody of Elian and to act for Elian.
 - If Elian and his father were protected by our Constitution, there would be no constitutionally sustainable basis for governmental interference with the father's decision to take Elian to Cuba. Our Supreme Court has set a very high standard that the government must meet before it can interfere with or terminate parental rights. Termination requires clear and convincing evidence of parental unfitness.
- It would be a dangerous international precedent to invite a domestic family court to second-guess a foreign parent's decision to continue raising his child in the child's home country, or to suggest that a domestic court should decide what is best for a foreign child when there is a parent who can do this.
- Imposing citizenship on Elian Gonzalez would be inconsistent with international law. Other countries could and likely would refuse to recognize Elian as an American.
- The United States has historically taken the position that the involuntary conferral of citizenship violates international law except in very limited situations not applicable here.
 - Elian's father asked for Elian's return almost as soon as Elian arrived here. Elian had none of the ties to the United States that international law would expect a person to have before being made a citizen.

**ELIAN GONZALEZ LEGISLATIVE PROPOSALS
CONGRESSIONAL BRIEFING POINTS**

- The State Department is deeply concerned that Congress is considering trying to divest INS of jurisdiction over the case of Elian Gonzalez and forcing this matter into the state courts of Florida.
- The right of a child to grow up with a parent, and of a parent to raise his child, is one of the most fundamental and widely respected human rights:
- Legislation divesting INS of jurisdiction will be seen as imposing obstacles to the ability of Elian and Juan Gonzales to enjoy this right.
- International family law experts do not recognize a legitimate custody question for the state courts of Florida.
 - Juan Gonzalez is Elian's father, he provided for Elian, he has a close and loving relationship with Elian, and he has not abandoned him – he has asked appropriate officials to return his child to him.
 - The law is clear that Juan Gonzalez is legally entitled to custody of Elian and to act for Elian.
 - If Elian and his father were protected by our Constitution, there would be no constitutionally sustainable basis for governmental interference with the father's decision to take Elian to Cuba. (Our Supreme Court has said that parental rights can be terminated only when there is clear and convincing evidence that the parent is unfit.)
- It would be a dangerous international precedent to invite a domestic family court to second-guess a parent's decision to continue raising a child in the child's home country, or to decide what is best for a child when there is a parent who can do this.
- If this were an American child, we would have insisted on his immediate return to his father and would object strongly if the American parent were forced to appear in a foreign court to establish custody under these circumstances..
- Imposing impose citizenship on Elian Gonzalez would be inconsistent with international law. Other countries could and likely would refuse to recognize Elian as an American.
 - The United States has officially and publicly objected to the involuntary conferral of citizenship except in very limited situations not applicable here. We could not defend conferral of citizenship on Elian Gonzalez over his father's objections.

- Making Elían a permanent resident of the United States over his father's objection would also raise serious questions under international law.
- It would be seen as interfering with the father's parental rights to decide his son's status and the right of Elían and his father to be reunited promptly.
- The very concept – "permanent resident" – could be used to imply that we are interfering with Elían's right to leave the United States and return to his home and his father in Cuba.
- How Congress acts will have far reaching international implications:
 - We have submitted a declaration in the litigation because we are deeply concerned that not returning Elían to his father will damage our ability to obtain the return of American children to their American parents.
 - Our standing as a country that respects fundamental human rights will surely be damaged – involving the state courts of Florida will be seen as cruelly prolong the separation of the father and son for political purposes.
 - The international community will use imposing US citizenship on Elían Gonzalez or making him a permanent resident of the United States as an example of the United States disregarding fundamental international legal principles.
- ~~We should be showing the Cuban people that we respect fundamental rights, not that we ignore them.~~

CONTINGENCY POINTS

Q. ARE YOU SAYING THAT INTERNATIONAL LAW REQUIRES THAT ELIAN BE RETURNED TO CUBA?

-- Yes. There is no basis under international law for not returning Elian to his father.

-- There also is no basis under international law for not returning Elian to Cuba at his father's request. There is no legal basis on which the United States could credibly insist that the father and son be reunited somewhere else.

-- There is no remotely credible allegation that Elian would be persecuted under the Refugee Convention or tortured under the Torture Convention. These would be the only legal bars to reuniting a father and son with a proven parental relationship in the country designated by the father.

Q. ARE YOU SAYING THERE IS NO APPROPRIATE ROLE FOR CONGRESS?

-- It would be best if Congress stayed out of this. It certainly should not do anything that divests INS of jurisdiction.

Q. CONGRESS WON'T STAY OUT, SO WHAT DO YOU RECOMMEND WE DO?

-- We would be less concerned if Congress acted to make it possible for the father to come, if he wishes to, without being embroiled in highly questionable litigation.

-- Congress should not force the father to come here, or force the father or Elian to stay here over the father's objections.

-- We would not object to giving Elian the right to return to the United States in the future, but only if INS maintains jurisdiction and Elian is first reunited with his father in Cuba.

Q. WHAT ABOUT THE MOTHER'S WISHES FOR ELIAN?

-- We have no way of knowing what she would have wanted.

-- The fact that she set out from Cuba with him doesn't mean she would want him here without her.

-- Her own mother says that she would have wanted Elian returned to his family in Cuba.

-- In any event, the law provides for return of a child to the sole surviving parent in these circumstances, and the father has clearly expressed his desire for that result.

- The father's request cannot be denied based on speculation that the father's expressed wishes are not his true wishes, or on speculation about what the mother would have wanted.

Q. SHOULDN'T THE FATHER HAVE TO EXPRESS HIS VIEWS HERE, IN A FREE ENVIRONMENT?

- We would not agree that an American parent in a similar situation should have to travel to a foreign country and participate in a court proceeding to reclaim his or her child from distant relatives.
- INS made a reasonable decision that the father is expressing his true wishes. Those who have met with him privately – as an INS officer and State Department witness did twice -- are in the best position to judge this.
- The father's concerns about having to travel to Miami are entirely understandable.
 - He should not have to become embroiled in unfounded litigation.
 - He should not have to travel to a place that he may genuinely consider hostile or unsafe.
 - He has publicly expressed concern about the media coverage of his son and may legitimately not want to be swept up into it.
 - If this were an American parent, we would be sympathetic to a request that we seek to arrange for the child's return without the parent having to travel.



GEORGETOWN UNIVERSITY LAW CENTER

Norman Birnbaum
University Professor 26 January 2000

cc: Maria

The Honorable John Podesta
Chief of Staff
The White House

Dear John:

Perhaps the attached will be of interest. I may be seventy three and one half and counting, but usually my memory is reliable.

With warmest regards,


Norman Birnbaum



GEORGETOWN UNIVERSITY LAW CENTER

Norman Birnbaum
University Professor

26 January 2000

The President
The White House
Washington DC

Dear Mr. President:

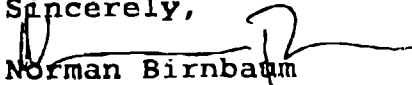
I take the liberty of writing to call your attention to a possible Presidential precedent in the case of the young boy from Cuba. I'm housebound during the storm, and out of reach of documentation, but I am sure that the White House's resources in research can confirm my memory.

During President Eisenhower's incumbency, a young citizen of the USSR crossed into West Berlin by foot or subway: the Wall had not yet been built. He was circa fifteen and the son of a Soviet officer stationed in Germany. He asked for asylum. Marshall Zhukov, who was then Soviet Chief of Staff, wrote to his wartime comrade, the President, and suggested that it was more a matter of adolescent rebellion than anything else. (I cannot say whether it occurred after the Marshall had seen Rebel Without A Cause: American movies were much liked by Kremlin leaders in those days.)

The President ordered the boy sent back. Of course, Ike had only defeated Hitler and unified the west as NATO Commander and then President. He lacked, clearly, the benefit of advice from the Cuban-American Foundation.

With all good wishes,

Sincerely,


Norman Birnbaum

SHEILA JACKSON LEE

18TH DISTRICT, TEXAS

COMMITTEES:

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION AND CLAIMS
RANKING DEMOCRATIC MEMBER
SUBCOMMITTEE ON CRIME

COMMITTEE ON SCIENCE
SUBCOMMITTEE ON SPACE AND AERONAUTICS



WASHINGTON OFFICE:
410 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
202-225-3816

DISTRICT OFFICE:
1919 SMITH STREET, SUITE 1180
THE GEORGE "MICKEY" LELAND FEDERAL BUILDING
HOUSTON, TX 77002
713-655-0050

CONGRESSWOMAN SHEILA JACKSON LEE

cc: Maria

410 Cannon House Office Building
Washington, DC 20515
Phone: (202) 225-3816
Telefax: (202) 225-3317

1919 Smith Street, #1180
Houston, TX 77002
Phone: (713) 655-0050
Telefax: (713) 655-1612

To: President ClintonRecipients Fax Number: 456-1907

From:

☒ Congresswoman Jackson Lee
☐ Afrika Bell
☐ Dalen Harris
☐ Ayanna Hawkins
☐ Suzanne James

☐ Oliver Kellman
☐ Jason Lee
☐ Helen Reed-Rowe
☐ Other: _____

Date: 1/25/00 Number of Pages (including cover sheet): 3Comments: Letter to President Clinton

If all pages are not received or are not clear, please contact our office at (202) 225-3816, or (713) 655-0050 for assistance.

**** Confidentiality Note ****

The documents accompanying this telecopy transmission contain confidential information that is legally privileged. The information is intended only for the use of the named recipient. If you are not the named recipient, please do not read the attached documents. Any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this telecopy in error, please notify the sender immediately by telephone, and return the original transmittal to us by mail and we will reimburse you for the postage.

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

COMMITTEES:

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION AND CLAIMS
RANKING DEMOCRATIC MEMBER
SUBCOMMITTEE ON CRIME

COMMITTEE ON SCIENCE
SUBCOMMITTEE ON SPACE AND AERONAUTICS

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE:
410 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
202-225-3816

DISTRICT OFFICE:
1919 SMITH STREET, SUITE 1180
THE GEORGE "MICKEY" LELAND FEDERAL BUILDING
HOUSTON, TX 77002
713-855-0060

January 25, 2000

William Jefferson Clinton
The President
1600 Pennsylvania Avenue
Washington, DC 20500

VIA FAX AND HAND
DELIVERED

Dear President Clinton:

As the Ranking Member of the House Subcommittee on Immigration, I am writing to applaud the decision that has been made by the Department of Justice to affirm the INS decision to act within the best interests of the child in the case of Elian Gonzalez. I also applaud the decision of the INS that compels the Miami relatives of Elian to bring him to a neutral site so that he may reunite with his grandmothers.

As you know, today I have had the opportunity to meet with Elian's two grandmothers, Raquel Rodriguez and Mariela Quintana, and Members of Congress to discuss his safe return back to Cuba. By meeting with these endearing women, I want to ensure the enforcement of the INS' previous decision. It is imperative that we end the political posturing surrounding this young boy's plight. Elian Gonzalez is not an orphan and his father has not been proven to be unfit and no abuse of Elian has been found that would normally deny a natural parent custody of his child.

You may also be aware that there are several bills in the Congress that would make Elian a citizen or a legal permanent resident of the United States. After meeting with the grandmothers, I have learned that their wish is for their precious grandson to return to Cuba to be with their natural father and them. I urge you to veto any bill that would make this young boy a citizen or legal permanent resident. I also think that it is important that you meet with these women and look in their eyes, and feel their emotions in order for you to fully appreciate this issue.

I am enclosing a letter from the grandmothers given to me today directed to you Mr. President asking for your help in returning Elian to his family in Cuba.

2

Thank you for your time and consideration.

