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Government Again Retreats from Threat To Revoke Elian Gonzalez's U.S. Permit

By JOE MATHEWS

And MARTHA BRANNIGAN

Staff Reporters of THE WALL STREET JOURNAL

For the second time in as many days, the federal government backed off a threat to immediately revoke Elian Gonzalez's legal right to remain in the U.S., and it likely will be several weeks before he could return to Cuba as law-enforcement officials, politicians and the boy's father seek to resolve the international custody dispute.

In recent days, the Justice Department had taken a tougher line in the case of the six-year-old boy who was rescued off Florida's coast in November after a disastrous boat escape from Cuba that took the life of his mother. Attorney General Janet Reno has long sought to return Elian to his father, Juan Miguel Gonzalez, but she has granted his Miami relatives time to ask federal courts to keep him in the U.S.

Vice President Al Gore broke with the Clinton administration and asked Congress to grant permanent resident status to Elian, his father and five other relatives. Miami-Dade County Mayor Alex Penelas, a Cuban-American Democrat, applauded the move, though the legislation faces an uphill fight on Capitol Hill.

In any event, all sides agree that Elian's return isn't likely before May 8, when federal judges in Atlanta are scheduled to hear the appeal by his Miami relatives to a district court ruling paving the way for Elian's return. Justice Department officials indicated they might also allow more time for an appeal to the Supreme Court. Elian has been living in Miami with his great-uncle, Lazaro Gonzalez, and other family members.

Immigration lawyers and former Immigration and Naturalization Service officials agreed that only a change of heart by Ms. Reno or the boy's father could avert Elian's return. Ms. Reno, a Florida native, appears adamant on the subject.

The drama moved two steps toward a closing curtain yesterday. With the blessing of Fidel Castro and the State Department, the father and three other relatives said they would apply for visas to come to the U.S. to take Elian back to Cuba. Meanwhile, the Justice Department postponed a Friday deadline and gave Elian's Miami relatives until Tuesday morning to agree on a plan to turn the boy over to authorities if his appeal fails in court. If they don't agree, the department will revoke their temporary custody.

"The father must speak for the little boy because the sacred bond between par-

ent and child must be recognized and honored," Ms. Reno said. "And Elian should be reunited with his father."

But department officials acknowledged privately that the boy's return will take weeks, as Ms. Reno tries to handle the matter in a manner sensitive not only to a six-year-old's psyche, but also to a host of legal, political and family concerns.

Gregory Craig, Juan Miguel Gonzalez's lawyer and a law-school classmate of President Clinton, has become a conduit between Havana and Washington, which don't have formal diplomatic relations. Mr. Craig said Mr. Gonzalez would stay in the U.S. for the duration of any court proceedings in the case—provided the father is given custody during that time. Mr. Gonzalez is angry about his relatives' decision to allow camera crews to film Elian, Mr. Craig said. "The circumstances that now surround Elian's life in Miami," he said, "make clear that Elian's best interests lie with his father."

Talk of a resolution has served only to heighten tensions in Miami, where dozens of Cuban-Americans maintained a vigil outside the great-uncle's modest concrete-block home. Thousands of supporters had gathered Wednesday in the streets of the Little Havana section of Miami to declare that they wouldn't let the federal government return Elian to Cuba. They were backed by the mayors of Miami and Miami-Dade County, who said local police wouldn't cooperate with efforts to seize the boy and return him to Cuba.

Some critics said the mayors were inciting the crowds, but Mayor Penelas replied, "We do not condone civil disobedience or civil unrest, and to the extent there would be any unrest, our police department will carry out the law."

By yesterday, the crowd consisted largely of loyal regulars who have kept watch daily outside Elian's residence, which is decorated with an American flag on one corner of the front lawn and a Cuban flag on the other.

The case is likely to see twists and turns, shaped in part by the hard calculus of presidential politics. Though Florida has generally tended to vote Republican in recent years, President Clinton carried it in 1996, garnering roughly 30% of the Republican-leaning Cuban vote in exit polls. Vice President Gore covets the state's 25 electoral votes, but his chances would be clouded if his standing among Cuban voters eroded markedly.

—John Hurwood
contributed to this article.

Spending Bill For \$12.7 Billion Clears House

By DAVID ROGERS

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—The House approved a \$12.7 billion emergency spending bill after turning back a Republican-backed drive to begin withdrawing American troops from Kosovo if U.S. allies in Europe don't fulfill their commitments to the Balkan peace effort.

Most of the GOP's top leadership backed the amendment, which reflects a growing restlessness in Congress with the costs of the U.S. mission and anger toward European nations that have yet to meet pledges of economic aid and personnel. However slim, the 219-200 victory on the amendment was vital for the Clinton administration, which faces a similar challenge across the Capitol from Senate Armed Forces Committee Chairman John Warner, a Virginia Republican.

As it emerges from the House, the underlying appropriations bill is more than double the size of the White House request and is heavily freighted with extra military funds beyond the \$2 billion for Kosovo. North Carolina and other coastal states recovering from storms last year are promised billions in disaster aid, and the measure commits the U.S. to a major new antinarcotics initiative to train and equip Colombian army troops to fight drug traffickers.

Senate Appropriations Committee Chairman Ted Stevens of Alaska is expected to take up a more modest version of the package next week, but it remains un-

clear how the full Senate will proceed on the floor.

Under pressure from his conservatives, Majority Leader Trent Lott has been reluctant to take up the measure. But the rich mix of spending is a powerful incentive, and the Colombia initiative is popular politically with Republicans trying to show their determination to fight drugs.

"I am certain our Republican colleagues in the Senate will now continue our party's tradition of leading our nation in the war on drugs," said New York Rep. Benjamin Gilman, chairman of the House International Relations Committee.

The final 263-146 vote was a victory for Speaker Dennis Hastert, who has made the Colombia initiative a personal cause.

"Colombia is important to me. We'll get it in there one way or another," the Illinois Republican said later, refusing to be discouraged by Sen. Lott's resistance.

"I feel it's very important to get our bill done, to lay out the parameters. ... I find success, sometimes, is measured in steady little movements, not fell swoops," Mr. Hastert said.

As part of the antinarcotics effort, the House bill provided \$282.5 million for a special Justice Department fund to help pay the costs of telephone companies adapting their new digital systems to allow law-enforcement agencies to tap phone calls.

Among the billions for the Pentagon are two modest, but important, payments to help cope with technical problems facing vital weapons and computer systems. About \$50 million would pay for analysis of the Army's Patriot missiles, which have shown a high failure rate in recent tests. About \$100 million more is included in intelligence accounts to help pay for work on a troubled computer system at the National Security Agency.

GORE SUPPORTING RESIDENCY STATUS FOR CUBAN CHILD

SPLIT IN ADMINISTRATION

Boy Could Stay Until His Case Is Decided and if Sent Back Could Return as Adult

AI

By KATHARINE Q. SEELYE

WASHINGTON, March 30 — Breaking from administration policy on a highly volatile issue, Vice President Al Gore said today that 6-year-old Elián González and several family members should be given permanent residency status in the United States.

Mr. Gore's statement seemed to take some officials in the Clinton administration by surprise, coming as it did in the midst of negotiations between immigration officials, who want to return the boy to his father in Cuba, and relatives who have been caring for him in Miami.

Today, the government agreed to extend until at least next Tuesday the relatives' temporary custody of the boy.

In his statement, Mr. Gore said he was supporting legislation sponsored by Senators Bob Graham, Connie Mack and Robert C. Smith that would allow Elián to stay in the United States while his case is adjudicated in family court.

If the court decided that he should be with his father, Elián would return to Cuba. But when he reached adulthood he could then decide, Cuba willing, to return to the United States, where he would resume permanent residency status. A step short of citizenship, that status denies a person voting rights, the ability to serve on a jury and access to certain public assistance. It also makes him subject to deportation if he commits a crime.

Legislation is necessary in this case because the law generally requires a person to live in the United States for five years before becoming eligible to apply for permanent residency.

"From the very beginning, I have said that Elián González's case is at heart a custody matter," Mr. Gore said in the statement. "It is a matter that should be decided by courts that have the experience and expertise to resolve custody cases, with due process, and based on Elián's best interests."

"It now appears that our immigration laws may not be broad enough to allow for such an approach in Elián's case. That is why I am urging Congress to immediately pass legislation that is being sponsored by Senators Bob Graham and Bob Smith, which would grant permanent resident status to Elián, his father, stepmother, half-brother, grandmothers and grandfather, so that this case can be adjudicated properly."

Mr. Gore's statement marks his strongest breach yet with the administration and comes as Cuban exiles and officials in Miami are threatening massive protests if the administration sends the boy back to Cuba.

Advisers to Mr. Gore said his statement stemmed logically from his earlier position that the matter should be treated as a custody case.

But it stunned several members of his own party, including some in the administration, who said they could not fathom his timing or his reasoning. "Oh, my God, it's unbelievable!" one administration official blurted out in a private conversation.

Among the most vocal about her surprise was Representative Maxine Waters, a liberal California Democrat, who said that Mr. Gore's position was making her reconsider her support for his presidential bid.

The legislation was introduced on Wednesday by Mr. Graham, a Florida Democrat and an oft-mentioned vice-presidential possibility for Mr. Gore, and by Mr. Mack, Republican of Florida. Mr. Smith, Republican of New Hampshire, who met with the boy earlier, said Senator Trent Lott, the majority leader, had indicated to them that the Senate might be reluctant to support citizenship for Elián, as Mr. Graham and Mr. Smith had proposed earlier, but that lawmakers might be amenable to this proposal for permanent residency.

Still, Mr. Lott could not be reached for comment and there was no indication of the prospects of such a bill or whether the majority leader would allow it to the floor.

In the House, a similar measure has been introduced by Representative Robert Menendez, Democrat of New Jersey, the only other state with a significant Cuban population. Mr. Menendez's bill would give permanent residency status only to Elián, not to his relatives. Prospects for passage in the House are uncertain.

Mr. Gore's statement, the most definitive he has made in the case, is certain to appeal to Florida's 800,000 Cuban-Americans, who could swing the electorate in November in the nation's fourth-largest state.

And it brings Mr. Gore into line with the position outlined in January by Gov. George W. Bush of Texas, his Republican rival for the presidency, who said then that he supported citizenship for Elián.

"I'm glad the vice president now supports legal residency for Elián González," Mr. Bush said today. "I wish he could convince the rest of the administration of the wisdom of that approach."

Still, many Democrats said they were surprised. Ms. Waters said in an interview: "I was totally blindsided. The calculation doesn't make sense. If Gore did it because he's trying to get the anti-Castro Cubans, first of all, they're not going to vote for him anyway. These are Republicans. And number two, the last polls I saw a month ago showed the American public is on the side of sending Elián back to his father."

Senator Graham said that Mr. Gore had indicated all along that he wanted the matter treated as a custody case and that what was new was his support for permanent residency status. Mr. Graham said that if the family court determined that Elián should be with his father in Cuba — and the prevailing presumption in the United States is that a child generally belongs with a biological parent — he and the vice president

would support returning the boy to Cuba until he reached adulthood.

"I would support that position and I think the vice president would," Mr. Graham said.