Sincerely,



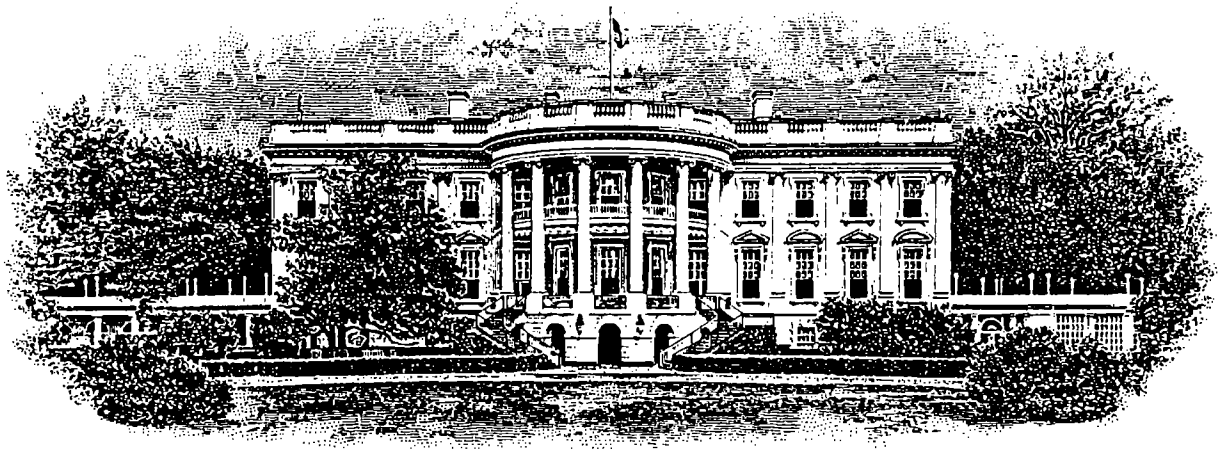
Sheila Jackson Lee
Member of Congress

SJL:lcb

Enclosure: Letter to President Clinton from the Grandmothers of Elian Gonzales

THE WHITE HOUSE
WASHINGTON
EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF THE CHIEF OF STAFF



Please Deliver To: Devon

Fax Number: _____

Sender: Marjorie Tarmey

Date: _____

Pages Including Cover: _____

Message: _____

NOTE: The information contained in this facsimile message is **CONFIDENTIAL** and intended for the recipient **ONLY**. If there is any problem with this transmission or you mistakenly received this facsimile, please call (202) 456-6798. Thank You.

NATIONAL SECURITY COUNCIL

FAX COVER SHEET

NATIONAL
SECURITY
COUNCIL

17th & Penn, N.W.
Washington, D.C.
20504

Did you get a complete,
clear transmission? If not,
please call:

(202) 456-9141

From: Wendy Patten

To: Marge Tarmey, Irene Bueno

Fax Number: 6-1907, 6-5581

Date/Time: 1-26-00

No. of pages to follow: 6

Message: Attached are:

1. Podesta talking points on Elian Gonzalez
2. Updated NSC press guidance
3. INS statement (in case you have not seen it).

I am reviewing the guidance against the State guidance and if any
changes need to be made I will let you know.

thanks -- WLP

PODESTA talking points

CUBAN BOY
January 26, 2000

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

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

- INS determined that Elian's father, Juan Gonzalez, has sole authority to speak on his son's behalf regarding his immigration status in this case. Mr. Gonzalez has asked that his son be returned to Cuba.
- INS very carefully assessed the law and the facts. We believe they handled this case in the appropriate manner and we support their decision.
- White House officials did not seek to, nor did they, influence the outcome of this decision, which, let me reiterate, was made solely by the responsible authorities following the law and INS rules and procedures. But we want to see it carried out.
- As the President has said, we hope the challenge to the INS decision will be resolved in court, not in the Congress, and we strongly oppose legislation to confer citizenship on the child.
- We've tried from the beginning not to politicize this case. We want this to be resolved through the legal process, not through politics. But if Congress jumps in and interferes with the case, it becomes inherently political.
- We strongly oppose the bill because it would interfere with the bond between a parent and child and would impose citizenship and all its attendant obligations on someone who has not consented to those obligations.

- Another major concern is that this legislation would seriously undermine our efforts to assist American parents in bringing home U.S. citizen children who have been kidnapped abroad. Many of you have been involved in such cases involving your constituents, and you know the pain those families go through.
- It would also raise serious and legitimate questions about the fairness of our immigration law. A number of other communities have asked whether a child from a different country would be automatically granted citizenship. This bill has much broader implications than just this specific case.
- The President has not made a decision on whether he would veto a citizenship bill, but he would not rule out a veto.

CUBAN BOY
January 26, 2000

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

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

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

- INS determined that Elian's father, Juan Gonzalez, has sole authority to speak on his son's behalf regarding his immigration status in this case. Mr. Gonzalez has asked that his son be returned to Cuba.
- INS very carefully assessed the law and the facts. We believe they handled this case in the appropriate manner and we support their decision.

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

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

Will you veto such a bill?

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

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

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

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

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

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

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

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

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

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

- White House officials did not seek to, nor did they, influence the outcome of this decision, which, let me reiterate, was made solely by the responsible authorities following the law and INS rules and procedures. But we want to see it carried out.

What about Dan Burton's subpoena?

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

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

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

U.S. Department of Justice
IMMIGRATION AND NATURALIZATION SERVICE
Miami, Florida 33138



Contact: Media Services
Office of Public Affairs
(305) 762-3347 Fax: (305) 762-3252

STATEMENT

January 25, 2000

The Miami relatives of Elian Gonzalez have agreed to make Elian available for a visit with his two grandmothers at the Miami Beach residence of Sister Jeanne O'Laughlin on Wednesday, January 26 at 4:00 pm. The meeting between Elian and his two grandmothers will be a private visit in which they will be able to spend some time alone.

Elian's grandmothers are under no expectation that they will be able to leave with the child at this time. They understand this is an opportunity to spend some time alone with their grandson who they have not seen in over two months.

INS has assured the Gonzalez relatives that the sole purpose of the meeting is to facilitate a private visit between Elian and his grandmothers and the meeting will not change Elian's present placement in the care of Lazaro Gonzalez.

-INS-

NATIONAL SECURITY COUNCIL

OFFICE OF MULTILATERAL AND HUMANITARIAN AFFAIRS

FAX COVER SHEET

**NATIONAL
SECURITY
COUNCIL**17th & Penn, N.W.
Washington, D.C.
20504Did you get a complete,
clear transmission? If not,
please call:

(202) 456- 9141

From: Scott Busby 456-9141 (phone) /456-9140 (fax)

FAX

To: Maria

61907

Date/Time:

No. of pages to follow: 2

RE:

press guidance on
boy

**Cuban Boy and Migration Talks
December 13, 1999**

Context: Elían Gonzalez case. The bi-annual Cuban migration talks relating to the implementation of migration accords reached in 1994 and 1995 are taking place today.

Did the USG interview the father of Elían Gonzalez this morning?

- Yes, early this morning, two USG officials -- the INS Officer in Charge and a political officer from the Interests Section -- traveled to the father's home in Cardenas and met with the father.
- The purpose of the interview was to receive documentation from Mr. Gonzalez certifying that he is the boy's father, that he has parental authority over Elían, and to find out directly from the father his wishes for Elían.
- The interview is an important first step but by no means completes the decision-making process. Any further questions about the process should be directed to INS.
- We cannot comment further on the substance of the interview. This is confidential information that is part of an INS case file.

[If asked] Has the USG agreed to issue the father a visa to come to the U.S.?

- The father has not requested a visa to come to the U.S.

By moving forward with this decision rather than leaving it for the courts to decide, are you giving in to political pressure from Fidel Castro as has been charged in the press?

- No. As the President has said, this case will be decided according to the applicable legal rules and procedures, not politics. This child should not be a political football.

What is the status of the biannual migration talks occurring today?

- These biannual talks began today and are expected to continue through the late afternoon.

- As with past such sessions, we will be reviewing a wide range of issues relating to the implementation of the migration accords.

As detailed in today's Washington Post, aren't these migration accords a failure?

- No. Quite to the contrary, since the accords in 1994 and 1995, the amount of illegal migration to the U.S. from Cuba has decreased significantly.
- The accords have enabled us to make substantial progress in channeling migration from Cuba into safe, legal and orderly channels.

Elean Goyale

EXPAND STORY

JUSTICE-BRFG-RENO, sked,0335

U.S. Attorney General Janet Reno Holds Weekly Justice Department

News Briefing

xfdtr JUSTICE-BRFG-RENO sked TRANSCRIPT January 06, 2000 NEWS BRIEFING U.S. ATTORNEY GENERAL JANET RENO WASHINGTON, D.C. U.S. ATTORNEY GENERAL JANET RENO HOLDS WEEKLY JUSTICE DEPARTMENT NEWS BRIEFING FEDERAL DOCUMENT CLEARING HOUSE, INC. 209 PENNSYLVANIA AVENUE, S.E., 2nd Floor WASHINGTON, D.C. 20003 Tel: 202-547-4512 Fax: 301-883-9754 COPYRIGHT 2000 BY FEDERAL DOCUMENT CLEARING HOUSE, INC. NO PORTION OF THIS TRANSCRIPTION MAY BE COPIED, SOLD OR RETRANSMITTED WITHOUT THE EXPRESS WRITTEN AUTHORITY OF FEDERAL DOCUMENT CLEARING HOUSE, INC. ATTORNEY GENERAL RENO HOLDS JUSTICE DEPARTMENT WEEKLY NEWS BRIEFING JANUARY 6, 2000 Elapsed Time 00:00, Eastern Time 09:34 SPEAKERS: JANET RENO, U.S. ATTORNEY GENERAL (JOINED IN PROGRESS) RENO: ... information that we are not privy to. I never say that I won't reverse myself. I try to be as open-minded as I can. But based on all the information that we have to date, I see no basis for reversing it.

QUESTION: The attorney for the family members in Miami was arguing that INS did not in fact conduct an extensive investigation, that they had made their decision based on, quote, "two secret interviews with the boy's father." Is it possible that they did not consider all of the evidence? Is it possible, for example, that INS did not adequately take into consideration the obvious desire of the boy's mother that the boy grow up in the United States?

RENO: What they took into consideration is: Who, under the law, can speak for this six-year-old boy, who really can't speak for himself.

He has a father and there is a bond between father and son that the law recognizes and tries to honor. We have no information that would indicate that that legal connection, that bond, should not be honored.

QUESTION: Ms. Reno, the boy obviously can't speak for himself, but some of the critics of the decision are saying that, can we really be sure that his father is speaking his free will?

RENO: We have met with the father and are satisfied that he is speaking for himself.

QUESTION: Ms. Reno, members of the exiled community in Miami say they have intelligence that the father was aware that the mother was taking the child to the United States and that the father had applied for an exit visa to the United States. Have you seen anything that indicates that's the case?

RENO: We have no indication that he has applied for an exit visa.

MORE APNP-01-06-00 0943EST

Copyright (c) 2000 The Associated Press
Received by NewsEdge Insight: 01/06/2000 09:37:28

newsday.com**YOUR business... 24 hours a day 7 days a week**

with one call, your business can be up and running on the net on

newsday.comTop NewsSportsLotteriesInternationalNationalWashingtonBusinessWall StreetEntertainmentHealth/ScienceRegional**Cuba Boy's Dad Meets U.S. Officials**

By MARK STEVENSON Associated Press Writer

HAVANA (AP) -- U.S. immigration officials met early today with the father of Elian Gonzalez, the 6-year-old Cuban boy caught in a custody battle that has escalated tensions between the two countries.

The meeting, announced by Cuban National Assembly President Ricardo Alarcon just before U.S.-Cuba immigration talks this morning, could determine whether the boy returns to the communist nation.

A U.S. official in Havana confirmed that a meeting between Immigration and Naturalization Service representatives and Juan Miguel Gonzalez took place, but would not give any details about what was discussed.

It was not clear whether Cuban officials were present. The U.S. government had insisted on a private meeting with the father to determine whether the boy should be returned to his homeland.

The dispute threatened to poison the atmosphere at today's U.S.-Cuba immigration talks, even as Cuban-Americans stream into Havana this Christmas on daily flights set up under recent immigration accords.

U.S. officials want the immigration talks, which are held twice a year, to focus on practical issues such as methods for issuing visas. But they fear discussion may be dominated by Cuban protests over the little boy.

William Brownfield, the lead U.S. negotiator, said he looked forward to fruitful negotiations.

"All immigration issues are on the table," he said before entering the first meeting. But many wonder if the talks will be able to reach any conclusions.

Elian was found Nov. 25, clinging to an inner tube off the coast of Fort Lauderdale, Fla., after a boat accident that killed his mother and 10 others. Those on the boat were attempting to illegally enter the United States. He has been staying with his relatives in Florida since his rescue.

The State Department has said the boy's return is in the hands of the INS and Florida courts.

Cuba has mounted mass rallies demanding he be returned to his father. Lawyers for relatives in Miami have petitioned for political asylum on behalf of the boy, who has become a cause celebre among anti-Castro exiles.

In an appearance Sunday on ABC's "This Week," National Security Adviser Sandy Berger urged: "This boy should not be a political football, he should not be a political pawn."

The dispute comes as Cuban-Americans travel to Havana on a half-dozen daily charter flights set up under the 1994 and 1995 immigration accords bearing smiles, hugs and Christmas gifts ranging from Barbie dolls to bicycle tires.

Wearing a cowboy hat and a broad smile, Miami construction worker Osvaldo Benitez stepped off a flight at Havana's Jose Marti airport carrying a gym bag loaded with presents.

"I feel great, because I'm going to spend Christmas with my family, who I haven't seen in so many years," said Benitez, as he gave a bear hug to a relative.

Before the meeting with Elian's father, INS officials handed a letter to Cuba's Foreign Ministry asking for birth and marriage certificates, as well as proof of custody, to back his claim for the child. But the same agency gave temporary custody to the father's relatives in Miami.

The Miami relatives -- Elian's great-aunt and great-uncle -- argue he would have a better life in the United States.

Valdes said the big problem is the Cuban Adjustment Act, an American law that lets almost any Cuban reaching U.S. shores apply for residency, and the U.S. government's willingness to delegate decisions to local officials in Miami.

Valdes said U.S. laws create a 73-mile-wide "no man's land" between Cuban and U.S. waters across which people are lured by the promise of automatic citizenship.

Valdes himself was one of about 14,000 Cuban children sent to the United States between 1961 and 1964 to live in foster homes or orphanages under a U.S. government operation named "Peter Pan," which played on fears that the Cuban system would undermine the authority of parents.

"Some children lost all contact with their culture," said Valdes, who thinks Elian should be returned to his father. "Too many external forces have played with too many Cuban kids for 30 years."

AP-NY-12-13-99 1045EST

Copyright © Associated Press. All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.

[Home](#) | [Top of Page](#)

Bill Clinton, President of the United States
The White House
Washington, D.C.

Dear Mr. President:

We are the relatives in Miami of Elian Gonzalez, the 6-year-old boy who was miraculously rescued from the sea last month. We have been told by Immigration that we have custody of the child, who has repeatedly said that he does not want to be returned to Cuba.

Mr. President, we are very much afraid that this boy, whose mother just died so that he could come to this land of freedom and opportunity, may be taken away from us. We know that you are coming to Miami this weekend, and we beg you to meet with us so that we may explain to you the boy's situation and our urgent need to have peace of mind and to give him the peace and the freedom for which his mother died. We would also like for you to meet Elian when you are here, so that he may explain to you his wishes, in his own words, and so that you may satisfy yourself that the morally right thing to do is to permit him to remain in the United States.

Please do not ignore our plea. The future of a wonderful, innocent boy is at stake. We await your call. May God bless you.

Sincerely,

Mandujia Gonzalez
Mariskysis Gonzalez
12/84
443920 Gonzalez
2319 N. W 2 ST.
MIAMI
305-541-9039

FAX -
HAND DELIVER
TO



JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

January 6, 2000

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Clinton:

Ms. Doris Meissner, Commissioner of Immigration and Naturalization Service, announced yesterday that Elian Gonzalez would be returned to his father's custody in Cuba. Today, Attorney General Janet Reno announced she would not reverse the Commissioner's decision. This unilateral decision by INS came before Elian's scheduled asylum hearing with INS, and ignores its previously stated commitment to protect the needs of refugee children such as Elian. INS's order sadly makes no mention of the fact that Elian's mother sacrificed her own life so that Elian might live in freedom and liberty in the United States.

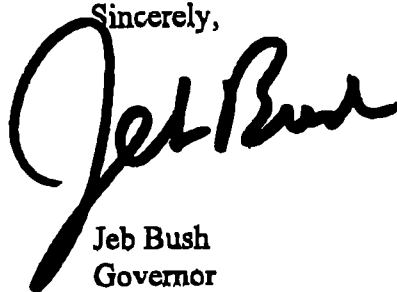
Many in the South Florida community are incensed by the failure of INS to afford Elian any hearing or appropriate due process, and are justifiably concerned about the welfare of this child. Elian's father has not been permitted to leave Cuba to visit his son here, and may not have been permitted to speak freely while in Cuba. Thus, his statements to the INS expressing a desire to remain in Cuba are suspect. Fidel Castro has made Elian a poster child for his communist dictatorship, and has turned what should be a determination as to the child's best interests into a way to advance his own political tyranny. As a result of this arbitrary and unilateral decision to return Elian to Cuba, civil protests in Miami have already commenced.

The Honorable William J. Clinton
January 6, 2000
Page Two

The actions of the Commissioner and the Attorney General to date have been insensitive and contrary to the fundamental constitutional rights enjoyed by all. I ask that you, as President, review and reverse the decision of the Commissioner and Attorney General to return Elian Gonzalez to Cuba. The issue of Elian's legal custody should be determined not by INS unilaterally, but by a hearing in our own state judicial system. Your administration initially realized the fundamental fairness of a state-court resolution before allowing INS to interfere with Elian Gonzalez's life. Our state courts are impartial, and have a history of fairly resolving custody issues. Moreover, our state courts can, and will, assure that Elian and his father receive the due process to which they are entitled. A court, not INS, should resolve this issue under applicable law, so that the final decision on Elian's custody and residency is made in the best interests of the child.

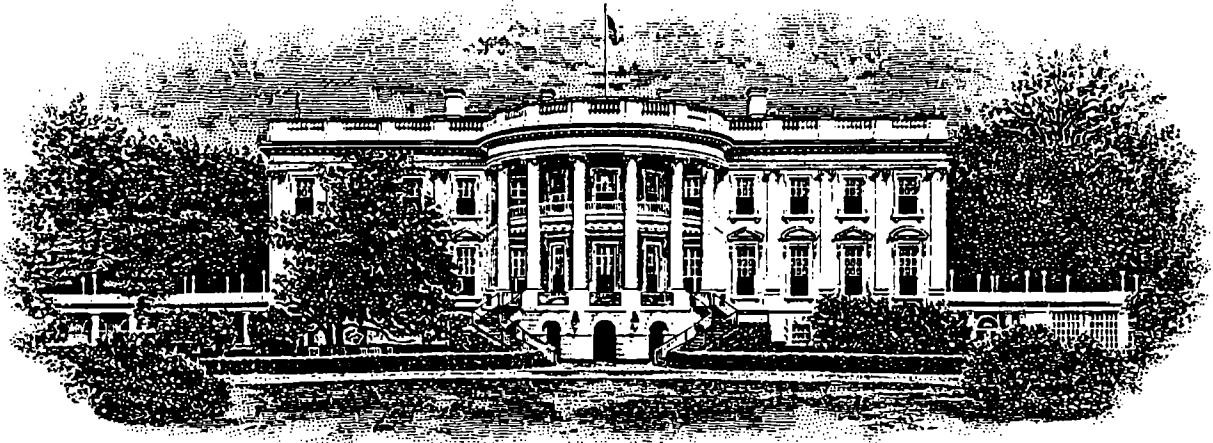
Finally, given INS' decision to return Elian to Cuba no later than January 14, 2000, your attention to this matter is required immediately. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeb Bush". The signature is stylized with a large, sweeping "J" and a cursive "Bush".

Jeb Bush
Governor

THE WHITE HOUSE
WASHINGTON
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE CHIEF OF STAFF



Please Deliver To: Wendy Patton

Fax Number: _____

Sender: Maiprie Permy

Date: _____

Pages Including Cover: _____

Message: _____

NOTE: The information contained in this facsimile message is **CONFIDENTIAL** and intended for the recipient **ONLY**. If there is any problem with this transmission or you mistakenly received this facsimile, please call (202) 456-6798. Thank You.



JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

Wendy Patton
6-9140
6-9146

FAX COVER SHEET

Date: 1/6/2000

Please deliver the following 3 pages (including cover sheet)

To: NAME: The President

~~FAX NUMBER:~~ c/o John Podesta
Chief of Staff

From: Governor Jeb Bush

Phone: (850): 488-5603

Fax: (850) 922-4292 _____

Message: _____

Doris Meissner Holds News Conference On The Status Of Elian

Gonzalez

xfdr WH-INS-MEISSNER-GONZALEZ sked TRANSCRIPT January 05, 2000 NEWS
CONFERENCE DORIS MEISSNER INS
COMMISSIONER WASHINGTON, D.C. DORIS MEISSNER HOLDS NEWS
CONFERENCE ON THE STATUS OF ELIAN GONZALEZ
FEDERAL DOCUMENT CLEARING HOUSE, INC. 209 PENNSYLVANIA AVENUE, S.E.,
2nd Floor WASHINGTON, D.C. 20003 Tel: 202-547-4512 Fax: 301-883-9754 COPYRIGHT
2000 BY FEDERAL DOCUMENT CLEARING HOUSE, INC. NO PORTION OF THIS
TRANSCRIPTION MAY BE COPIED, SOLD OR RETRANSMITTED WITHOUT THE
EXPRESS WRITTEN AUTHORITY OF FEDERAL
DOCUMENT CLEARING HOUSE, INC. INS NEWS CONFERENCE ON THE STATUS OF
THE ELIAN GONZALEZ CASE JANUARY 5, 2000 Elapsed Time 00:00, Eastern Time 12:15
SPEAKER: DORIS MEISSNER, COMMISSIONER, IMMIGRATION AND
NATURALIZATION SERVICE MEISSNER: Good morning. Good afternoon. The case of
Elian Gonzalez has been a difficult one for several reasons. Elian Gonzalez is a six-year-old boy
too young to make legal decisions for himself. In this circumstance, the United States
Immigration and Naturalization Service had to decide who could legally speak for him on .
immigration issues.

This task was complicated by the fact that several people other than Elian's father, a great uncle
as well as three lawyers, claimed to represent him.

As a result, INS met twice with the father in Cuba and separately with the great uncle and the
lawyers in Miami. After careful evaluation of the relevant facts, INS has determined that Mr.
Juan Gonzalez of Cuba has the sole legal authority to speak on behalf of his son, Elian,
regarding Elian's immigration status in the United States.

There is no question that Mr. Gonzalez is Elian's father. Moreover, Mr. Gonzalez has had a close
and continuous personal relationship with his son. During INS' interviews with Elian's father, the
father provided vivid details about his parental relationship with his son and about the nature of
the bond that they share as father and son.

He provided extensive documentation about Elian's schooling and his medical and health
histories, as well as photographs depicting the activities in which he and his other family
members frequently participated with Elian.

The scope of information and the level of detail that Mr. Gonzalez provided helped inform INS
as to the nature and the closeness of the relationship Mr. Gonzalez shared with his son.