Mr. Graham, who said the Senate had taken the first steps toward petitioning the majority to bring his bill to the floor, added, "The purpose of this legislation is to try to be a channel to move this case from an I.N.S. asylum case to a family court."

That was the purpose behind Mr. Gore's statement, his aides said. "This was the only way to vindicate the principle, that this should be decided in a court that deals with custody cases," a top adviser said. Contrary to some suggestions, he added, Mr. Gore's action may have the effect of calming the people of Miami rather than stirring them up.

But he definitely stirred up Washington, including some on his own staff. "This was not something that was discussed, chewed over and thought out for a long time or that huge numbers of people were consulted on," this adviser said.

At the White House, Jake Siewert, a spokesman for President Clinton, said that Mr. Gore had alerted Mr. Clinton in advance and that the president was not upset. "We knew there would be times when he differed with the president," Mr. Siewert said.

Maria Cardona, a spokeswoman for the Immigration and Naturalization Service, said: "We've stated in the past we don't believe Congressional action is appropriate in this situation. There is a father who speaks for his son and has made it very clear that he wants to be reunited with him."

Doug Hattaway, a spokesman for Mr. Gore, said the vice president "clearly disagrees with the I.N.S. and the Justice Department."

Mr. Gore's break with the administration is the most dramatic of his campaign to date, though he has differed from administration policy a number of times, including a requirement that his appointees to the Joint Chiefs of Staff support allowing gays to serve openly in the military.

Giuliani Funds Far Outpacing Mrs. Clinton's

By ADAM NAGOURNEY

Mayor Rudolph W. Giuliani raised nearly twice as much money as Hillary Rodham Clinton during the first three months of this year and has now collected a total of \$19 million for his Senate campaign, according to figures provided by both candidates yesterday. The latest numbers leave little doubt that Mr. Giuliani will significantly outraise and outspend the first lady in the race in New York.

"She's got a lot of people out there who don't like her," Bruce J. Teitelbaum, Mr. Giuliani's campaign manager, asserted, grinning broadly as he released the Republican mayor's side of what turned out by day's end to be a fairly lopsided fund-raising picture.

Mr. Teitelbaum said that more than half of Mr. Giuliani's total contributions came from out of state, though he contended that the strong showing — news of which clearly unsettled some of Mrs. Clinton's supporters — was as much a tribute to Mr. Giuliani as a testament to Mrs. Clinton's unpopularity.

He said Mr. Giuliani had raised \$7 million in the reporting period required under federal law, from Jan. 1 to March 31, for a total of \$19 million for his campaign. Mrs. Clinton's campaign aides said she had raised about \$4 million in the period, bringing her total to about \$12 million. The figures do not count millions in additional so-called soft money contributions, which are largely unregulated, that the two candidates have been energetically soliciting.

The report by Mr. Giuliani was startling, not only because of its size — the mayor has already raised more money than Charles E. Schumer collected for his entire Senate contest in 1998 — but also because the figures appeared to undercut what had once been a widespread assumption of the contest: that Mrs. Clinton would raise more money than Mr. Giuliani. Earlier this year, Mrs. Clinton's advisers said they were confident that she would raise \$25 million for her campaign; she has yet to reach the halfway point toward that.

Last night, Mrs. Clinton's campaign manager, Bill de Blasio, said he was now certain that Mr. Giuliani would raise "at least several million more dollars" than Mrs. Clinton. "We think they will have a significant amount more than we have," Mr. de Blasio said.

Mr. Teitelbaum called a formal news conference to announce the figures, which he presented in a series of brightly colored charts, filled with graphic illustrations that demonstrated the scope of Mr. Giuliani's accomplishment for the sake of the television cameras at the back of the room. By contrast, Mrs. Clinton disclosed her figure in a short statement e-mailed to reporters.

Mr. Giuliani now seems certain to break the fund-raising record of \$21 million set in Virginia by a nonincumbent candidate for Senate, Oliver L. North, in 1994. He has already surpassed Mr. Schumer, who raised \$17 million in his run for Senate in 1998, and his advisers say they now think he may end up raising close to \$40 million.

The splurge of fund-raising was condemned yesterday by Theodore W. Kheel, the former labor negotiator who has taken the lead in trying to work out an agreement between Mrs. Clinton and Mr. Giuliani to renounce voluntarily the use of unregulated soft money in the campaign.

"It's absolutely terrible," Mr. Kheel said. "It tells the public that the electoral process depends on how much money you can raise. The assumption is that more money will buy the election. It's awful."

The actual filing period does not end until midnight today. Mr. Giu-

ani's aides said he was putting out the numbers a day early because he would be in Arizona attending fund-raisers today. The release of what the aides saw as a bit of good news also came as the mayor tried to tamp down criticism of his response to the fatal police shooting of Patrick M. Dorismond earlier this month.

Because the figures were preliminary, neither campaign was able to provide what is a critical way to measure the financial health of a campaign: the amount of cash on hand. But Mr. Giuliani seems likely to enjoy an advantage in this area. Unlike Mrs. Clinton, Mr. Giuliani has yet to hire much of a campaign staff, a reflection of the fact that he has not done much campaign traveling and has a network of City Hall aides. Mr. Teitelbaum said the campaign was about to begin hiring more staff members within the next week.

Mr. Giuliani appears to be in a strong financial position, for reasons going beyond the numbers in the latest report. Mr. Teitelbaum said that more than half of the contributions came in response to direct-mail solicitations, which meant that Mr. Giuliani, who has kept a modest campaign schedule, did not have to leave City Hall much to raise the cash. And Mr. Teitelbaum said the campaign now has gotten contributions from 135,000 donors, most of whom have given below the \$1,000 legal contribution limit and whom the campaign can ask again for money.

That said, political analysts cautioned yesterday that it would be a mistake to read too much into the political position of either candidate based on fund-raising figures. For one thing, no matter how Mrs. Clinton stands in comparison to Mr. Giuliani, she still has raised what in any other Senate race would be a huge amount of money.

And there is, Mrs. Clinton's aides said, no corollary between a candidate's fund-raising ability and victory. "Senator D'Amato, Senator North and Senator Huffington can all attest to the fact that more money doesn't necessarily get you elected to the Senate," said Howard Wolfson, Mrs. Clinton's press secretary, referring to unsuccessful Senate campaigns by Alfonse M. D'Amato, Mr. North, and Michael Huffington in California.

Gore Backs Bill To Let Elian Stay

Candidate Breaks With Clinton: INS Impasse in Miami Continues

By SUE ANNE PRESSLEY
and JOHN F. HARRIS
Washington Post Staff Writers

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MIAMI, March 30—With tensions fast rising in Florida over the fate of 6-year-old Elian Gonzalez, the case vaulted into the presidential campaign today as Vice President Gore endorsed special legislation that would grant permanent resident status to the boy, his father and other family members now living in Cuba.

In a dramatic break with his own administration, and in defiance of President Clinton's pleas that the legal dispute be kept out of the political arena, Gore declared in a statement that "our immigration laws may not be broad enough" to achieve a just resolution in the Gonzalez case. If Congress were to pass the legislation, it would remove the case from the jurisdiction of the Immigration and Naturalization Service and into a Florida family court.

Gore's entry into the case—which won praise, albeit barbed, from Republican presidential rival George W. Bush—came as an impasse continued between attorneys for the Miami relatives who now have custody of Elian and the INS over an agreement to turn the boy over. Hours of negotiations here ended with only an agreement to

put off more talks until Monday.

One of the lawyers for the Miami relatives, Jose Garcia-Pedrosa, said the INS had agreed to extend the deadline for reaching an agreement until 9 a.m. Tuesday.

The INS has ruled that the shipwreck survivor, whose mother died trying to flee Cuba, should be returned to the island to live with his father. INS officials want a written pledge from the Miami relatives that they will turn the boy over if they lose their court appeals of the INS decision. They also want the

relatives to agree that there could be a change in custody during the appeals process.

Those points have prompted an extraordinary show of defiance here against the Clinton administration, with many state and local officials standing clearly with the Miami relatives and their allies in the politically potent Cuban exile community in South Florida.

Amid larger and more vocal rallies among Miamians who want Elian to stay here, almost two dozen elected officials here have said they would hold Attorney General Janet Reno and Clinton responsible should violence occur.

Gore was backing an idea that has been introduced in various bills, including by Rep. Robert Menendez (D-N.J.) and Sens. Bob Graham (D-Fla.) and Robert C. Smith (R-N.H.). In addition to moving the legal jurisdiction of the case to a family court, backers say, granting permanent resident status to Elian's father and other relatives would allow the father to express his wishes about

where he wants to live without the possibility of coercion from Cuban dictator Fidel Castro's regime.

The father, Juan Miguel Gonzalez, has said he wants to live with his son in Cuba. His attorney today initiated the process for the father to travel to the United States.

Campaigning in Wisconsin, Bush said: "I'm glad the vice president has seen the wisdom of the way [sic] and what he ought to do is convince the attorney general and the presi-

dent to accept the same position. . . . We'll see what kind of influence he has in this administration."

Gore aides informed Clinton aides today of the vice president's decision to break with the president, who has urged letting the case move through the judicial and administrative processes without interference from politics. White House aides reacted with a measure of disdain, but hardly surprise, at what was interpreted as a strictly self-protective gesture by Gore. Democratic sources said Gore's political team feared the Elian case could badly undermine their prospects in Florida, an electorally rich state where Gore wants to win or at least force Bush to devote significant campaign resources.

Gore aides denied that the vice president's statement was motivated by politics. They said he has long been concerned that the immigration law under which Elian's fate has been argued is governed by concerns over diplomatic precedent rather than what is best for the boy.

Pressed repeatedly on the Elian issue, Gore has resisted saying how the custody battle should be resolved, while taking pains to avoid sounding sympathetic to allowing the boy to live in Cuba. In today's statement, he said: "The real fault in this case lies with the oppressive regime of Fidel Castro. Elian should never have been forced to choose between freedom and his own father."

Gregory Craig, the Washington attorney for the boy's father, tried to apply today for visas for the father, his second wife and four-month-old

son, and "a favorite cousin" of Elian's. But State Department officials said the request needs to come through the U.S. diplomatic mission in Havana. They forwarded the information to Havana and said that if Gonzalez and his family apply, they would get expedited consideration.

In a surprise live announcement on Cuban television Wednesday night, President Castro said the father and a large entourage would be willing to come here while Elian's court appeal is played out, saying it would ease the child's "readaptation" to his former life.

Craig said he also will be seeking permission for "a support group" of physicians, psychologists, teachers and a dozen of Elian's Cuban schoolmates to accompany the father. But he also warned of another condition that Miami relatives may not want to meet.

"He needs only to be told: If he comes here, he will in fact be given custody of his son," Craig said.

If Juan Miguel Gonzalez were to come to Miami, the Justice Department would transfer custody of Elian to him here for the duration of the appeals process, a department official said.

Miami-Dade Mayor Alex Penelas, appearing on a host of television news programs today, attempted to clarify a public statement he made Wednesday that local law enforcement agencies would not assist federal officials who might come to get the boy, saying that of course the local officers would work to control traffic, crowds and possible violence.