MEISSNER: INS has not uncovered any information that might call into question Mr.
Gonzalez's parental and legal rights with regard to Elian's immigration status.

During INS's two meetings with Mr. Gonzalez, his wishes for Elian were discussed at some length. The father made it very clear during both of these meetings that he wants Elian returned to him as soon as possible. Based on these meetings, INS believes that the father is expressing his true wishes. And therefore, we have determined that Elian should be reunited with his father, Mr. Juan Gonzalez.

INS has advised both Mr. Gonzalez and Elian's great uncle in Miami of the decision and is prepared to work with all the parties involved to make the appropriate arrangements for Elian's return to his father by January 14, 2000.

Having reached a decision, INS believes there are several ways this decision can be carried out. The United States has discussed with the government of Cuba their consideration of allowing Mr. Gonzalez--Elian's father--to travel to the United States to accompany Elian home.

MEISSNER: INS has also offered Elian's great uncle in Miami and any member of his Miami family an opportunity to escort Elian back to Cuba. In addition, third parties have offered to assist in facilitating Elian's return to his father.

INS is ready to work with the family and others to make appropriate arrangements for Elian to be reunited with his father. We believe that this decision can be carried out without INS's taking charge of Elian.

This decision has been based on the facts and the law. Both United States and international law recognize the unique relationship between parent and child, and family reunification has long been a cornerstone of both American immigration law and INS practice.

It is our hope that with the knowledge of today's decision, the Miami relatives will agree to cooperate and work together with either Elian's father or a third party to facilitate Elian's return to his father.

MEISSNER: This little boy, who has been through so much, belongs with his father. We urge everyone involved to understand, respect and uphold the bond between parent and child and the laws of the United States.

Thank you very much.

QUESTION: If there is not cooperation on behalf of the family, what is INS prepared to do to get this boy back to Cuba?

MEISSNER: We are asking the father, we are asking the great uncle to cooperate. We are flexible on the arrangements that can be made. We want to work with all the parties involved. We've done this in a very thorough fashion, and we're going to take it one step at a time.

QUESTION: But apparently the family does not want this boy to go. They're taking steps, making efforts to not let him go. What will INS do if they do not cooperate?

MEISSNER: Well, we've only now announced our decision. We talked to the family, the father in Cuba, the great uncle here, just within the last hour. Let's let this--let's let this process go forward. We stand ready to assist.

QUESTION: Even though you given the referral explaining the process, what would you tell the Cuban-American community in Miami that is so upset by this decision and who believes that the best interests of the child has not been protected?

MEISSNER: We know what a very emotional issue this has been and will continue to be. We have gone through a very careful, thorough process. We are convinced that the father is expressing his true wishes. We have extensive detail on the closeness of the relationship between the father and the child. The core issue here is the bond between a parent and a child. We need to observe that and uphold that. We will work with the father and with the others to carry that forward.

QUESTION: Ms. Meissner, a lot of third parties are going to file cases by 4:00 this afternoon. According to U.S. law in this whole process, Elian technically, really is entitled to stay in the United States. (OFF-MIKE)

MEISSNER: Technically, he has an application for admission. Technically, we are saying that his father has the right to withdraw that application for admission. What we have ruled on here is who has the legal authority to speak for Elian. We believe his father has the legal authority to speak for Elian, and we are reinforced in that view by the knowledge of the very close, continuing relationship between that father and that child.

QUESTION: (OFF-MIKE) Appeals are planned to be presented (OFF-MIKE). Would that change the date of the departure of the boy?

MEISSNER: If there is other action that takes place, we will then have to react. The decision that we have made is a decision--as I have explained to you, we have allowed a timetable and a variety of ways in which it can be carried forward. We want to work with all the parties to come to an appropriate resolution here.

QUESTION: Could you tell me, please, what third parties might be helpful here? Of the National Council of Churches or the Catholic church, who might help facilitate this?

MEISSNER: We typically do work with church organizations. Those would be good examples of third parties that might be able to be helpful.

QUESTION: And what is the significance of the January 14th date? MEISSNER: It allows a reasonable period of time within which to make arrangements.

QUESTION: Ms. Meissner, you said spoke an hour ago or so with the father. What was his response to your proposition to travel--to see him in Miami, visiting the boy? And what was the response of the government of Cuba in terms to allow him to travel to the United States?

MEISSNER: I don't have a report on that at this time. As you know, everybody has been very anxious to hear the news, so we did this in very close succession.

MEISSNER: We'll have to learn those answers.

QUESTION: (OFF-MIKE) MEISSNER: Our staffs in Havana spoke with him.

QUESTION: In Havana?

MEISSNER: That's correct.

QUESTION: What was the great uncle's response?

MEISSNER: Again, I don't have--I don't have a report on that yet.

Let's--we're going to Miami. STAFF: We're going to Miami.

MODERATOR: We'll come back to you. MEISSNER: Question from Miami?

QUESTION: Yes. Ms. Meissner...

MEISSNER: I'm sorry--over the TV.

QUESTION: Can you provide some details on how the INS...

MEISSNER: Is this a question from Miami?

MODERATOR: Is this a question from Miami?

QUESTION: Well, I'm from the Miami Herald.

(LAUGHTER) MEISSNER: I see, OK. All right. Excuse me. I accept that.

QUESTION: Can you provide some detail on how the INS was able to determine that the father was not under arrest or under any pressure from the Cuban government in expressing his views during these communiques?

MEISSNER: Clearly, coercion has been a concern. However, as I said, we interviewed the father twice. We are convinced that the father is expressing his true wishes regarding his son. His father provided us with exceptional detail. Those reports came and the recommendations of the father's true wishes came to me from our interviewing staff officers. I have reviewed all of the material myself. I am convinced that the father expressed to us his true wishes for his son.

MODERATOR: We want to thank the Miami Herald for that question. Now we'd like to get a question from Miami.

(LAUGHTER) MEISSNER: OK. Back to here.

QUESTION: (OFF-MIKE) MEISSNER: That is one possibility, and we have--there have been discussions with the Cuban government about that possibility. That, of course, would involve the father desiring to do that. Those are issues that we now stand ready to assist the father in Cuba, the great uncle here to work out.

QUESTION: (OFF-MIKE) MEISSNER: That's correct. That's correct.

QUESTION: As far as the INS is concerned, what is the recourse do the families here in Miami now have if they want (OFF-MIKE) if a federal judge blocks a decision, can a (OFF-MIKE) court judge do the same? What are the options available to them, or what options do you (OFF-MIKE)

MEISSNER: I don't--I'm not certain of the options that are available to them. I know that we have made our decision, that we have laid out a timetable to carry it out and flexibility in the ways that it can be carried out. The issue that we've concentrated on is the issue before us, which is who can speak for this child. That's what we've made a determination about. Other things that other parties might introduce, other court actions that might take place, are not within our control.

QUESTION: But are you aware of whether or not--if there was a financially overturn of (OFF-MIKE)

MEISSNER: I'm not aware of that.

QUESTION: Commissioner, what kind of visa will Mr. Gonzalez use to enter the country? And what happens if once he's in the United States he requests a refugee status? What happens if that happens?

MEISSNER: If the father--if Mr. Juan Gonzalez wished to come to the United States, the State Department would issue a nonimmigrant visa.

MEISSNER: We have had discussions about that possibility and that is--the State Department is prepared to do that. The purpose of that nonimmigrant visa would be for the purpose of reuniting with the son and returning to Cuba.

QUESTION: But what happens if he stays in the country? What happens if he doesn't want to go back?

MEISSNER: I don't think we could speculate about that. The purpose of his coming, if he chooses...

QUESTION: (OFF-MIKE) MEISSNER: ... if he chooses to do so--if he chooses to come here, it would be for the purpose of accompanying his son home.

QUESTION: (OFF-MIKE) why did it take so long (OFF-MIKE) a decision? (OFF-MIKE)

MEISSNER: This is a complicated and difficult matter. It has been a new situation for us. I think we have carried out a very thorough, careful process. We have worked very hard to do it in a way that takes all of the information and all of the issues before us into account. I think it is a fair decision, it is the right decision, it is the right decision legally, it is the right decision morally. And I'm satisfied with it and with the process that we pursued to arrive at it.

QUESTION: Yes, I have two questions. First of all, is this a custody case or an immigration case? And secondly, will INS be monitoring the boy's whereabouts to make sure that nobody takes him elsewhere for some time?

MEISSNER: The questions that have been before us have been immigration questions, they have been the questions of being admitted to the United States and who has the right to speak in behalf of this young child.

MEISSNER: I don't think we could speculate about that. The purpose of his coming, if his chooses...

QUESTION: (OFF-MIKE) MEISSNER: ... if he chooses to do so--if he chooses to come here, it would be for the purpose of accompanying his son home.

QUESTION: (OFF-MIKE) why did it take so long (OFF-MIKE) a decision? (OFF-MIKE)

MEISSNER: This is a complicated and difficult matter. It has been a new situation for us. I think we have carried out a very thorough, careful process. We have worked very hard to do it in a way that takes all of the information and all of the issues before us into account. I think it is a fair decision, it is the right decision, it is the right decision legally, it is the right decision morally. And I'm satisfied with it and with the process that we pursued to arrive at it.

QUESTION: Yes, I have two questions. First of all, is this a custody case or an immigration case? And secondly, will INS be monitoring the boy's whereabouts to make sure that nobody takes him elsewhere for some time?

MEISSNER: The questions that have been before us have been immigration questions, they have been the questions of being admitted to the United States and who has the right to speak in behalf of this young child.

MEISSNER: That is what our decision speaks to. We have been very clear with the great uncle that we do not require or need for the child to be brought to us. The child is with the great uncle for—every information that we have is being properly and well cared for. At the same time now, we have made a decision, and we want to work with the great uncle and with the father to carry out the decision.

QUESTION: (OFF-MIKE) MEISSNER: We are working--we will work with the great uncle to make the proper arrangements, and we've offered a variety of ways in which those arrangements could now be made.

QUESTION: The great uncle doesn't want the child to go back to Cuba. Are you satisfied--are you confident that the great uncle will not let anyone else--will not do anything to keep this child in the country?

MEISSNER: Again, we've made a decision. We are asking the people: Respect the bond between the parent and the child and respect the laws of the United States that are involved here.

Do you have questions in Miami? Miami, can you hear? Could someone raise their hand in Miami if they can hear me say what I just said? I think Miami cannot hear us.

MEISSNER: OK. We do have Miami? OK. Is there a question in Miami? OK, we tried.

QUESTION: The answer on the expression of (OFF-MIKE) any political interchange by emissaries coming from the Cuban-American community in Miami?

MEISSNER: Obviously this is an emotional issue. We have made the decision as thoroughly and as carefully as we can make it. We are offering flexibility in carrying the decision forward. We ask that everybody involved in this issue respect the bond between the parent and the child that is at stake here. We are talking about the most important relationship that exists in our human experience, and we are also asking that people respect the laws that are involved. We will work with all parties to try to achieve that kind of respectful resolution.

QUESTION: (OFF-MIKE) when speaking about Elian, why are you so (OFF-MIKE) the boy being sent back to Cuba?

MEISSNER: As I said earlier, we want to work with the parties involved here to carry this decision forward as appropriately as we can. There are a variety of ways that it can be carried out and we will work with people to get the best resolution.

MODERATOR: The commissioner has another engagement. J. Kelly Ryan, associate general counsel for INS is here to continue handling your questions.

QUESTION: Share with us (OFF-MIKE) and the fact that the INS has already determined that the father of Elian is the person who can legally speak for him. Now there is an appeal process that will start today--this afternoon in the courts in Miami. Give us your reaction to that. That seems to be a big contradiction.

J. KELLY RYAN, ASSOCIATE GENERAL COUNSEL, INS: We spent the majority of time--since Elian has arrived in the United States--answering the legal question that we had, which is: Who has the authority to speak on behalf of Elian? And we've answered that today for you all through the statement and through our contact with the father, the great uncle and the attorneys.