Still, Penelas, backed by 20 other local politicians, did not retreat from his contention that the federal government has been "provoking" South Florida's Cuban exile community by threatening to remove the child from the Miami home, where he has lived for four months since his rescue at sea.

In gentler terms, Gov. Jeb Bush (R) and state Attorney General Bob Butterworth (D) also appealed in a letter to Reno to "intervene so that all sides—including the federal government—can step back from the heat of the moment and take a more reflective view of the situation."

At her weekly news conference today, Reno, a Miami native who until her appointment as attorney general served as Miami-Dade district attorney, disputed charges of "strong-arm" tactics by federal officials. Speaking for several minutes without her usual briefing script, an obviously emotional Reno reminded reporters that the INS has several times delayed action to send the boy to Cuba, despite backing from the Clinton administration and now a federal judge. Last week, U.S. District Judge K. Michael Moore upheld the INS decision to return the boy to his father, a ruling the Miami relatives appealed Monday in the 11th U.S. Circuit Court of Appeals in Atlanta.

"This case has been heartbreaking for everybody involved," Reno said. "But we believe that the law is clear. The father must speak for the little boy because the sacred bond between parent and child must be recognized and honored, and Elian

should be reunited with his father."

Reno referred to the statements Wednesday by Penelas and other officials, saying that the Cuban community "came to this country seeking a democratic society in which to live, where all people can speak, and there are processes and procedures for people to be heard. I don't think they came to this country to incite violence."

But City of Miami Mayor Joe Carollo, who was among those most outspoken at the mayors' news conference Wednesday—especially about local police remaining aloof from any seizure of Elian—said today he does not regret his statements.

"If this was a case where we were talking about this boy being sent back to Saddam Hussein's Iraq or to Hitler's old Germany, there would be nothing to talk about. Our federal government would've said no," said Carollo, who came to the United States at age 6 as part of the Catholic Church's Peter Pan program, which sent 14,000 Cuban children here.

He denied that politicians are pandering to Cuban exile interests.

"The Cuban American community is a law-abiding community," he said, "but we have learned the American way of politics."

Rosier Future For Medicare Is Forecast

*Report Could Sway Congress
To Enact New Drug Benefit*

By GLENN KESSLER
Washington Post Staff Writer

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A booming economy and a slowdown in Medicare spending have extended the financial life of the old-age health program by eight years, to 2023, the most upbeat assessment by the program's trustees in a quarter-century.

The report could increase pressure on Congress to add new benefits to the Medicare program without bothering to tackle fundamental changes that would deal with the looming retirement of the baby boom generation, lawmakers said. Both Democrats and Republicans have offered bills that would add a prescription drug benefit to the Medicare program, which covers 39 million Americans.

The trustees issued an almost equally positive evaluation of the Social Security trust fund, projecting that it would remain solvent for another three years past earlier projections, until 2037.

Administration officials and several members of Congress warned that the reports should not delay action on dealing with the baby boom retirement crisis, when the number of workers per beneficiary is expected to drop from 3.4 today to just over 2 in 2030.

Baby boomers, who were born between 1946 and 1964, will begin to retire by the end of the decade, and the Medicare report projects enrollment will double, to 81 million, by 2035. When that happens, the trustees warn, the cost of taking care of those retirees will overwhelm the system as it is currently structured.

"There is one downside to this year's good news," said Health and Human Services Secretary Donna E. Shalala,

one of the trustees. "It invites complacency—and complacency is a prescription for disaster."

President Clinton, speaking to several hundred people at an event at the Austin Street Senior Center in the New York borough of Queens, said the reports demonstrated progress, but he also pressed for his proposed prescription drug benefit.

But Sen. John Breaux (D-La.), a leading advocate of a major overhaul of the big entitlement programs, warned that prolonged solvency does nothing to address long-term needs of Medicare and Social Security and could undermine efforts to put the two programs on a sounder financial footing.

"Extending the solvency of Medicare and Social Security for a couple more years does nothing to modernize the structure of both these vital programs and, in fact, reduces the sense of urgency that improvements need to be made soon to protect the 77 million baby boomers who start retiring in the next 10 years," Breaux said.

Sen. Bill Frist (R-Tenn.), another proponent of restructuring Medi-

care, suggested that the new solvency projections might make it easier to add prescription drug benefits to Medicare but urged that they be tied to more fundamental reform.

"Prescription drugs and reform must still go hand-in-hand if we are to weather the upcoming demographic shift," he said.

If anything, the trustee reports—which took many budget experts by surprise—show how good economic news and a little luck can radically change the financial picture of these retirement programs, which account for nearly 40 percent of the federal budget. Just four years ago, the trustees predicted the Medicare trust fund, which pays for hospital costs, would become insolvent next year. (A separate Medicare account that pays doctor bills is mostly funded year by year through premiums and general revenue.)

But a combination of factors has pushed the date of reckoning farther into the future. As unemployment plunged and companies went begging for workers, the government collected more of the payroll taxes that fund both Medicare and Social Security. Medicare hospital spending slowed and actually fell last year—to

a total of \$128.8 billion—in part because of cuts imposed by the 1997 budget agreement and also because of a federal crackdown on fraud and waste.

The Medicare and Social Security trust funds have little in common with private pension funds since they do not actually hold funds—but merely IOUs from the government.

Currently, payroll tax revenue is high enough to cover Medicare's and Social Security's obligations. But if there comes a time when payroll taxes no longer exceed obligations—as will happen in 2015 with Social Security—then the government likely will have to either raise taxes, cut benefits or borrow the money to keep the programs going. Few doubt that Congress would act quickly if it faced the prospect of not having the cash to keep the programs afloat.

Henry Aaron, a health care and budget expert at the Brookings Institution, said projections are likely to change again. "There is a kind of naive faith in the latest projection as real and hard and as something we can take to the bank."

Staff writer Helen Dewar contributed to this report.

Clinton Says Next Move For Peace Is Assad's

By JANE PERLEZ

WASHINGTON, March 28 — President Clinton, commenting publicly for the first time on the failure of his talks with the Syrian leader, Hafez al-Assad, said today that it is up to Mr. Assad to make the next move.

"The ball's in his court now, and I'm going to look forward to hearing from him," Mr. Clinton said at the White House before meeting with the Egyptian president, Hosni Mubarak.

"I went to Switzerland to meet President Assad to clarify to him what I thought the options were and to hear from him what his needs are," Mr. Clinton added, "and I asked him to come back to me with what he thought ought to be done."

Senior administration officials continued to express disappointment today at the outcome of the meeting with Mr. Assad, during which he stuck to his long-held view that Israel should return land seized from Syria during the 1967 Arab-Israeli war.

Secretary of State Madeleine K. Albright said during a conference call with leaders of Jewish organizations today that she hoped that Mr. Assad would reconsider his stand in Geneva so that an Israeli-Syrian deal can be completed.

But with the Syrian track of the Middle East peace efforts at a halt, attention turned to the Palestinian track. There also appeared to be little movement in that effort, but administration officials said at the end of a week of talks between Israelis and Palestinians at Bolling Air Force Base in southeastern Washington that incremental progress had been made.

Delegations of Palestinian and Israeli officials have been talking behind closed doors at the air base about "final status" issues, including the future of Jerusalem, the shape of borders between Israel and a Palestinian entity, and the fate of Palestinian refugees.

A State Department spokesman, James Foley, said today that the two delegations would return to Washington on April 6. "The issues on the table are difficult and gaps remain, but the discussions at Bolling have been serious and intensive," Mr. Foley said.

The Palestinian track of the Middle East peace negotiations also got a lift from Mr. Mubarak, who was in Washington on an official visit.

He has long advocated focusing on getting an agreement between the Palestinians and the Israelis, and he made this case again with Mr. Clinton, administration officials said.

Mr. Mubarak and Mr. Clinton met for several hours in the White House today and talked about intensifying the efforts around the Palestinian and Israeli negotiations. Mr. Mubarak also met with Vice President Al Gore.

The Israeli prime minister, Ehud Barak, and the Palestinian leader, Yasir Arafat, have said their goal is to reach a final agreement by mid-September. If such an agreement is not reached, Mr. Arafat has said, he will unilaterally declare a Palestinian state.

"I think we will continue to see progress, at least on the Palestinian track," Mr. Clinton said. "And of course I hope that we'll have some progress on the Syrian one as well — as well as in Lebanon."

THE NEW YORK TIMES,

• WEDNESDAY, MARCH 29, 2000

Standoff Over Cuban Boy's Fate Intensifies

By RICK BRAGG

MIAMI, March 28 — On a day when people vowed to die for Elián González, and his relatives said the Virgin Mary had reappeared on his bedroom mirror, United States immigration officials and the boy's Miami relatives remained in a standoff over the government's demand that his great-uncle promise to turn him over to federal officials if the relatives lose the court fight to keep him.

Immigration officials this morning continued to press lawyers for the boy's great-uncle, Lazáro González, to encourage him to sign a document agreeing to a peaceful, orderly resolution to the emotionally charged situation if the United States Court of Appeals for the 11th Circuit rules against the family in a hearing in May.

The family lashed back.

"They said, 'If you don't sign the paper, we remove Elián,'" said Armando Gutiérrez, a spokesman for the family. "They are the ones who put this kid in Lazáro's home and they just want him to sign a blank statement, which is not the American way."

Mr. Gutiérrez said he did not know whether Mr. González, an automobile mechanic, would agree to sign the letter.

Immigration officials were to meet on Wednesday with Mr. González and ask him, face to face, to comply. If the family continues to defy immigration officials, the agency could remove the boy from the home as early as Thursday at 9 a.m., government officials said.

But that could be more difficult than it sounds.

As lawyers continued their war of words behind closed doors and television microphones, the increasingly dramatic, poignant saga of 6-year-old Elián became increasingly heated and strange.

Outside the house, where a group of about 50 Cuban exiles have kept a round-the-clock vigil, several people warned that, no matter what papers

are signed, they do not intend to allow anyone to take Elián away, even if that means dying for him.

"I am not afraid of Clinton, of Janet Reno or of the police," said Jose Ramos, an elderly Cuban-American retiree who stood guard outside the house on Northwest Second Street in Little Havana. "I will die for Elián."

Mr. Ramos echoed the feelings of many people here who said they would form human chains, lie down in front of cars and form walls with

As a deadline nears, exiles vow to fight to the death to keep Elián in Miami.

their bodies to protect Elián from the immigration service, agents of Cuban President Fidel Castro and anyone else who tries to take him away.

"This a battle between good and evil, and right now America is evil," said Dulce González, no relation to Elián, a retired schoolteacher who came to Miami from Cuba 30 years ago. "Today, we are destroying our Constitution."

Meanwhile, on "Good Morning America," viewers got another look at Elián and Diane Sawyer coloring and playing games, as ABC offered the second installment of a three-part series in which Ms. Sawyer and Elián spoke about his ordeal and stood on their heads. Ms. Sawyer said Elián told her he wanted to stay in Miami, but a network spokesman said ABC did not air that segment because of the already incendiary nature of the confrontation between the government and the boy's family.

And, in perhaps the most unusual development, relatives continued to claim that the Virgin Mary had ap-

peared to them in a mirror in Elián's bedroom. The great-uncle, Mr. González, said he wept with joy when he first saw it.

A week ago, United States District Judge K. Michael Moore dismissed a lawsuit requesting a political asylum hearing for Elián, and said that only Attorney General Janet Reno could grant him asylum. Ms. Reno said he should be returned, as soon as possible, to his father in Cuba.

Members of Elián's Miami family have said that if the father, Juan Miguel González, came to Miami to get the boy, and if Elián wanted to go, they would allow it.

But experts on immigration say they doubt the family has any intention of giving the boy up.

"It looks like a standoff, but this is crunch time for I.N.S.," said Max Castro, a senior research associate for the Dante B. Fascell North-South Center of the University of Miami, and an expert on Cuban issues. "I.N.S. is going to have to execute this in some way."

If immigration officials waver, the family will just stall, he said.

Elián was found floating off the coast of Fort Lauderdale, Fla., on an inner tube on Thanksgiving Day, after surviving a boat capsizing that killed his mother and 10 others. Two others survived the capsizing, but it is Elián who has been in the center of a storm of attention ever since.

Immigration officials have said they do not want to traumatize the boy by forcibly removing him from the home, and they do not want to antagonize the city's large Cuban-American population. Cuban-Americans make up more than 700,000 of Miami-Dade County's 2.1 million people.

It may be far too late for that. Demonstrators outside the boy's house warned that bad days are coming for the city.

"We are very angry," said Arturo Pérez, another retiree who is spending his days outside the house. "We are going to stop Miami."

THE NEW YORK TIMES,

• WEDNESDAY, MARCH 29, 2000

Judge Upholds INS Decision on Elian

Great-Uncle's Lawsuit Over Asylum Bid Dismissed; Lawyers to Appeal

By KAREN DEYOUNG
Washington Post Staff Writer

A federal judge in Miami yesterday dismissed a lawsuit filed by the great-uncle of Elian Gonzalez against the Justice Department and the Immigration and Naturalization Service, saying he found no reason to reverse an INS decision to send the 6-year-old shipwreck survivor back to his father in Cuba.

Judge K. Michael Moore rejected great-uncle Lazaro Gonzalez's argument that the INS was obliged to consider the political asylum petitions he filed on the child's behalf, over the objections of the child's father. As the government official ultimately responsible for the INS, Moore ruled, Attorney General Janet Reno had acted within her legal discretion in refusing such consideration.

"A judicial review of the exercise of that discretion . . . has found no abuse that would warrant a contrary conclusion," Moore wrote in a 50-page decision.

The ruling appeared to move Elian a step closer to returning to Cuba—and Reno said the government would proceed in a "fair, orderly and prompt way" to "ensure this child is reunited with his father"—but there was little reason to believe it would happen any time soon.

The Miami attorneys for Lazaro Gonzalez said they would appeal Moore's ruling to the 11th U.S. Circuit Court of Appeals in Atlanta. Speaking before a small crowd at the federal courthouse in Miami, attorney Spencer Big said, "Elian has not had his day in court. We have some hope that with an appeal . . . he just may."

Justice officials maintain that the government has the power to implement the INS return order at any time, but they said yesterday that no precipitous action would be taken. They acknowledged that the appeals process could take months, eventually reaching the Supreme Court.

In Havana, the Cuban government said it was still analyzing "the apparently positive news . . . without underestimating the obstacles and difficulties we still need to overcome." Gregory B. Craig, the Washington lawyer representing Elian's father, Juan Miguel Gonzalez, requested a meeting with Reno to discuss the case.

Members of Congress who have introduced legislation to make Elian a U.S. citizen, thus removing him from INS control, said yesterday that they would renew their efforts to bring the measures to a vote. But in the face of widespread opposition to such a move, Republican leaders indicated that they would keep the bills on the back burner until the appeals process is exhausted.

The two presidential candidates, who are competing for Florida's 25 electoral votes, warned the Justice Department against immediate action in the case and said that Moore's decision seemed to preclude court consideration of the merits of returning Elian to Cuba. "We still need a full and fair court hearing based on due process . . . according to the facts available about what is in the best interests of the child," said Vice President Gore.

Texas Gov. George W. Bush said the case should be decided "by a Florida family court . . . not by a Clinton-Gore Justice Department

whose record of putting politics ahead of the law does not inspire confidence."

The Justice Department has said the state court has no jurisdiction over the case.

Seeking to put the best face on the day, the Miami lawyers noted that they had won two out of three points the Justice Department had contested in their federal suit. In his ruling, Moore affirmed the court's right to review INS decision-making and agreed that Lazaro Gonzalez had standing to ask for such a review. But on the actual merits of the case—whether Reno and the INS had acted improperly in refusing even to consider asylum petitions filed by anyone other than Elian's father—Moore came down firmly on the government's side.

Elian was found floating in the Atlantic on Thanksgiving Day, after a shipwreck in which his mother and others fleeing Cuba drowned. The INS temporarily placed him in the care of his great-uncle, but within days his Cuban father, who said he had not been consulted on the departure by his former wife, asked that he be returned. After interviewing the father twice in Cuba, the INS said it saw no reason to deny his parental rights. On Jan. 5, citing both U.S. and international law, it ordered his return.

Lazaro Gonzalez, backed by many in South Florida's Cuban American community, insisted that Elian would be better off in Florida than in communist Cuba and asked that the boy be granted political asylum. The INS never ruled on the merits of the asylum request, saying that only Elian's father had the right to speak for him in immigration matters. In his lawsuit filed Jan. 19, Lazaro Gonzalez argued that the INS had violated Elian's constitutional rights to due process, as well as laws giving "any alien" the right to petition for asylum.

Moore's decision said that Elian has no constitutional rights, because he was never officially admitted to this country. And in any case, the judge said, while applicable law permits any alien to apply for asylum, "any alien" was evidently not intended by Congress literally to in-

clude all aliens." In making such decisions, particularly concerning a child of such a young age, Moore said the Administrative Procedures Act and legal precedent give the attorney general and agencies under her broad discretion.

"In the absence of congressional intent indicating otherwise, courts hold agency findings and decisions unlawful only if they are 'arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,'" Moore wrote.

In dismissing the case, Moore said that Lazaro Gonzalez's "well-intentioned litigation has the capacity to bring about unintended harm." Given "the reality that each passing day is another day lost between Juan Gonzalez and his son, the Court can only hope that those on each side of this litigation place the interests of Elian Gonzalez above all others."

Staff writers Eric Pianin, Helen Dewar and David A. Vise and special correspondent Catharine Skipp in Miami contributed to this report.

Fed Raises Rates As Inflation Hedge

Markets Anticipated Quarter-Point Rise

By JOHN M. BERRY
Washington Post Staff Writer

Federal Reserve officials, concerned that the nation's extraordinarily strong economic growth will eventually lead to higher inflation, raised short-term interest rates by a quarter-percentage point yesterday and indicated that more such moves are probable if growth doesn't slow to a more sustainable pace.

The action by the Federal Open Market Committee, the central bank's top policymaking group, was the fifth such increase since June and boosted the Fed's target for the federal funds rate—the interest rate financial institutions charge one another on overnight loans—to 6 percent, the highest in nearly five years.

Federal Reserve Chairman Alan Greenspan and other officials had signaled their intentions so clearly in recent weeks that yesterday's announcement had little impact on financial markets.

Many analysts expect another quarter-point increase at the next FOMC meeting, on May 16, because the economy shows only scattered signs of slowing growth. The gross domestic product rose at a rapid 6.9 percent annual rate, af-

ter adjustment for inflation, in the last three months of 1999. Forecasters predict growth of 5 percent to 6 percent for the current quarter.

The new target for the federal funds rate, 6 percent, is roughly 4 percentage points higher than the nation's "core" inflation rate. That spread—known as the real interest rate—is at a level previously reached only when the Fed raised rates sharply to combat serious existing inflation.

But analysts say that demand for credit, particularly to finance business investment, is so strong that the economy itself is pushing real rates upward.

Robert V. DiClemente, an economist at Salomon Smith Barney in New York, said it is wrong to think that the Fed alone is responsible for rising rates. After all, he noted, the funds rate target has moved within a narrow 1.25-percentage-point band for the past five years.

"These guys have been fortunate to have a situation that is so self-regulating," with market forces doing a large share of the Fed's work, DiClemente said. "Here we have a natural force for higher rates and the Fed just has to be careful not to

sit on interest rates in a period of booming investment.

"They are on the right tack. They have to be persistent because the risks are so clearly on one side," he said.

Almost immediately after the Fed's announcement, banks began announcing increases in their prime lending rates, which usually are pegged 3 percentage points above the target for the federal funds rate. That means increases in the rates many consumers pay on home-equity loans and unpaid credit-card balances, and those paid by small-business borrowers. Those rates are frequently tied to the prime.

The Fed said members of the Open Market Committee remain concerned that increases in the demand for goods and services "will continue to exceed the growth in potential supply, which could foster inflationary imbalances that would undermine the economy's record economic expansion." And that means that the risks in the economy are "weighted mainly toward conditions that may generate heightened inflation pressures" in the future.

In recent public statements, Greenspan has highlighted that concern, particularly focusing on the nation's shrinking pool of unemployed workers. While Greenspan readily acknowledges that there is no current evidence that

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They are on the
right tack."

— Robert V. DiClemente,
economist, Salomon Smith Barney

inflation is getting worse, he worries that sooner or later, ever-tighter labor markets will lead to inflationary wage increases.

"Will this quarter-point rate hike, or the cumulative 1.25 percentage points in rate hikes since

June 1999, be sufficient to cool the economy? Probably not," said economist Dana Saporta of Stone & McCarthy, a financial markets research firm. "The Fed, in our view, will continue hiking its funds rate target until it sees solid evidence that the pace of [growth of] domestic demand is coming back in line with the economy's productive capacity."

For that to happen, Saporta added, the increase in household wealth generated by gains in the stock market is going to have to slow. That's because those gains have been fueling the rapid increase in consumer spending that has helped keep economic growth so high, she said.

Her firm, like many others, expects the Fed to raise its target for overnight rates by another quarter-point on May 16 and again at the FOMC's June 27-28 session. That could be the last increase, Saporta said. But she added: "This forecast is based on our expectations for growth and inflation over the next few quarters and certainly is subject to changing economic and financial markets conditions."

Other analysts, with a somewhat different view of the economy's likely course, think the Fed may

not have to do quite that much.

For example, Mickey Levy, chief economist at Bank of America in New York, applauded what he called the Fed's "gradualist approach" of small incremental moves on rates, which gradually build up restraining pressures on growth. With five steps now taken, "there may be one more tightening before the rate of economic growth begins to moderate and the Fed moves to the sidelines," Levy said.

On the other hand, economist Chris Varvares of Macroeconomic Advisers, an economic consulting and forecasting firm in St. Louis, said that unless the stock market has a significant "correction," with prices falling about 13 percent, economic growth won't slow very much at all.

"If there is no stock market correction, our forecast has the funds rate moving above 7 percent early next year," Varvares said.

In addition to raising the target for the federal funds rate, the Federal Reserve Board separately increased the discount rate to 5.5 percent from 5.25 percent. The discount rate is the rate financial institutions pay when they borrow money directly from a Federal Reserve bank.