Whether or not the attorneys seek to challenge that decision, or any other decision, as a separate matter, and I wouldn't want to conjecture on how they might choose to do that. But for us, the decision is self-contained, and it is the decision on who is authorized to speak on Elian's behalf.

QUESTION: (OFF-MIKE) is enormous in Miami, as you well know. And judges in Miami are elected. Are you confident that the decision in this case will not be influenced by any of those factors?

RYAN: I wouldn't want to, you know, make any comments about the judges and their independence. I'm assuming that they are, and that any challenge that was brought there would be fairly handled. So that's all I could say about that.

QUESTION: On legal terms (OFF-MIKE) haven't the penal courts already decided that in the particular case of somebody that is not (OFF-MIKE)

RYAN: From our perspective, this has been a federal immigration matter, and the questions for us are who speaks on behalf of Elian and what actions should occur as a result of that. We've determined that Elian's father has the sole legal authority to speak on Elian's behalf, and we understand very clearly from Elian's father that he wishes to withdraw his son's application for admission to the United States. And that are the two most important things that we can tell you.

QUESTION: (OFF-MIKE) your office to advise the state court in Florida (OFF-MIKE)

RYAN: We'll be watching and waiting this afternoon to see what happens, and as the days go on, and whatever role is appropriate for the Department of Justice to take to explain the decision we've reached, we will do so.

MODERATOR: Wait, just a second. I think this is Miami calling. Hello, Miami, can you hear us? All right. Miami, we'll take your question.

QUESTION: (OFF-MIKE) MODERATOR: Yes, we can hear you. We're ready to take a question.

QUESTION: OK. Our question is, what will be the effect of this on the asylum claim that's pending?

MODERATOR: OK. The question is, is what will the effect of this decision have on an asylum claim that has reportedly been filed on behalf of Elian Gonzalez?

CONTEXT: *Elían Gonzalez, a six-year-old Cuban national, was rescued off the coast of Florida on November 25 after the boat in which he and 10 others were traveling capsized. His mother drowned in the incident, and INS released the child into the custody of his paternal relatives in Miami. INS will announce its decision in this case today at a 12:00 press conference. INS has determined that Elían Gonzalez's father has the sole legal authority to speak for Elían regarding Elían's immigration status, and that Elían should be reunited with his father. The father in Cuba, the family in Miami, and the attorneys will be informed by INS of its decision today at 11:00. The Cuban government will be notified immediately thereafter. INS will then begin outreach to interested parties, including the Hill, the Miami area mayors, religious and community groups, and the Florida Governor's Office.*

Both yesterday and today's Washington Post report that INS is very near a decision to return Elían Gonzalez to his father in Cuba. CNN reports this morning that INS has made a decision and will announce it today at 11:00 a.m.

What did the INS decide today in the Elían Gonzalez case?

- The Immigration and Naturalization Service announced its decision today at noon. INS determined that Elían's father, Juan Gonzalez, has sole authority to speak on his son's behalf regarding his immigration status in this case. Mr. Gonzalez has asked that his son be returned to Cuba.

Has the family been informed of the decision?

- INS informed the child's father and his relatives in Miami of its decision.

Has the father agreed to come to the United States to pick him up/has Castro agreed to let him come?

- Mr. Gonzalez has been advised that the United States would facilitate his traveling to the United States if he wished to do so. It is not necessary that he travel to the United States with regard to the resolution of his son's case, but it could be helpful. The Cuban government would have to issue him the necessary travel documents to make such a trip.

Why did it take so long to make a decision in this case?

- This was a complex and unusual case. INS tried to reach a decision as quickly as possible but it was important that it take the time necessary to gather all the relevant information and review all the facts.

Who had the final word in this decision? Was the White House involved?

- This was an INS decision made in consultation with the Justice Department, including the Attorney General. The White House was advised of the decision, but did not play any role in the ultimate decision in the case.

How will the boy's return to Cuba be handled?

- This is an INS issue and I refer you to them for details.

Isn't it wrong to send a child back to live in a country that is a communist dictatorship?

- INS tried very hard not to politicize this issue. We are aware that this is a very emotional one for many people, but INS' decision is based on the facts and the law. This is about a father who has a legal right to speak for his child regarding immigration issues in this case, and who has said he would like his child returned to him.

How do you know the father was speaking for himself and not for Castro?

- INS took steps to ensure that Mr. Gonzalez was expressing his opinions freely. INS is confident that he was expressing his true wishes and was doing so of his own accord.

Did the INS and the U.S. bow to pressure from Cuba?

- Absolutely not. INS made this decision solely based on the facts and the law.

What do you make of the comments by the National Council of Churches' Joan Brown Campbell urging the boy to be returned?

- The Reverend Campbell is in Cuba as a private citizen. Her meetings and comments—however well intentioned—have no bearing on INS' decision in this matter.

Office of the General Secretary
475 Riverside Drive, Room 880
Tel: 212-870-2141
Fax: 212-870-2817

National Council of Churches

Fax

To: Maria Echaveste

From: Joan Brown Campbell

Fax 202-456-1907

Pages: 4

Phone: 202-456-6594

Date: December 9, 1999

Re:

CC:

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

• **Comments:**

National Council of the Churches of Christ in the USA



Office of the
General Secretary

December 9, 1999

Sent Via Fax: 202-456-1907

Ms. Maria Echaveste
Deputy Chief of Staff
The White House
Washington, DC 20502

Dear Maria,

Many thanks for your prompt response to my inquiry yesterday.

To recap in writing my oral communication to you. The National Council of Churches of Christ in the USA received a communiqué December 8, from The Very Rev. Pablo Oden Marichal Rodrigues, President of the Cuban Council of Churches. I am faxing that to you with this note.

The National Council of Churches is willing to be of assistance if that would be helpful. I know the Cuban Council well and believe they could be as positive force in this case. Please be in touch with my office at 212-870-2025, if this is of interest to you.

A Blessed Christmas to you and all those you hold dear.

Grace and Peace,

Joan Brown Campbell
General Secretary

Attachment

Council of Churches of Cuba

Calle 14 #304e/5ta y 3ra. Miramar, Playa, Ciudad Habana. 11300

Telephone 23-7791-22-9336 Fax 24-1788 E-mail iglesias@mail.infocom.etccsa.cu

December 8, 1999

Ms. Sharon Maeda

Associate General Secretary

United Methodist Church-USA-Global Ministries

Reverend Dr. Joan Brown Campbell

General Secretary

National Council of Churches of Christ in the United States

New York, U.S.A.

Dear Sharon and Joan,

I thank you very much for the message sent through brother Franklyn Gerrero and Reverend Germinal Rivas regarding the child ***Elián González***.

I have thought about a possible intervention by the ***Council of Churches of Cuba***, in order to offer a solution in the case of the child ***Elián González***, which we believe can be the only solution: to return him to his family, his home and his country, according to the international regulations and current legislation in Cuba as well as in the United States; by which no one may overrule the duties and obligations which correspond exclusively to the father regarding minor children, so as to guarantee their well-being and their moral, physical and spiritual upbringing; for which reason it would be wrong to request as a favor that which is a right.

In this sense, we believe it would be more appropriate that the ***Council of Churches of Christ in the United States***, which represents more than 53 million evangelical Christians in that country, be the organization that requests of the North American authorities that the child ***Elián González*** be entrusted to them. The ***Council of Churches of Cuba*** could receive him from you, and return him to his father and paternal and maternal grandparents.

Although it may appear complicated, this simple plan we are proposing is motivated by the fact that we are witnessing increasing indignation, which is growing by the hour, on the part of the Cuban population, regarding the delay in returning the child ***Elián González*** to his family; therefore to presume to be the representatives of an entire population would be unpardonably indelicate on our part.

However, what we can assure you is that we are willing and able to cooperate with you in this solution, which we believe is honorable for all parties, as we will assume the responsibility for

the return of the child *Elián González* once he is in our country.

With this solution, we are sure, we will honor our Savior Jesus Christ, who, as Child-God slept in the manger of Bethlehem with his Holy Family; and who, as our Older Brother, showed his special love for children, symbols of purity and innocence, when he said:

"Let the little children to come to me, and do not hinder them, because the kingdom of God belongs to such as these," (Mark 10:14b) and
"Whoever welcomes one such child in my name, welcomes me.." (Mark 9:37-a)

With best wishes in this Advent season,

Sincerely,

Council of Churches of Cuba

Pablo Oden Marichal Rodríguez (The very Reverend)
President

CC: Archives

CHARLES B. RANGEL

15TH CONGRESSIONAL DISTRICT
NEW YORK

DEPUTY WHIP

COMMITTEE

WAYS AND MEANS

RANKING MEMBER

SUBCOMMITTEE ON TRADE

JOINT COMMITTEE ON TAXATION

Congress of the United States
House of Representatives
Washington, DC 20515-3215

WASHINGTON, DC 20515-3215
TELEPHONE: (202) 225-4365

DISTRICT OFFICES

MS. VIVIAN E. JONES
DISTRICT ADMINISTRATOR

163 WEST 125TH STREET
NEW YORK, NY 10027
TELEPHONE: (212) 663-3900

2110 FIRST AVENUE
NEW YORK, NY 10029
TELEPHONE: (212) 348-9630

PLEASE RESPOND TO
OFFICE CHECKED

FAX TRANSMITTAL

cc: Maria

DATE: Dec-27
FROM: Cong. Rangel
TO: John Podesta Attn: Laura Marcus

FAX:

NUMBER OF PAGES (INCLUDING COVER): 4

SUBJECT/MESSAGE: Elian Gonzalez

File

PRESS RELEASE

HON. CHARLES B. RANGEL

U.S. House of Representatives
Contact: Emile Milne 202 225-4365

Washington, DC 20515
December 26, 1999

ELIAN GONZALEZ'S NIGHTMARE

Imagine yourself a father whose six-year-old son was found floating in the open sea, his mother, drowned. You yearn to embrace and comfort your first born. But you cannot, until officials of a foreign government decide your rights and suitability as a father. You wait for your son, fearing you may never see him again.

Cubans Juan Miguel Gonzalez, the father; Elizabeth Brotons Rodriguez, his late former wife; and their son Elian, are real people trapped in just such a nightmare, victims of the endless Cold War between the U.S. and Cuba.

Since the death of his mother, who was fleeing Cuba, and his rescue at sea on November 25th, six-year-old Elian's picture has been plastered all over Miami. He is the new poster boy for the Cuban American National Foundation's latest campaign to overthrow Cuban President Fidel Castro. In Cuba, Elian has been elevated to national symbol, proving the heartlessness of the U.S. policy. In Washington, officials have delayed their decision on whether Mr. Gonzalez speaks on behalf of his son, whatever that means.

The people using Elian in Florida for their own political ends have made him a TV celebrity, touring Disneyworld, playing with toys he would never have had in Cuba. In the middle of his own political race for the U.S. Senate Mayor Rudolph Giuliani even tried to invite him to open the Millennium celebration in New York.

Everyone wants a piece of the little boy who lost his mother--the orphan, unlucky enough to be kept from a father who wants him. It is unbelievable that in the last Christmas of the Millennium, the sanctity of a bereaved family means so little and politics so much.

(more)

Officials at the Immigration and Naturalization Service or Florida courts may be responsible for deciding Elian's fate. But the deeper problem is our grudging refusal to give up on a failed 40-year-old Cold War with Cuba, which brands the island of 10 million people a dangerous communist enemy.

Yet we're trading vigorously and exchanging visits with communist China. We've opened diplomatic relations and making trading inroads with communist Vietnam where we lost more than 50,000 U.S. troops, and reaching out to communist North Korea, and even our old nemesis, Libya.