U.S. Judge Dismisses Suit That Sought To Keep Elian Gonzalez in the U.S.

By DAVID S. CLOUD

Staff Reporter of THE WALL STREET JOURNAL
WASHINGTON — A federal judge refused to block the return of Elian Gonzalez to Cuba, dealing another setback to the efforts of his Miami relatives to win asylum for the boy.

U.S. District Judge K. Michael Moore dismissed a lawsuit filed in January by Elian's Miami relatives seeking a political asylum hearing, and he upheld a decision by U.S. immigration officials that the boy be sent home. The judge ruled the attorney general has "discretion" about whether to grant asylum and to decide who speaks for a minor in immigration proceedings.

Attorney General Janet Reno decided in January to comply with a request from the boy's father in Cuba to return Elian to his custody.

"A well-intended lawsuit filed on behalf of and for the benefit of Elian Gonzalez ran headlong into an equally well-intentioned attorney general . . . determined to see that a father's wishes to be reunited with his six-year-old son be given primacy in law and fact," Judge Moore wrote in the 50-page decision.

The case has become politically charged, particularly among Miami's many Cuban exiles. U.S. politicians critical of Fidel Castro's Cuba have rallied behind the relatives' efforts to keep Elian in the U.S., after his mother and 10 others who had fled Cuba drowned when their boat capsized in late November. U.S. officials said yesterday they were hoping to make arrangements with the family to have the boy returned to Cuba promptly.

Lawyers representing the boy's U.S. relatives, who have custody of him, said they were considering an appeal. "What this case has been about is whether this six-year-old boy should have a day in court," Attorney Kendall Coffey said. "That day has not taken place yet." The appeal would focus on a provision of U.S. asylum law that says any alien has a right to apply for asylum, Mr. Coffey said, adding, "Any alien also means Elian Gonzalez."

U.S. officials insist they have no reason to challenge the claim of Elian's father to speak on the boy's behalf. Ms. Reno, a former Miami state prosecutor who has overseen the matter personally, said, "It is time for this little boy, who has been through so much, to move on with his life at his father's side." She added, "I have every confidence that the community will accept the court's decision."

Immigration and Naturalization Service officials interviewed Mr. Gonzalez in Cuba and found "no objective basis for overriding the father's wishes for his son."

Ms. Reno said in deciding the matter in January. She added, "Elian is too young to make legal decisions for himself." The agency found no reason to believe his father was being compelled by fear of retribution from the Cuban government to ask for the boy's return.

Mindful of the political clout of Miami's Cuban-American community, both leading presidential candidates made statements expressing sympathy for keeping the boy in the U.S. That put Vice President Al Gore, the likely Democratic Party presidential nominee, at odds with the Justice Department.

"We still need a full and fair court hearing based on due process in a court of law," he said. "The father is not free to speak his true mind. What is his true feeling? We know what the mother's true feeling was. She lost her life trying to get freedom for her son."

Republican George W. Bush issued a statement calling on Ms. Reno "to reconsider her plans to send Elian back to Cuba." He said the boy's father and family should be allowed to come to America to freely express their will. He also said Elian's custody "should be decided by a Florida family court."

About a dozen people protesting the judge's decision had gathered by late morning outside the home of Lazaro Gonzalez, the boy's great uncle, in Miami's Little Havana neighborhood, where Elian has been staying.

Dollar Strengthens on Interest-Rate Rise; Pound Rallies on Strong U.K. Forecast

FOREIGN EXCHANGE

By JENNIFER BARRETT
Dow Jones Newswires

NEW YORK—The dollar surged against most major currencies after a boost in U.S. interest rates, even though the rise had been widely expected.

The U.S. currency posted intraday highs against the euro, yen and Swiss franc after the Federal Reserve announced it would raise rates by 0.25 percentage point. In late afternoon New York trading, the dollar was at 106.82 yen after setting an intraday high of 107.20 yen following the Fed decision. That is up from 106.45 yen late Monday.

The euro dropped nearly a cent during the New York session, buying just 96.42 U.S. cents late in the day—a sharp drop from 97.29 cents late Monday. The dollar was quoted at 1.6720 Swiss francs, down slightly from its intraday high of 1.6722 Swiss francs but up from 1.6564 Swiss francs late Monday.

Sterling was the only currency to stand up to the dollar, though it had retraced about a half-cent worth of gains from a midday rally by the time the Fed made the midafternoon announcement. The pound was quoted at \$1.5730, up from \$1.5690 the previous day. It climbed as high as \$1.5772 earlier in the day.

The pound largely dictated market movements ahead of the Fed's decision, after news of higher-than-expected retail prices and upward revisions of United

Kingdom growth forecasts prompted renewed speculation of near-term rate increases by the Bank of England.

Chancellor of the Exchequer Gordon Brown announced the revised growth forecast during his presentation of the 2000-2001 U.K. budget, which included income and capital-gains tax cuts and a projected budget surplus of £17 billion.

The pound strengthened against nearly all major currencies during the unveiling of the U.K. budget, but posted its largest gains against the euro and the yen.

The euro dropped a half-cent in a matter of minutes after euro/sterling sales set off a massive euro selloff, triggering stop-losses at about 96.80 cents. That sent the common European currency tumbling to 96.39 cents—nearly a cent below its opening level.

Traders largely ignored any news that didn't have a direct implication for near-term interest rates. The release of a record January U.S. trade-deficit figure, coupled with the largest trade surplus ever for Canada, barely registered in the global-currency markets.

Analysts say news that the U.S. international trade deficit widened to a record \$28 billion in January may have benefited the dollar as the expanding trade gap might prompt the Fed to raise interest rates even more to damp demand for imports.

Even as the Fed announced its decision, many were predicting another 0.25-percentage-point increase when the committee meets May 16.

Canada's record trade surplus of 4.53 billion Canadian dollars for January was due largely to a 4% jump in exports—most of them bound for the U.S. But the country's currency barely budged after the figures were released.

The Canadian dollar climbed only after an erroneous report of a Bank of Canada

rate boost filtered through the market. Though the report proved false, the BOC is widely expected to match the U.S. Fed's move when it meets this morning.

The BOC's recent mirroring of U.S. Fed tightening prompted renewed interest in the currency even before Canada's central bank takes action. Analysts say the Canadian dollar has rallied an average of 0.6% in intraday trading after the Fed's last four rate increases.

Still, traders warn the gains may be short-lived, with many foreseeing more seesawing in a market still wary of placing too much faith in the Canadian currency's longer-term prospects.

The dollar was buying C\$1.4703, compared with C\$1.4696 late Monday, after slipping to an intraday low of C\$1.4661 just before the Fed announcement.

Tobacco youth ban is toppled

Court: FDA can't regulate nicotine

By Richard Willing
USA TODAY

A1

WASHINGTON — The Supreme Court shattered the cornerstone of President Clinton's campaign to stop teenage smoking, ruling Tuesday that the federal Food and Drug Administration does not have the power to regulate tobacco.

The 5-4 decision is good news for a tobacco industry still beset by lawsuits filed by state and local governments and by former smokers.

The court's majority found that the FDA overreached in 1996 when it decided that nicotine in tobacco was a drug the agency was entitled to regulate. The FDA then proposed rules aimed at stopping tobacco sales to people under 18.

Justice Sandra Day O'Connor, writing for the majority, sounded almost apologetic, noting that tobacco use among the young "poses perhaps the single most significant threat to public health." But, she wrote, "An... administrative agency's power to regulate must always be grounded in a valid grant of authority from Congress."

For the FDA to regulate tobacco, Congress would have to pass legislation granting such authority, an unlikely event in an election year.

In dissent, Justice Stephen Breyer said existing laws were enough to empower the FDA.

Joining O'Connor in the majority were Chief Justice William Rehnquist and Justices Antonin Scalia, Anthony Kennedy and Clarence Thomas. With Breyer in dissent were Justices John Paul Stevens, David Souter and Ruth Bader Ginsburg.

The ruling's immediate effect will be the scrapping of federal penalties on retailers that sell tobacco to people under 18 and of a requirement that retailers check the photo IDs of any buyers who look younger than 27. All 50 states, though, already ban tobacco sales to minors.

Business advocates said the ruling would block what they consider the Clinton administration's long-range goal of banning cigarettes. "FDA's proposal may have been clothed in the language of protecting children, but its real target was adults," said Sam Kazman of the Competitive Enterprise Institute in Washington.

► Prospects in Congress, 6A

Diabetes drug taken off shelf

Rezulin called too risky

By Rita Rubin
USA TODAY

A1

The maker of Rezulin pulled the controversial diabetes drug off the market Tuesday after a review of safety data showed that the drug was more toxic to the liver than similar medications.

"Continued use of Rezulin now poses an unacceptable risk to patients," Janet Woodcock, director of the Food and Drug Administration's Center for Drug Evaluation and Research, said in a statement.

Five hundred thousand Americans are taking Rezulin, and nearly 2 million have tried it, said Peter Corr, president for research and development at Warner Lambert/Parke-Davis, maker of the drug.

The FDA, which requested Tuesday's action, said patients who are on the drug should ask their doctors about alternatives.

The pill is used to treat Type 2 diabetes, which affects 90% to 95% of the estimated 16 million diabetics in the USA. It is still on the market in Japan, Australia and several South American countries. Two similar drugs, Avandia and Actos, are available in the USA.

"We were shocked and surprised by the (FDA's) action," Corr said. "We still believe that the benefits of Rezulin do outweigh the risks."

Sidney Wolfe, director of Public Citizen, a patient advocacy group based in Washington, D.C., said the FDA has received reports of 60 deaths linked to the drug but many more have occurred.

Wolfe's group petitioned the FDA in July 1998 to ban Rezulin because of liver problems.

Judge refuses to block Elian's return

By Deborah Sharp
USA TODAY

A1

MIAMI — Calling Elian Gonzalez a "profile of survival and courage," a federal judge Tuesday dismissed a lawsuit by relatives who seek to keep him in the USA.

The family filed a notice of appeal, and its attorneys noted that similar legal rights would not be available in Cuba: "The fight to get Elian Gonzalez his day in court will continue," said Kendall Coffey, a former U.S. attorney now on the boy's legal team. Attorney General Janet Reno wants a prompt reunification for the boy and his father, Juan Miguel Gonzalez. But authorities say they will not remove the child until appeals are considered, perhaps within weeks.

"It has been four months since Elian was separated from his father and lost his mother," Reno said. "It is time for this little boy, who has been through so much, to move on with his life at his father's side."

The family's attorneys wanted Elian to be granted a political asylum hearing. But U.S. District Judge Mic Moore said matters of asylum fall under the authority of the attorney general and the agency under her command, the Immigration and Naturalization Service.

The INS ruled in January that the youngster should go home. The order has been on hold during the legal fight.

Elian was found clinging to an inner tube off Florida Nov. 25 after a capsizing killed his mother and 10 others.

USA TODAY

WEDNESDAY, MARCH 22, 2000

FINALS SPORTS



BRACKET BUSTERS

Eighth-seeded Wisconsin's defense has taken a 'bubble team' to the Sweet 16.

NCAA, 5 pages in Sports

WEDNESDAY MARCH 22, 2000

NEWSLINE

A QUICK READ ON THE NEWS

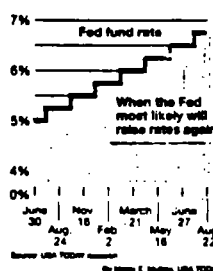
WALL STREET: Dow Jones Industrial average jumps 227.10 points to 10,907.34; Nasdaq index soars 101.68 points to 4711.68; 30-year Treasury bond yield falls to 5.97, 1.48.

► **USA TODAY Internet 100** rises 7.44 points to 193.37. 4B.

► **Japan's Nikkei** is up 131 points, 0.7%, to 19,734 at 1 a.m. ET; yen is 106.90 per dollar. Hong Kong's Hang Seng is up 262, 1.3%, to 17,462.

Fed raises interest rates

Federal Reserve policymakers raised interest rates again Tuesday, 18. Here's what they've done to one key short-term rate since last June and the dates of upcoming meetings, when rates might rise further.



GUNMAN KILLED: In Baltimore, suspected killer Joseph Palczynski is shot dead by police; his three hostages are freed, ending a four-day standoff. 6A.

WATERCRAFT BAN: National Park Service is banning controversial personal watercraft from more than a dozen parks; local officials will decide at 21 others. 13A.

GOLDEN DOLLAR: The new coin with image of famous American Indian Sacagawea could become more accessible to the masses with new Conquest coin-counting machine deal. 3B.

COMPUTER CRIMES: 70% of systems professionals report being victimized by serious computer crimes, especially on the Internet, survey shows. 8A.

TODAY'S DEBATE: Air safety. In USA TODAY's opinion, "higher masses mount again with FAA's broken promises." 28A.

► "Our main effort is focused on increasing the awareness of pilots, controllers and vehicle operators to avoid incursions," FAA's John Mayhew says. 28A.

MONEY: A cut cable cripples Northwest Airlines at Minnesota headquarters; 120 flights are canceled. 1B.

► Amtrak will accept US Airways tickets to accommodate the airline's passengers if it shuts down Saturday. 1B.

► Casino mergers might cut perks to high rollers. 3B.

SPORTS: Zippy Chippy, the Thoroughbred with 86 straight losses, is denied entrance in N.J. race. 1C.

► Golfer David Duval works out to be in top form. 3C.

LIFE: South Carolina's Coonle Maxwell Children's Home opens doors and hearts to orphans. 1D.

► New book sheds light on six bird species that are no more and the people who tried to stop their extinction. 8D.

Written by John O. Buckley

Coming Thursday

How hard is it for students to get to schoolwork done when they're so busy with travel, practices, meetings, news conferences and pure boogie?

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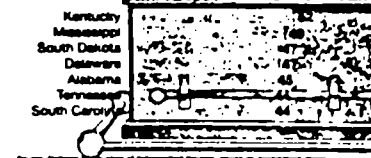
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USA SNAPSHOTS®

A look at statistics that shape the nation

Worst teen fatality rates

The average U.S. automobile fatality rate was 30 deaths per 100,000 for teenage drivers in 1998, compared with a rate of 13 for drivers age 20 and older. States with the highest teen driver fatality rates:

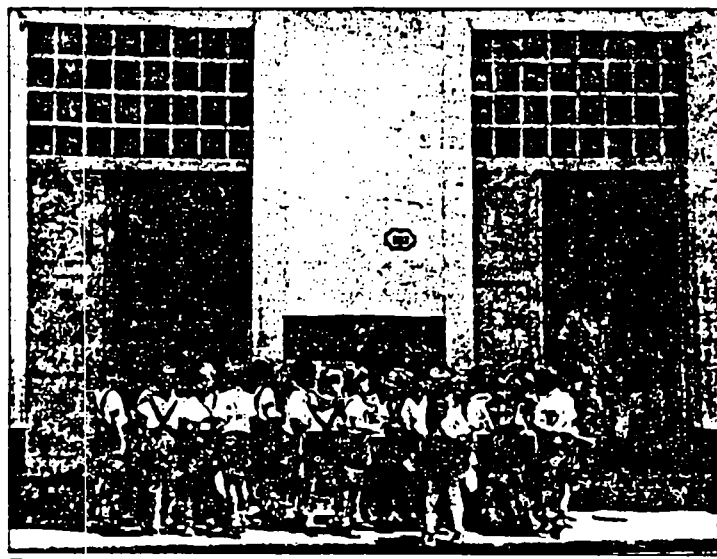


SLIMMER WINNERS

Experts track weight and height of Miss Americas through the years and reach this conclusion: The contest's ideal is an 'ideal of undernutrition.' 6D



Miss America 2000
Heather Renee French



There are so many Elians here: Schoolchildren gather on a street in Havana.

Growing up in Cuba

It's not easy, but 'we do our best for our children'

COVER STORY

By Deborah Sharp
USA TODAY

HAVANA — When 6-year-old Roberto plays with his pals at Carlos Aguirre Park, there are no Rollerblades, no Game Boys, no Pokemon cards.

The youngsters scramble in the dust, dodging a dart made of three sticks and a rubber band, stuck end-to-end. A pigeon feather provides the arrowhead. Roberto's aim is keen.

Long after any American counterparts would have abandoned such a low-tech game, the other boys finally end Roberto's dart-throwing reign.

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Among Cuban exiles in Miami and conservative U.S. politicians, there has been much rhetoric on Cuba's hardships and what a terrible life young Elian Gonzalez will have if the boy is returned to Fidel Castro's repressive regime. In fact, freedom of speech remains an alien concept here, and the nation is so economically strapped that

even milk is considered a luxury for anyone over the age of 6, when government rations for milk stop. Family life is just as difficult here as are all other aspects of survival.

But on this Havana playground, where parents line the fences to keep a watchful eye, the children appear happy and well-loved. Some here say economic difficulties have drawn traditionally tight-knit Cuban families even closer. And many parents here deeply resent the idea that a life of plenty in the USA would be preferable to a Cuban life for Elian. The young father was rescued Nov. 25 off

Florida after a boat capsized and his mother and 10 others were killed. Elian's Cuban father, Juan Miguel Gonzalez, is battling the boy's Miami relatives for custody.

"There are so many Elians here, just like my son. He's a happy child of Cuba," Julio Garcia says. His 5-year-old is among the youngsters laughing and racing after Roberto at the Havana playground on a recent Sunday afternoon.

Please see COVER STORY next page ►

Judge refuses to block Elian's return

By Deborah Sharp
USA TODAY

MIAMI — Calling Elian Gonzalez a "profile of survival and courage," a federal judge Tuesday dismissed a lawsuit by relatives who seek to keep him in the USA.

The family filed a motion of appeal, and its attorneys said that similar legal rights would not be available in Cuba. "The fight for Elian Gonzalez has day in court will continue," said Kendall Coffey, a former U.S. attorney now on the boy's legal team. Attorney General Janet Reno wants a prompt reunion for the boy and his father, Juan Miguel Gonzalez. But authorities say they "not remove the child until appeals are considered, perhaps within weeks."

"It has been four months since Elian was separated from his father and lost his mother," Reno said. "It is time for this little boy, who has been through so much, to move on with his life at his father's side."

The family's attorneys wanted Elian to be granted a political asylum hearing. But U.S. District Judge Michael Moore said matters of asylum fall under the authority of the attorney general and the agency under her command, the Immigration and Naturalization Service.

The INS ruled in January that the youngster should go home. The order has been on hold during the legal fight.

Elian was found clinging to an inner tube off Florida Nov. 25 after a capsizing killed his mother and 10 others.

► Dammy in Miami, caution in Havana, 3A

Alzheimer's tidal wave feared

By Steve Steinberg
USA TODAY

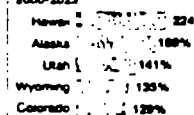
Within the next 25 years, thousands of aging baby boomers will begin to develop Alzheimer's disease, and 14 million will die of the incurable brain disease, an analysis released Tuesday says.

By 2025 California will lead the nation with 127,302 cases of Alzheimer's disease, followed by Florida with 712,812, Texas with 532,851, New York with 431,851, and Pennsylvania with 349,612, according to the analysis of Census data by the Alzheimer's Association.

Alzheimer's results from the abnormal buildup of protein in brain cells. About 25% of people develop Alzheimer's by age 75 and the percentage rises with age. By 85 almost half of all people get the disease. The disease is often fatal.

"This disease is a thief that steals into the brain and robs its victims of so much of what is precious about life," Maureen Reagan, daughter of

5 Highest expected increases in Alzheimer's patients, 2000-2025



Source: Census Bureau

former president Ronald Reagan, told the Senate Appropriations subcommittee on health Tuesday.

She said her father, who has Alzheimer's, is "doing very well, but the disease is just awful. It gets worse every day." Reagan spoke on behalf of the Alzheimer's Association, which released the analysis to persuade Congress to set aside an additional \$100 million to combat the disease.

Otherwise, researchers say, the medical system will be caught with out treatments or money. "They will

trash Medicare and Medicaid," said Steven DeKosky, the association's chief medical adviser.

DeKosky told the committee that the only way to avoid the inevitable tidal wave of cases among baby boomers is to find a way to delay, prevent or cure the disease.

"And as we start to bring on board medicines that slow the progression of disease, we'll have more people with the disease alive at one time than any time in history."

Advances in basic research, such as an experimental vaccine that appears to reduce nerve cell damage, could prove beneficial, but only if research is completed before the epidemic takes off.

"Large-scale trials are expensive. \$15 million to \$20 million each, and they take at least five years to get results," DeKosky said. "We have to start multiple clinical trials right now. Otherwise, we'll wind up in the middle of 2020 with no answers."

► 50-state forecast, 20A

Tobacco youth ban is toppled

Court: FDA can't regulate nicotine

By Richard Willing
USA TODAY

WASHINGTON — The Supreme Court shattered the cornerstone of President Clinton's campaign to stop teenage smoking, ruling Tuesday that the federal Food and Drug Administration does not have the power to regulate tobacco.

The 5-4 decision is good news for a tobacco industry still beset by lawsuits filed by state and local governments and by former smokers.

The court's majority found that the FDA overreached in 1996 when it decided that nicotine is tobacco was a drug the agency was entitled to regulate. The FDA then proposed rules aimed at stopping tobacco sales to people under 18.

Justice Sandra Day O'Connor, writing for the majority, sounded almost apologetic, noting that tobacco use among the young "poses perhaps the single most significant threat to public health." But, she wrote, "An administrative agency's power to regulate must always be grounded in a valid grant of authority from Congress."

For the FDA to regulate tobacco, Congress would have to pass legislation granting such authority, an unlikely event in an election year.

In dissent, Justice Stephen Breyer said existing laws were enough to empower the FDA.

Justice O'Connor in the majority were Chief Justice William Rehnquist and Justices Scalia, Anthony Kennedy and Clarence Thomas. Breyer in dissent were Justices John Paul Stevens, David Souter and Ruth Bader Ginsburg.

The ruling's immediate effect will be the scrapping of federal penalties on retailers that sell tobacco to people under 18 and of a requirement that retailers check the photo IDs of any buyers who look younger than 27. All 50 states, though, already ban tobacco sales to minors.