Our policy toward Cuba simply doesn't make sense, as every retired U.S. Secretary of State has admitted, once leaving office. Pope John Paul on his visit to the island last year condemned the U.S. embargo, and the United Nations has repeatedly voted against it, arguing that it intensifies the economic hardship of the Cuban people.

Earlier this year, the president of the U.S. of Chamber of Commerce returned from a visit to strongly urge a change in U.S. policy, for the benefit of American business. Last month 70 Senators voted to lift the embargo on food and medicines, but were rejected by the leadership in the House of Representatives.

In conversations with lawyers at the Justice Department this week, I was unable to elicit a single reason for our refusal to reunite Elian with his father. Lacking legal explanations, it becomes increasingly difficult to deny that we are playing politics with a little boy's tragedy.

Our own laws, as well as a bilateral accord with Cuba, require that migrants picked up at sea must be returned. The accord grew out of the 1994 migration of tens of thousands of illegal Cuban boat people which alarmed Floridians and forced the Administration to act.

(more)

President Castro has indicated he would not allow a repeat of his highly insensitive policy that opened the floodgates to would-be migrants. But our own handling of the Elian case may well offer encouragement to another wave of poor Cubans. Elian's lavish reception and the belief that we would flaunt our own laws on their behalf will encourage desperate people to risk their lives on a false hope.

President Clinton has been right in his statements on this issue. The matter must be resolved under the rule of law, not politics. He has also been correct in arguing that we should be guided by what is best for the child. Every day of delay will make that more difficult and complicated to accomplish.

Procrastination draws us closer to complicity in a tragedy that would mark a moral low point in our dealings with Cuba. A daily soap opera on television, the case jeopardizes our international reputation for fairness and compassion. Whatever you may think of Cuba's government, it doesn't take a lawyer or political scientist to imagine yourself in Mr. Gonzalez's shoes as he worries whether his Elian is sleeping with nightmares. If Elian's nightmare is allowed to continue, it could become our own.

CBR/em



U.S. Department of State Office of the Spokesman Press Statement

Press Statement by James B. Foley, Deputy Spokesman
December 7, 1999

Cuba: Elian Gonzalez/U.S. Interests Section

As in the case of any unaccompanied minor who arrives on U.S. shores, our primary concern is for the child. We are committed to working with the family of Elian Gonzalez, including the father, and all relevant officials to achieve an appropriate resolution to this case.

The regulations of the Immigration and Naturalization Service (INS) recognize the right of a parent to assert parental interests in an immigration proceeding. The INS will be in contact with Mr. Gonzalez in the near future to explain the process by which it will evaluate his rights in this case.

The United States will follow a deliberate process consistent with our rules and procedures. The United States will not be intimidated or pressured into taking actions that are inconsistent with these principles. We reject any ultimatum or deadline imposed by the Government of Cuba for resolution of this case.

We would hold the Cuban government responsible for any harm to U.S. citizens or damage to our Interests Section that may come from the public protests called for by the Cuban government. The Government of Cuba has assured us that it will fulfill its obligation to protect international diplomatic missions and their personnel.

As evidenced by our interdiction of a Cuban vessel yesterday, the United States remains committed to the full implementation of the migration accords and to facilitating migration to the United States in a safe, legal, and orderly manner.

[end of document]

Press Statements Index | State Department

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages ►

To <u>Leslie</u>	From <u>Deniz</u>
Dept./Agency	Phone #
Fax #	Fax #
NSN 7540-01-317-7368	5089-101
GENERAL SERVICES ADMINISTRATION	

12-21-99 104 07:51 PM
12-21-99 104 07:51 PM

United States Senate

WASHINGTON, DC 20510

Bill Clinton

December 20, 1999

The Honorable William Jefferson Clinton
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

The world knows the story of a mother who gave her life to protect her child and give him freedom. Along with his stepfather and several other people, she joined her young son in a small boat and entered dangerous waters. In all, this young six-year-old boy's story of how he arrived on our shores for freedom is a story for the ages. It is a story of the steps people will take to find and secure freedom.

Throughout our long history, people throughout the world have found freedom on our shores. Countless people through the years have fled the brutality of communism. In this young boy, Elian Gonzalez, hanging on to an inner-tube for his life is indeed a miracle. It should be recognized as such.

Therefore, when the Congress returns from the current recess, we intend to move to consider a measure granting United States citizenship to Elian Gonzalez.

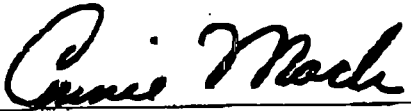
Mr. President, there has been much too much debate; we should make this simple. Elian's mother, Elizabeth Rodriguez, gave her life so that her son would have the full protection of America's freedom. We undertake this initiative in honor of his mother and in recognition of the danger the boy faces. We in the Senate understand this young man has a right to freedom.

There is talk that the INS will simply send Elian back to the clutches of Castro's communist dictatorship. To return him without American citizenship would be a tragedy and a travesty. To ensure he gets a fair hearing in court by people who treasure liberty and honor and respect the rule of law, we hope the United States will bestow citizenship on him. At this point, Elian's future should be decided by his family and the courts. But later in life as an American citizen, he will have the freedom to choose where he wishes to live. His future will no longer be a political decision, but a decision based upon the best interests of the child. By confirming citizenship, we will be preserving the father's rights to see and be with his son. But most importantly, we will be preserving the boy's rights to live in freedom.

12/21/99 102-07191 FAX
WILSON MEMORIAL COLLECTION

Since citizenship would also prevent the INS from forcefully removing Elian, we request that you take no action to deliver this boy to Cuba before we can act on his citizenship measure. Any act to do so would stand in conflict with the spirit of the season and the memory of Elian's mother.

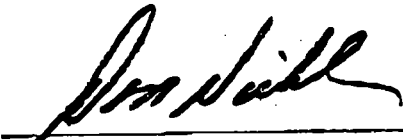
Sincerely,



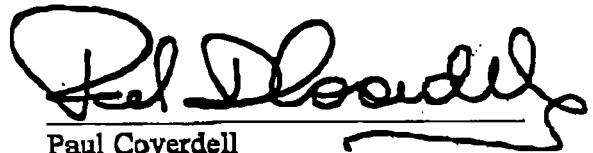
Connie Mack
United States Senator



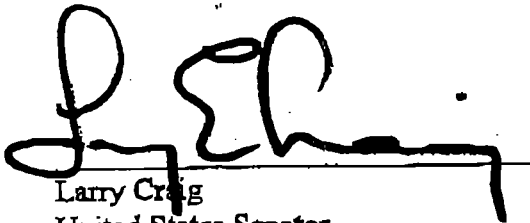
Trent Lott
United States Senator



Don Nickles
United States Senator



Paul Coverdell
United States Senator



Larry Craig
United States Senator



Washington Office

2344 Rayburn HOB
Washington, DC 20515
TEL (202) 225-2201
FAX (202) 225-7854

Los Angeles District Office

10124 Broadway, Suite One
Los Angeles, CA 90003
TEL (213) 757-8900
FAX (213) 757-9506

Office of
Maxine Waters
Member of Congress
35th District • California

leg for
res pouse
S.B.
M.E.

Date:

1/6/00

Pages to follow:

To:

John Podesta

Fax to: ()

456-2883

Telephone: ()

From:

Rep Maxine Waters

☒ DC☐ LA

Message:

CONFIDENTIAL AND PRIVILEGED INFORMATION

The information contained in this fax may contain confidential and privileged information belonging to the Members or Committees of the U.S. House of Representatives and is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action on the contents of such information contained herein is strictly prohibited. If you receive this fax in error, please notify us by telephone and return it to the above address.

Jan-06-00 16:55 From-
MAXINE WATERS
MEMBER OF CONGRESS
36th DISTRICT, CALIFORNIA
CHIEF DEPUTY WHIP

COMMITTEES:
BANKING AND FINANCIAL
SERVICES
JUDICIARY

Congress of the United States
House of Representatives
Washington, DC 20515-0535

T-972 P.02/04 F-365
PLEASE REPLY TO
2344 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0535
(202) 225-2301
FAX (202) 225-7854
DISTRICT OFFICE
10124 S. BROADWAY
SUITE 1
LOS ANGELES, CA 90003
(323) 757-8900
FAX (323) 757-9900

January 6, 2000

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D.C. 20050

Dear Mr. President:

We are writing to you to again urge the Administration to assist in expediting the return of Elian Gonzalez to his father in Cuba. We applaud the National Council of Churches of Christ of the USA on the important role they are performing in the Elian Gonzalez immigration case. We support their request to accompany Elian back to Cuba and to turn him over to the Cuban Council of Churches so that he may be reunited with his father, Mr. Juan Gonzalez.

The U.S. Department of Justice Immigration and Naturalization Service's determination that Mr. Juan Gonzalez has the sole legal authority to speak on behalf of his son, regarding Elian's immigration status in the United States speaks not only to U.S. laws but to natural law. We ask that you assist the National Council of Churches of Christ of the USA in their effort to fulfill the father's official request of assistance to reunify his family.

We have been ardent in our efforts to ensure that Elian's situation not be decided based on the politics of the day or the sentiments of anti-Castro Cubans in Florida and the rest of the United States. Rather, it should be based on the interests of the child and the rights that any father would expect to have.

We urge your immediate intervention to resolve this situation and eliminate any further delay in the reunification of this family. Any further delay will ensure Elian's continued traumatic exposure to the ongoing protests in Miami.

Sincerely,

Maxine Waters
Member of Congress

Barbara Lee
Member of Congress

James E. Clyburn
Member of Congress

William Clay
Member of Congress

Sheila Jackson Lee
Member of Congress

Maurice Hinchey
Member of Congress

Sanford Bishop
Member of Congress

Stephanie Tubbs-Jones
Member of Congress

Alcee Hastings
Member of Congress

Jan Schakowsky
Member of Congress

Gregory Meeks
Member of Congress

Julia Carson
Member of Congress

Neil Abercrombie
Member of Congress

Nancy Pelosi
Member of Congress

Elijah Cummings
Member of Congress

Earl Hilliard
Member of Congress

cc: Attorney General Janet Reno
Commissioner Doris Meissner

Additional Supporters

**Mr. Harold Pope, President
National Bar Association**

**Dr. Joseph Lowery, Chairman
Black Leadership Forum**

**Dr. Dorothy Height, President Emerita and Chair
National Council of Negro Women**

**Mr. John Boyd, President
National Black Farmers Association and
Equality International**

**Mr. William Lucy, President
Coalition of Black Trade Unionists**

**The Honorable Roosevelt Coats, President
National Black Caucus of Local Elected Officials**

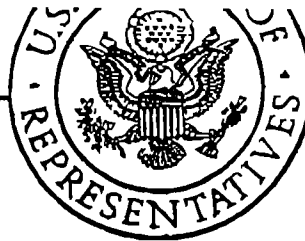
**Ambassador Andrew Young
GoodWorks International, LLC**

**Ms. Thomasina Cotton, Acting President & CEO
Opportunities, Industrialization Centers of America**

**Ms. Jane Smith, President
National Council of Negro Women**

**Ms. Sullivan Robinson, Executive Director & CEO
Congress of National Black Churches**

**Ms. C. Delores Tucker, Chair
National Political Congress of Black Women**



Washington Office

2344 Rayburn HOB
Washington, DC 20515
TEL (202) 225-2201
FAX (202) 225-7854

Los Angeles District Office

10124 Broadway, Suite One
Los Angeles, CA 90003
TEL (323) 757-8900
FAX (323) 757-9506

www.house.gov/waters

CC: Maria

Office of

Maxine Waters

Member of Congress • 35th District • California

Date: Jan 7, 2000

Pages to follow: 1

To: John Podesta

Fax to: () 456-2853

Telephone: ()

From: Rep. Waters

☒ DC

☐ LA

Message: This is another support letter from
the many organization who joined us in
our support for Blaine's return.

CONFIDENTIAL AND PRIVILEGED INFORMATION

The information contained in this fax may contain confidential and privileged information belonging to the Members or Committees of the U.S. House of Representatives and is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action on the contents of such information contained herein is strictly prohibited. If you receive this fax in error, please notify us by telephone and return it to the above address.

Office of The Mayor City of Prichard, Alabama

Telephone 334.452-7800



Fax 334.452-2875

Jesse M. Norwood, Mayor

January 6, 2000

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D.C. 20050

Dear Mr. President:

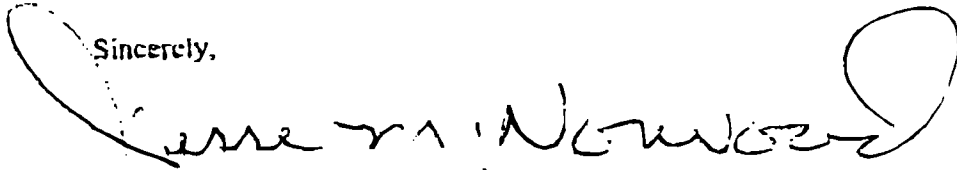
I am writing to you in hopes of urging the Administration to assist in expediting the return of Elian Gonzalez to his father in Cuba. I applaud the National Council of Churches of Christ of the USA on the important role that they are performing in this immigration case. I support their request to accompany Elian back to Cuba and to turn him over to the Cuban Council of Churches, so that he may be reunited with his father, Mr. Juan Gonzales.

The United States Department of Justice Immigration and Naturalization Service's determination that Mr. Gonzales has sole legal authority to speak on behalf of his son regarding Elian's immigration status in the United States speaks not only of U.S. Law but of natural law. I ask that you assist the National Council of Churches of Christ of the USA in their effort to fulfill the father's official request of assistance to reunite his family.

This effort is an attempt to ensure that Elian's situation not be decided based on the politics of the day or the sentiments of anti-Castro Cubans in Florida including those of the remainder of the United States, but, it should be based on the interests of the child and the rights that any father would expect to have.

We urge your immediate intervention to resolve this situation and eliminate any further delay in bringing this family together again which would only ensure Elian's continued traumatic exposure to the ongoing protests in Miami.

Sincerely,


Mayor Jesse M. Norwood, President
National Conference of Black Mayors

BCC: Congresswoman Maxine Waters

JMN/am

Post Office Box 10427

Prichard, AL 36610

**Washington Office**

2344 Rayburn HOB
Washington, DC 20515
TEL (202) 225-2201
FAX (202) 225-7854

Los Angeles District Office

10124 Broadway, Suite One
Los Angeles, CA 90003
TEL (323) 757-8900
FAX (323) 757-9506

www.house.gov/waters

Office of

cc: Maria

Maxine Waters

Member of Congress • 35th District • California

Date:

1/13/00

Pages to follow:

4

To:

John Podesta

Fax to:

() 456-2883

Telephone ()

From:

Rep. Maxine Waters

☒ DC

☐ LA

Message:

letter: re: Elian Gonzalez with
additional names

CONFIDENTIAL AND PRIVILEGED INFORMATION

The information contained in this fax may contain confidential and privileged information belonging to the Members or Committees of the U.S. House of Representatives and is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action on the contents of such information contained herein is strictly prohibited. If you receive this fax in error, please notify us by telephone and return it to the above address.

MAXINE WATERSMEMBER OF CONGRESS
35th DISTRICT, CALIFORNIA

CHIEF DEPUTY WHIP

COMMITTEES

BANKING AND FINANCIAL
SERVICES

JUDICIARY

Congress of the United States
House of Representatives
Washington, DC 20515-0535PLEASE REPLY TO
2344 RAYBURN HOUSE OFFICE BUILDING
☐ WASHINGTON, DC 20515-0535
(202) 225-2201
FAX (202) 225-7854
DISTRICT OFFICE:
10124 S. BRADWAY
SUITE 1
☐ LOS ANGELES, CA 90003
(323) 757-8900
FAX (323) 757-9506

January 6, 2000

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D.C. 20050

Dear Mr. President:

We are writing to you to again urge the Administration to assist in expediting the return of Elian Gonzalez to his father in Cuba. We applaud the National Council of Churches of Christ of the USA on the important role they are performing in the Elian Gonzalez immigration case. We support their request to accompany Elian back to Cuba and to turn him over to the Cuban Council of Churches so that he may be reunited with his father, Mr. Juan Gonzalez.

The U.S. Department of Justice Immigration and Naturalization Service's determination that Mr. Juan Gonzalez has the sole legal authority to speak on behalf of his son, regarding Elian's immigration status in the United States speaks not only to U.S. laws but to natural law. We ask that you assist the National Council of Churches of Christ of the USA in their effort to fulfill the father's official request of assistance to reunify his family.

We have been ardent in our efforts to ensure that Elian's situation not be decided based on the politics of the day or the sentiments of anti-Castro Cubans in Florida and the rest of the United States. Rather, it should be based on the interests of the child and the rights that any father would expect to have.

We urge your immediate intervention to resolve this situation and eliminate any further delay in the reunification of this family. Any further delay will ensure Elian's continued traumatic exposure to the ongoing protests in Miami.

Sincerely,

Maxine Waters
Member of Congress

Barbara Lee
Member of Congress

James E. Clyburn
Member of Congress

William Clay
Member of Congress

Sheila Jackson Lee
Member of Congress

Maurice Hinchey
Member of Congress

Sanford Bishop
Member of Congress

Stephanie Tubbs-Jones
Member of Congress

Alcee Hastings
Member of Congress

Jan Schakowsky
Member of Congress

Gregory Meeks
Member of Congress

Julia Carson
Member of Congress

Neil Abercrombie
Member of Congress

Nancy Pelosi
Member of Congress

Elijah Cummings
Member of Congress

Earl Hilliard
Member of Congress

cc: **Attorney General Janet Reno**
Commissioner Doris Meissner

**** Addendum - Additional Members of Congress**

Addendum - January 6, 2000
letter to President Clinton

additional Members of Congress - January 7, 2000 to present

Bennie Thompson
Member of Congress

John Conyers
Member of Congress

William Jefferson
Member of Congress

Charles Rangel
Member of Congress

Donna Christian Christensen
Member of Congress

Additional Supporters

**Mr. Harold Pope, President
National Bar Association**

**Dr. Joseph Lowery, Chairman
Black Leadership Forum**

**Dr. Dorothy Height, President Emerita and Chair
National Council of Negro Women**

**Mr. John Boyd, President
National Black Farmers Association and
Equality International**

**Mr. William Lucy, President
Coalition of Black Trade Unionists**

**The Honorable Roosevelt Coats, President
National Black Caucus of Local Elected Officials**

**Ambassador Andrew Young
GoodWorks International, LLC**

**Ms. Thomasina Cotton, Acting President & CEO
Opportunities, Industrialization Centers of America**

**Ms. Jane Smith, President
National Council of Negro Women**

**Ms. Sullivan Robinson, Executive Director & CEO
Congress of National Black Churches**

**Ms. C. Delores Tucker, Chair
National Political Congress of Black Women**

Office of the General Secretary
475 Riverside Drive, Room 880
Tel: 212-870-2141
Fax: 212-870-2817

National Council of Churches

Fax

To: Maria Echaveste

From: Joan Brown Campbell

Fax 202-456-1907

Pages: 6

Phone: 202-456-6594

Date: December 10, 1999

Re:

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:**

National Council of the Churches of Christ in the USA



December 10, 1999

Sent Via Fax: 202-456-1907Office of the
General Secretary

Ms. Maria Echaveste
Deputy Chief of Staff
The White House
Washington, DC 20502

Dear Maria,

Again thank you for your attention to this matter. The National Council of Churches specifically in the person of the General Secretary, Joan Brown Campbell, would be prepared to receive Elian Gonzalez and travel at our expense on a private plane to Cuba to reunite him with his father through the Cuban Council of Churches.

I have spoken to Fernando Ramirez, Third Secretary to the Cuban Interest Section in Washington and to the Cuban Council of Churches today. They have spoken to their government officials and the government has agreed to this plan.

You can reach me at home this weekend, should you wish to at 212-316-1853.

Grace and Peace,

Joan Brown Campbell
General Secretary

Attachments

Council of Churches of Cuba

Calle 14 #304c/5ta y 3ra. Miramar, Playa, Ciudad Habana. 11300

Telephone 23-7791-22-9336 Fax 24-1788 E-mail iglesias@mail.infocom.etcscs.cu

December 8, 1999

Ms. Sharon Maeda

Associate General Secretary

United Methodist Church-USA-Global Ministries

Reverend Dr. Joan Brown Campbell

General Secretary

National Council of Churches of Christ in the United States

New York, U.S.A.

Dear Sharon and Joan,

I thank you very much for the message sent through brother Franklin Guerrero and Reverend Michael (Germinal) Rivas regarding the child ***Elián González***.

I have thought about a possible intervention by the ***Council of Churches of Cuba***, in order to offer a solution in the case of the child ***Elián González***, which we believe can be the only solution: to return him to his family, his home and his country, according to the international regulations and current legislation in Cuba as well as in the United States; by which no one may overrule the duties and obligations which correspond exclusively to the father regarding minor children, so as to guarantee their well-being and their moral, physical and spiritual upbringing; for which reason it would be wrong to request as a favor that which is a right.

In this sense, we believe it would be more appropriate that the ***Council of Churches of Christ in the United States***, which represents more than 53 million evangelical Christians in that country, be the organization that requests of the North American authorities that the child ***Elián González*** be entrusted to them. The ***Council of Churches of Cuba*** could receive him from you, and return him to his father and paternal and maternal grandparents.

Although it may appear complicated, this simple plan we are proposing is motivated by the fact that we are witnessing increasing indignation, which is growing by the hour, on the part of the Cuban population, regarding the delay in returning the child ***Elián González*** to his family; therefore to presume to be the representatives of an entire population would be unpardonably indelicate on our part.

However, what we can assure you is that we are willing and able to cooperate with you in this solution, which we believe is honorable for all parties, as we will assume the responsibility for

the return of the child *Elián González* once he is in our country.

With this solution, we are sure, we will honor our Savior Jesus Christ, who, as Child-God slept in the manger of Bethlehem with his Holy Family; and who, as our Older Brother, showed his special love for children, symbols of purity and innocence, when he said:

"Let the little children to come to me, and do not hinder them, because the kingdom of God belongs to such as these." (Mark 10:14b) and

"Whoever welcomes one such child in my name, welcomes me.." (Mark 9:37-a)

With best wishes in this Advent season,

Sincerely,

Council of Churches of Cuba

Pablo Oden Marichal Rodríguez (The very Reverend)
President

CC: Archives



Consejo de Iglesias de Cuba

Calle 14 #304 e/ 5ta y 3ra. Miramar, Playa, Ciudad Habana. 11300
Teléfonos 23-7791-22-9338- Fax 24-1788 E-mail iglesias @ mail.infocometecsa. cu

8 de diciembre de 1999.

Srta. Sharon Maeda
Secretaria General Asociada
Iglesia Metodista Unida-USA - Ministerios Globales
Rvda. Dra. Joan Brown Campbell
Secretaria General Saliente
Consejo Nacional de Iglesias de Cristo en USA
New York, U.S.A.

Queridas Sharon y Joan,

Les estoy muy agradecido por el mensaje enviado a través del hermano Franklyn Guerrero y el Rvdo. Germinal Rivas, en relación con el niño **Elián González**.