Business advocates said the ruling would block what they consider the Clinton administration's long-range goal of banning cigarettes. "FDA's proposal may have been clothed in the language of protecting children, but its real target was adults," said Sam Kazman of the Competitive Enterprise Institute in Washington.

► Prospects in Congress, 6A

Diabetes drug taken off shelf

Rezulin called too risky

By Rita Rubin
USA TODAY

The maker of Rezulin pulled the controversial diabetes drug off the market Tuesday after a review of safety data showed that the drug was more toxic to the liver than similar medications.

"Continued use of Rezulin now poses an unacceptable risk to patients," Janet Woodcock, director of the Food and Drug Administration's Center for Drug Evaluation and Research, said in a statement.

Five hundred thousand Americans are taking Rezulin, and nearly 2 million have tried it, said Peter Corr, president for research and development at Warner-Lambert/Parke-Davis, maker of the drug.

The FDA, which requested Tuesday's action, said patients who are on the drug should ask their doctors about alternatives.

The pill is used to treat Type 2 diabetes, which affects 80% to 95% of the estimated 16 million diabetics in the USA. It is still on the market in Japan, Australia and several South American countries. Two similar drugs, Avandia and Actos, are available in the USA.

"We were shocked and surprised by the (FDA's) action," Corr said. "We still believe that the benefits of Rezulin do outweigh the risks."

Sidney Wolfe, director of Public Citizen, a patient advocacy group based in Washington, D.C., said the FDA has received reports of liver damage to the drug but many more have occurred. Wolfe's group persuaded the FDA in July 1998 to ban Rezulin because of liver problems.

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Cubans see Elian's case as a kidnapping

They seek
boy's return
to his father

By Deborah Sharp
USA TODAY

HAVANA — The protests in Cuba over Elian Gonzalez often are dismissed by Miami exiles as government productions, staged by Fidel Castro for propaganda purposes.

The protests might be choreographed, but on the streets and in homes, Cubans say they are of one mind. They want Elian returned to the father who is battling an extended Miami family for custody.

"He must return. His family is here," says Carmen Rivero, 18, a college student who plans to be a doctor. "They've been trying to change his mind in Miami with toys and gifts. He may not get that in Cuba, but the most important thing is family love, and he doesn't have that there."

Tuesday, after a judge refused to block Elian's return to Cuba, the government warned people "not to fall into false optimism or excessive hope" because the battle to "achieve the return of the kidnapped boy" had not ended.

Cubans will not say aloud that Elian, 6, should stay in the USA, perhaps for fear of reprisals by the Castro government. When discussing the case, Cubans invariably refer to Elian's residency in Miami as a kidnapping.

Schoolchildren wear the boy's face on T-shirts. Signs picturing Elian confined by bars



Return our boy: A man and child cycling in Havana pause before a poster that demands Elian Gonzalez be returned to Cuba.

hang in store windows.

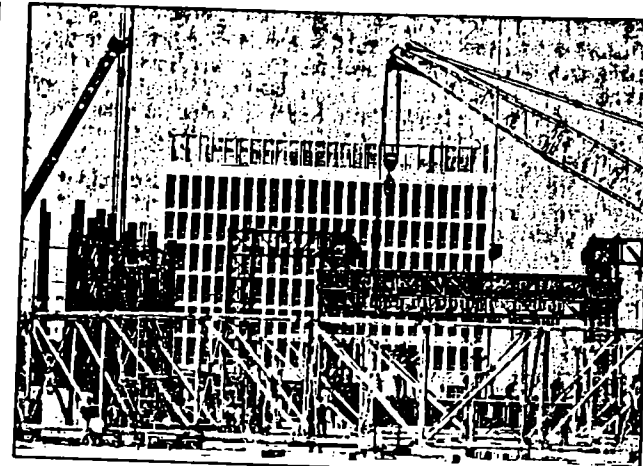
Long after U.S. reporters have moved on to other stories, Cuban radio and TV reports feature the case daily.

An editorial cartoon shows the boy crying, "Papa, Help Me!" as a hooked arm in red, white and blue rips him from his roots.

Protests are common in front of the U.S. Interests Section, along Havana's seaside av-

enue, the Malecon. Cuban authorities are building an outdoor auditorium for speeches and marches in the shadow of the building, which serves as the U.S. embassy.

"I cannot understand why Elian is still there. They must send him back," says Julio Garcia, 60, a worker in Cuba's sugar cane ministry. "What has happened in your country to the law?"



Protest site: Cuban authorities are building an auditorium for speeches and marches in Havana, near the U.S. Interests Section.

Excerpt from decision

An excerpt from the opinion of U.S. District Judge K. Michael Moore in the case of *Elian Gonzalez vs. Janet Reno*: "A well-intended lawsuit filed on behalf of and for the benefit of Elian Gonzalez ran headlong into an equally well-intended attorney general, sworn to uphold the letter and spirit of the immigration law, and determined to see that a father's wishes to be reunited with his 6-year-old son be given primacy in law and fact.

"At age 6, Elian's recorded past is a profile of survival and courage in the face of adversity and the loss of his mother at sea. His future will undoubtedly unfold in due time, and it will surely remain a matter of interest to those who oppose his father's wishes.

"Even this well-intended litigation has the capacity to bring about unintended harm. In light of the attorney general's clearly articulated views on the matter of whether Elian Gonzalez should return home, as well as the reality that each passing day is another day lost between Juan Gonzalez and his son, the court can only hope that those on each side of this litigation place the interests of Elian Gonzalez above all others."

The court document can be found at www.netside.net/usdcfils/publications/elian.pdf

Changes in Taiwan might bring more trade opportunities

By Paul Wiseman
USA TODAY

TAIPEI, Taiwan — Taiwan doesn't exactly look like an investment haven these days.

Protesters are fighting with police in the streets of the capital. China has been threatening to attack. And the incoming government has no experience running an economy.

However, opportunities for U.S. companies could emerge from the tension and tumult rising out of Taiwan's historic presidential election Saturday.

"There are greater risks, but there are also greater opportunities," says Robert Broadfoot, managing director of Hong Kong-based Political & Economic Risk Consulting. "Foreign companies must recognize that the status quo has changed."

Taiwan's voters ended a half-century of rule by the Kuomintang (KMT) party and elected as president Chen Shui-bian of the opposition Democratic Progressive Party (DPP). Chen and the DPP have called in the past for Taiwan to declare independence — a move that China would consider an act of war. Before the election, Chinese leaders warned that a victory by Chen could cause military conflict.

Stocks in Taiwan tumbled Monday, the first trading day after the election, on fears China would follow through on its threats. Adding to the chaos: Angry Kuomintang supporters have held demonstrations in the streets of Taipei to demand that outgoing President Lee Teng-hui resign immediately as KMT chairman to take responsibility for the humiliating electoral defeat.

David Hoffman, a consultant with PricewaterhouseCoopers in Taipei, says the turmoil could cause jittery investors to demand higher interest rates before they agree to finance projects in Taiwan.

Taiwan is a big market for U.S. companies: It bought \$18.2 billion worth of U.S. exports last year, making it the USA's seventh-largest market. U.S. companies have invested more than \$9 billion in Taiwan's economy, more than any other country. U.S. companies rely on Taiwan for computer chips and other manufactured components.

By Tuesday, investors and businesses were rethinking the situation,

and Taiwan's stock market rebounded 5.5%. The outlook for business in Taiwan might not be as risky as the developments seemed to suggest, and might even improve:

► Tensions with China appear to be easing. Since the election, Chen has gone out of his way to say that he won't declare independence and that he wants negotiations with the mainland. Tuesday, the DPP said it would consider dropping the provocative plank of its platform that calls for Taiwan's independence.

Chinese President Jiang Zemin spurned Chen's offer to visit Beijing. But mainland reaction to Chen's win has been measured. China has left open the possibility of negotiations in the future.

Lee had a rocky relationship with the Communist regime in China, and the island still managed to remain one of Asia's most risk-free countries, Hoffman says.

► Taiwan seems intent on forging closer economic ties with the mainland. The legislature passed a bill Tuesday that allows people and goods to travel directly between the mainland and islands that Taiwan controls in the Taiwan Strait.

Taiwan had banned direct travel to China in the past — a huge obstacle for Taiwan-based companies, including foreign-owned firms that wanted to do business there. To move people and goods between Taiwan and China, they had to go through a third location, such as Hong Kong. Chen has said he wants to move toward lifting the travel ban entirely.

"The time savings are a critical factor," says Desmond Wong, spokesman for Texas Instruments, which has regional headquarters and a factory in Taiwan and a plant in China.

Chen plans to attack corruption and favoritism in Taiwan's economic policies — moves that could give foreign companies more opportunities in Taiwan. In addition to controlling the government, the ruling KMT also runs a huge business empire. Not surprisingly, it favored KMT-owned companies when it awarded contracts and issued regulations.

Chen has promised reforms that will create equal opportunities for all companies. He could have trouble pushing reforms through the KMT-controlled legislature. But the current divisions in the KMT might give him an opportunity to strike quickly.

Growing up in Cuba

By Deborah Sharp
USA TODAY

AI

HAVANA — When 6-year-old Roberto plays with his pals at Carlos Aguirre Park, there are no Rollerblades, no GameBoys, no Pokemon cards.

The youngsters scramble in the dust, dodging a dart made of three plastic drinking straws stuck end-to-end. A pigeon feather provides the aerodynamics. Roberto's aim is keen.

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even milk is considered a luxury for anyone over the age of 6, when government rations for milk stop. Family life is just as difficult here as are all other aspects of survival.

But on this Havana playground, where parents line the fences to keep a watchful eye, the children appear happy and well-loved. Some here say economic difficulties have drawn traditionally tight-knit Cuban families even closer. And many parents here deeply resent the idea that a life of plenty in the USA would be preferable to a Cuban life for Elian. The young rafter was rescued Nov. 25 off

Florida after a boat capsized and his mother and 10 others were killed. Elian's Cuban father, Juan Miguel Gonzalez, is battling the boy's Miami relatives for custody.

"There are so many Elians here, just like my son. He's a happy child of Cuba," Julio Garcia says. His 5-year-old is among the youngsters laughing and racing after Roberto at the Havana playground on a recent Sunday afternoon.

"It's true we have many economic problems. But we do our best for our children."

If Elian returns to Cuba, he probably will receive a hero's welcome and the best the country has to offer. He already was sheltered somewhat because of his father's tourism earnings as a guard at an amusement park. "There are hardships in Cuba, but this child won't be exposed to the worst of them," says Max Castro, a professor at the University of Miami. "He'll have a special status and privileges from that."

At the park, where bench seats are missing slats and fountains have no water, scenes of parents cuddling children are common. As elsewhere on the city's streets, whining and temper tantrums seem virtually nonexistent. On one block, a father strolls alone with a toddler on his shoulders, plucking a purple flower from a tree to tickle the girl's cheek. On another, families hold hands and chat at a park on a street corner, stoically enduring an hours-long line to buy ice cream.

The Cubans have a saying when asked how life is on this island, where Fidel Castro took power in a revolution 41 years ago and has not loosened his grip since.