He meditado acerca de una posible intervención del *Consejo de Iglesias de Cuba*, para propiciar una solución en el caso del niño **Elián González**, que entendemos puede ser una sola: su devolución al seno de su familia, de su hogar y de su Patria, de acuerdo con las normas internacionales y las leyes vigentes, tanto en Cuba como en los Estados Unidos de América; por las cuales, nadie puede usurpar los deberes y obligaciones que exclusivamente corresponden al padre, respecto a los hijos menores de edad, para garantizar su bienestar, y su formación moral, psíquica y espiritual; por lo que no sería correcto pedir de favor lo que por derecho le corresponde.

En ese sentido, pensamos que sería más apropiado que sea el *Consejo de Iglesias de Cristo en los Estados Unidos de América*, que representa a más de 53 millones de cristianos evangélicos en esa Nación, el que solicite, de las autoridades norteamericanas, que le sea entregado el niño **Elián González**. El *Consejo de Iglesias de Cuba* podría recibirlo de ustedes, para nosotros devolverlo a su padre, y abuelos paternos y maternos.

Aunque parezca complicada, esta sencilla fórmula que proponemos, la motiva el hecho de que somos testigos de una progresiva indignación en la población cubana, que crece por horas, debido a la dilación en la devolución del niño **Elián González** a sus familiares; por lo que, la sola insinuación de

pretender arrogarnos la representación de todo un pueblo, sería una indelicadeza imperdonable de nuestra parte.

Pero lo que sí podemos asegurarles es que tenemos la disposición y la voluntad de cooperar con ustedes en esta solución, que estimamos es honorable para todas las partes, por lo que asumiríamos la responsabilidad de la devolución del niño *Elián González*, una vez que esté en nuestro País.

Con esta solución, estamos seguros, honraremos a nuestro Salvador Cristo Jesús, quien, como Niño-Dios, reposó en el pesebre de Belén en el seno de su Sagrada Familia; y quien, como nuestro Hermano Mayor, demostró su amor preferencial por los niños, símbolo de pureza e inocencia, cuando dijo:

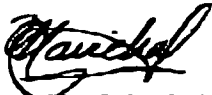
"Dejad a los niños venir a mí, y no se lo impidáis, porque de los tales es el reino de Dios." (San Marcos 10:14-b.); y

"El que reciba en mi nombre a un niño como éste, me recibe a mí..." (San Marcos 9:37-a.)

Aprovecho la ocasión para saludarlas en este tiempo de Adviento,

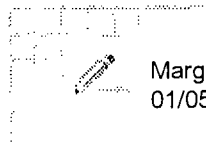
Muy fraternalmente,

CONSEJO DE IGLESIAS DE CUBA



Pablo Oden Marichal Rodríguez (El Muy Rvdo.),
Presidente.

CC: Archivo.



Margaret M. Sunlum
01/05/2000 02:20:03 PM

(12)
Margaret
Carol Ann
305-854.6788

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Lockhart daily briefing

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 5, 2000

PRESS BRIEFING BY
JOE LOCKHART

The Briefing Room

1:05 P.M. EST

MR. LOCKHART: I have no particular announcement to make, so I will go right to your questions.

Q Do you have a reaction to the decision by the immigration people about the Cuban boy?

MR. LOCKHART: I think the INS Director, Doris Meissner, did a good job of explaining the law that is involved here and how it was applied in this case. As far as the President goes, I think he was informed earlier of this decision. He believes that although this was a difficult case for the INS, they acted appropriately, they gathered the facts in a very comprehensive way and applied the relevant rules and regulations in law fairly.

Q Why was it a difficult case? I mean, if the child had been of any other nationality, he presumably would have been returned to his father forthwith.

MR. LOCKHART: No, I think it was a difficult case,

first off because it involved a six-year-old boy. There were certainly people who injected themselves into this on both sides politically that brought a lot of attention to it and brought a certain politically charged atmosphere, and I think it took some time for the INS to work through and gather the facts, to go and establish who ultimately spoke for the boy -- and that's a term of legal art, but they had established that --

Q Are you saying the President approves of the decision, aren't you, really -- I mean, from your words?

MR. LOCKHART: I think the President believes that the INS went about this the proper way and have brought together the facts and are correctly interpreting the law as written.

Q So he approves?

MR. LOCKHART: Sure.

Q What do you say to the Cuban American community, Joe, who wanted him to stay here?

MR. LOCKHART: I think many have expressed views that are legitimate in trying to compare and contrast our society. There are certain obvious benefits to anyone to grow up in a society that's free and open, that enjoy the kind of freedoms that Americans do. I mean, there are many people around the world who envy the culture and society in which we all live here. But I think there are also many who understand the sanctity of family bonds and how important those are.

But I think, ultimately, those who enjoy the freedom and democracy here understand that we are a country of laws, we are a country that follows them and applies them fairly, in a way that reinforces our democracy and our freedom. And that's what INS has done in this case. But I think Doris Meissner would put it quite correctly when she -- her statement talked about how this was a difficult case and it is always difficult to gather the facts and to make judgments that are best for this young man, or would be for any person at this age.

Q Following up on that notion, the President approves that the law was applied correctly. Is there a sense of regret that the boy has to be sent back? Is there a sense that the law is not right and might need to be looked at?

MR. LOCKHART: I think for those who have criticisms of the process, they can take a look at it. I'm not aware from within the administration any need currently to reexamine the laws that govern INS and immigration.

Q New subject? Is the President taking or going to have any White House personnel or government personnel in his private home in New York? Are they taking any of their help with



**U.S. Department of Justice
Immigration and Naturalization Service**

*Office of the District Director
Miami, Florida*

Dear Mr. Gonzalez Quimiana:

Your letter to Foreign Minister Perez, requesting the return of Elian Gonzalez to you in Cuba, has now been forwarded to us. We are pleased to consider your request. However, in order to do so, we must be satisfied that you are the father of Elian and that you have lawful authority to exercise parental rights. To assist us in making this determination, we will need to meet with you and obtain certain information from you.

Information that may help to establish your relationship to Elian would include public documents, if available, such as a birth certificate or a baptismal certificate. If public documents are not available, you can present secondary documents that may demonstrate your relationship to Elian. Examples of secondary documents include school records, medical records, or other documents that list you as Elian's father. If no documents are available, you may provide written statements from people who know of your relationship to Elian.

To demonstrate that you have legal authority to exercise parental rights, you may also present various public documents. Examples of relevant public documents include divorce decrees, or other official documents that establish custody of Elian. If relevant public documents are not available, you may present other documents that show your exercise of, or your authority to exercise, parental rights. Examples would include school records, medical records, or other relevant documents.

We are attaching a copy of United States regulations discussing the types of evidence generally required to establish family relationships. This information is provided so that you are aware of the wide range of evidence that may be presented. You are not restricted to any one type of evidence. We will consider any evidence you present regarding your relationship to Elian and your authority to exercise parental rights.

To make an appointment to discuss your request that Elian be returned to Cuba, please call 33-4511 or 33-3586 to speak with Vicki Huddleston, Principal Officer of the U.S. Interests Section in Havana. Please arrange to bring the evidence of your relationship to Elian with you to the interview. After the interview, the INS will consider your request, as well as any other relevant evidence provided to us, as part of our evaluation of Elian's immigration status.

Sincerely,

Robert A. Wallis
Robert A. Wallis
District Director

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

To injure no man,
but to bless all mankind

BOSTON THURSDAY
JANUARY 20, 2000

THE CHRISTIAN SCIENCE MONITOR

*****5-DIGIT 20500
#CSM3500693357/9#38 07APR00
JOHN PODESTA CHIEF-STAFF
THE WHITE HOUSE
FIRST FLOOR WEST WING LIN
WASHINGTON DC 20500

VOL. 91, NO. 40 COPYRIGHT © 2000 THE CHRISTIAN SCIENCE PUBLISHING SOCIETY. ALL RIGHTS RESERVED

Conservation challenge Large animals may struggle as America's habitat becomes fragmented.

3

Indonesia's wildfire unrest Violence that began in the Spice Islands spreads to other regions.

6

Ideas New materials: The hot new manufacturing plants are the ones grown in soybean fields.

11

75¢

The next Supreme Court majority

■ With several justices likely to retire, the next president may have a historic opportunity to transform high court.

By Warren Richey
Staff writer of The Christian Science Monitor

WASHINGTON — The 2000 presidential election is emerging as a potential watershed event that may redraw the composition of the US Supreme Court and set a national agenda that will influence Americans for generations to come.

It will involve political, ideological, and legal battles over the full range of hot-button issues, including abortion, school prayer, affirmative action, school vouchers, and the federal-state power balance.

Estimates by both Democratic and Republican candidates are that two to five justices may step down in the next four years.

Such a wholesale exodus from the bench would be unprecedented in Supreme Court history, where the trend has been toward aging justices clinging to their powerful lifetime appointments for as long as possible.

But with the court precariously balanced with 5 to 4 votes on a wide range of national questions, a single appointment could immediately and substantially change the course of constitutional law and radically alter America's future, legal analysts say.

See COURT page 10

Interview / Bill Clinton

Race, pardons, and a small boy from Cuba

As he begins his final year in office, President Clinton expounds on issues confronting the nation — and his own personal growth.

By Francine Klefer
and James N. Thurman
Staff writers of
The Christian Science Monitor

President Clinton, in his most extensive comments yet on the tangled case of Elian Gonzalez, emphasized the importance of family unity — even when it means returning children to countries where we don't like the government.

He implicitly warned Congress not to make a special grant of American citizenship to the six-year-old to keep him in this country — a move that could set up the first showdown of 2000 between the White House and Capitol Hill.

With his remarks, he threw the full weight of his office behind the Immigration and Naturalization Service (INS), which has ruled Elian should return to his father in Cuba.

The president outlined his views in an interview with the Monitor while on an anticrime visit to Boston this week. Relaxed and talkative after a breakfast of "good grits" at Mike's City Diner earlier in the day, Mr. Clinton covered an array of topics — from cyberwarfare to forgiveness.

Alternatively pensive and impassioned in the 50-



ANDY NELSON — STAFF

A PRESIDENTIAL VIEW: President Clinton gives emphasis to a point.

minute interview, sitting cross-legged one moment and stirring the air with his fingers the next, Clinton:

• Suggested that the White House will eventually issue an executive order to get rid of racial profiling by federal law-enforcement authorities.

• Cited learning in the past two years of the importance of forgiving others — even to "seventy times seven," as the Bible puts it — if he expects to be forgiven.

• Noted that his 2001 budget, due out Feb. 7, will move the nation toward eliminating the \$5.7 trillion national debt in 15 years.

• Intimated that he will look to grant more pardons this year, despite the controversy that erupted over the clemency he gave several Puerto Rican nationalists last fall.

• Said he was profoundly grateful to the press for generally leaving his daughter alone during the first family's tenure at the White House.

Until now, the president has said little on Elian's case, except that he supports the INS decision to send the boy back to Cuba.

But he made it clear he

See CLINTON page 2

BARBIE WHO?



SUSI: The playful figure outsold Barbie in Brazil.

Brazilian girls turn to a doll more like them

By Andrew Downie
Special to The Christian Science Monitor

SAO PAULO, BRAZIL

FOR 40 years Barbie has captivated girls around the world with her all-American blend of good looks, fancy clothes, and "I can do anything" ethos.

But here in Brazil, the blonde icon is facing an unprecedented challenge from the new girl in town, Susi, with her trim waist, small chest, wide thighs, and darker skin. "She's becoming every Brazilian girl's best friend."

Since she first swung her increasingly famous hips into Brazilian toy stores three years ago, annual sales have tripled to 1.5 million. At Christmas, Susi even outsold Barbie for the first time.

For some, her success is a validation of "Brazillanness." Even as South America's most multicultural nation becomes swamped by US imports and images in film, television, and advertising, Brazil is develop-

See SUSI page 10

IN THIS ISSUE

USA	2
WORLD	6
EDITORIAL/CARTOON	8
IDEAS	11
THE HOME FORUM	18
NEWS IN BRIEF	20

monitor online:
www.csmonitor.com