"No es facil," they say. It's not easy. And that's an understatement.

Shortages just about everywhere

The U.S. embargo against trade with the island has made it difficult and expensive for Cuba to import goods. Shortages exist for everything from food to soap to light bulbs. After the collapse of the Soviet Union, Cuba's once-wealthy patron, Castro in 1993 started allowing U.S. dollars back into the cash-strapped country.

It's not easy,
but 'we do
our best for our children'

COVER STORY

The presence of dollars — all tourists must spend nothing but U.S. money, and Cuban-Americans send about \$800 million a year to families on the island — has created a dual economy and sparked social inequities. Those with dollars can live relatively well compared with those who must survive on pesos — 20 of which equal \$1. Cuban doctors earn only a fraction in pesos of what cab drivers can earn from dollar tips. As a result, many doctors and other professionals are leaving their jobs to work in the tourist industry, where they get paid in U.S. dollars.

A cabbie can easily earn \$10 U.S. in tips a day; a doctor's salary in Cuban pesos equals about \$25 a month.

Even Cuban families with dollars face countrywide scarcities. Free health care and education were two pillars of Castro's revolution, but shortages in both systems have become severe. Students, especially at higher levels, make do without computers or even books. Surgical patients must supply their own sheets and soap in many Cuban hospitals.

The Cuban education system, free to students at all levels, has long been viewed as a model in Latin America. The government in the last five years managed to double the amount spent annually on education, to \$2.5 billion. There are many prestigious, but not necessarily high-paying, jobs for Cubans who go to college.

In fact, Cuba compares favorably with the USA in the proportion of its citizens who are scientists and technicians. In Cuba, the number is 2.7 per 1,000 residents; in the USA, it's 3.6. College-educated Cubans can become doctors, lawyers and engineers. But the government asserts a strong influence in what career is chosen. And once that path is taken, it's difficult to shop for a better position.

Cheap living

The government subsidizes everything from day care to housing. Utilities cost literally pennies a month: 3 pesos for water, 15 pesos for electricity. But power outages are frequent, and water in many homes runs only at certain hours of the day.

The government-supplied food rations, which are meant to provide 30% of nutritional needs, are meager per person: each month, a dozen eggs, 5 pounds of sugar, 6 pounds of rice and a pound each of coffee and beans. Each family is entitled to beef or chicken twice a month. Children and adults with health problems receive more food, and a black market for produce thrives. But

penalties are severe for operating outside the system. The illegal sale of beef can bring 15 years in prison.

A 35-year-old American expatriate who doesn't want to be identified because he has lived since 1994 in Cuba in violation of the U.S. embargo says he stays because he still believes in the goals of the revolution. He points to a country with greater

racial equality and less violence than in the USA. He says he's confident about the grade-school education his 3-year-old son will receive.

But the boy wheezes from bronchitis, and medicine to ease his symptoms is hard to come by, even with the dollars his grandparents send from the USA. Though Cuba's primary-school education receives high marks, shortages become more pressing in higher grades as students require more sophisticated and costly learning aids.

The American, who is married to a Cuban woman, acknowledges that such difficulties could send him back to the USA as his son grows older.

"A very popular word in Cuba is 'resolver,'" he says. "It means you find a way to take care of the problem. That's what it's all about here: making do."

Housing in the city ranges from spacious, U.S.-style apartments to dozens of families sharing Havana's once-grand villas. The villas were homes to the wealthy who fled the revolution. Most now have peeling paint, crumbling roofs and dangerously exposed wiring. Bed space is shared, and privacy so rare that the Cubans have coined a term for the kind of intimacy that couples manage when no one is looking: vertical love.

Few families here can imagine the ex-

cess — toys, jewelry, clothing and a trip to Disney World — that Elian Gonzalez has experienced since his rescue last year. The young rafter quickly learned keys words of the American language like Nike and Nintendo.

In a country where consumerism is just beginning to surface, criticism of such extravagance is common. "I don't think material things can buy happiness," Margarita Sosa, a retired teacher and grandmother of two, says. "My children were not children with many toys, but they were happy. They had what they needed: a parent who was here to answer their questions and to talk."

"When I look at them, I'm proud of that."

The pain of families separated by exile is something that most Americans will never know. Sosa's oldest son fled Cuba six years ago, jumping on a Miami-bound boat just blocks from the family's waterfront apartment in Havana's Vedado neighborhood. She hasn't seen him since, though they do talk by telephone.

Throughout Havana, signs exhort Cuban families to remember the goals of the revolution, to stay strong, to continue to fight for a better life for all. "No one should lose hope," the signs say. But so many have. The desire to leave Cuba remains intense: About 500,000 Cubans ap-

ply annually for the 20,000 legal visas granted by the U.S. government. Thousands more leave illegally.

"How many goodbyes we've had to say," says Uva de Aragon, a college professor in Miami whose family is split between the two countries. "I always thought of how much I miss Cuba. I never thought of how much Cuba misses us."

USA TODAY

WEDNESDAY, MARCH 22, 2000

Clinton, Vajpayee condemn Kashmir killings

By Susan Page
USA TODAY

NEW DELHI, India — Meeting just hours after a massacre of civilians in Kashmir, President Clinton and Indian Prime Minister Atal Bihari Vajpayee failed Tuesday to make any breakthrough in controlling the nuclear weapons that have raised new fears about old tensions in the region.

Vajpayee denounced the killing of 40 Sikh villagers in the disputed Himalayan province as "a premeditated act of barbarism" and warned, "We have the means and the will to eliminate this menace."

"The violence must end," Clinton said at a brief news conference outside the ceremonial Hyderabad House. He called for "restraint" and "renewed lines of communication" between India and Pakistan.

Clinton formally opened the first presidential visit to India in a generation with promises that the once-chilly relations between the world's oldest democracy and the world's largest democracy would become warmer and wider.

The leaders signed a "vision statement" pledging closer economic ties and more regular summit meetings. India agreed to remove barriers and slash duties on some U.S. imports, while the United States announced it would guarantee up to \$1 billion in loans through the Export-Import Bank for small and mid-size Indian



U.S.-India talks: Clinton returns a toast to Indian President K.R. Narayanan, left, and Prime Minister Atal Bihari Vajpayee, second from left, at a state dinner.
By J. Scott Applewhite, AP

companies to buy U.S. products.

But administration officials who briefed reporters afterward were unable to cite any substantive change on the security issues that dominated the day's talks: India's stance toward its bitter enemy, Pakistan, and its commitment to maintain what Vajpayee called "a minimum nuclear deterrent" in the region.

This morning, in an address to the Indian parliament, Clinton was to urge the Indian government to provide leadership on nuclear proliferation concerns by signing the Comprehensive Test Ban Treaty and

agreeing to tighter controls on exports of nuclear technology.

The president travels to Islamabad, Pakistan, on Saturday for similarly difficult talks with Gen. Pervez Musharraf, who seized power in a bloodless coup last October. Pakistan tested its own nuclear weapons in 1998 just days after India had done so, making South Asia what Clinton has called "perhaps the most dangerous place in the world today."

At a state dinner Tuesday in New Delhi, Indian President K.R. Narayanan used unusually blunt language in what amounted to a rebuke of Clin-

ton. "It has been suggested that the Indian subcontinent is the most dangerous place in the world today, and Kashmir is a nuclear flash point," Narayanan said. "These alarmist descriptions will only encourage those who want to break the peace and indulge in terrorism and violence."

The difficulty of the issues in the region and the limited prospects for progress left U.S. officials straining to explain what, precisely, had been achieved during Tuesday's talks in New Delhi.

Clinton himself offered only a conditional assessment of the results. "I felt today that there was a possibility that we could reach more common ground," he said in discussing nuclear issues.

Vajpayee reiterated commitments not to conduct additional nuclear tests, engage in a nuclear arms race or be the first to use nuclear arms against another country.

Though the prime minister said dismissively that "there is no threat of war," he used language that made peace sound distant. "There is a deliberate design to foment trouble; to encourage killing, mass murders; to sabotage any attempt to bring about normalcy in this part of the world," he said.

During the day, Clinton and daughter Chelsea placed a white chrysanthemum wreath and scattered red rose petals at the memorial to pacifist Mohandas Gandhi, the father of Indian independence.

Federal judge refuses to block Elian's return to Cuban father

Reno lauds ruling; relatives to appeal

By Tom Carter
THE WASHINGTON TIMES

A federal judge yesterday refused to block efforts to return 6-year-old Elian Gonzalez to Cuba, saying the U.S. attorney general has the sole authority to decide asylum and immigration matters.

In a 50-page ruling, U.S. District Judge K. Michael Moore dismissed a lawsuit filed by Elian's great-uncle, Lazaro Gonzalez, who wants to keep the boy in the United States. The father, Juan Miguel Gonzalez, a tourism worker from Cardenas, Cuba, has insisted the child be returned to his homeland.

"Determination to grant asylum is a matter within the discretion of the attorney general," wrote Judge Moore, who was appointed by President Bush in 1992. The ruling came 12 days after he held a hearing on the case.

Cuban exiles in Miami expressed anger at the ruling, saying U.S. officials were bowing to threats from Cuban President Fidel Castro.

"This we see once again as a human sacrifice to the Clinton administration's policy toward Castro," said Jose Basulto, leader of the Miami-based Brothers to the Rescue exile group.

He said the communist leader had blackmailed the United States by threatening to unleash a refugee exodus.

Attorneys for the family said they would appeal the ruling, focusing on a provision of U.S. asylum law that says any alien has a right to apply for asylum.

Justice Department spokeswoman Carole Florman said officials would "begin an orderly process to reunite Elian and his father."

She refused to say whether the department had a target date for returning the boy. But Justice Department officials have made clear that they want to avoid any steps that would traumatize the child or provoke a confrontation with Miami's large Cuban exile community.

Elian, who has been in the United States for four months, was

in school yesterday.

Attorney General Janet Reno praised Judge Moore's ruling, saying the Justice Department was "pleased that the court has sustained our judgment that Elian should be reunited with his father."

It is "time for this little boy, who has been through so very much, to move on with life at his father's side," she said.

Miss Reno said she understood "the very strong emotions that have surrounded this case from the very beginning, but I have every confidence that the community will accept the court's decision and will support the process that reunites Elian with his father."

Spencer Eig, Lazaro Gonzalez's attorney, complained that the ruling was based on legal technicalities rather than the merits of the request for asylum.

"Elian has not had his day in court," said Mr. Eig. "But today's ruling gives us some hope that after we complete the entire legal process including appeals and reconsiderations, he just may."

Mr. Eig said he intends to present new information to the judge about why a 6-year-old boy should be allowed to apply for asylum. If that failed, he said he would take the case to the 11th Circuit Court of Appeals in Atlanta.

Elian was plucked from the ocean on Nov. 25, after his mother, stepfather and eight others drowned when their boat capsized during an attempted crossing to Florida. He has become the subject of a tug-of-war between Miami Cubans, who consider the boy a symbol of freedom from Castro's rule, and Castro loyalists, who see him as symbol in their struggle against the United States.

In Havana, the Cuban government cautiously welcomed yesterday's ruling.

"We must analyze with serenity and calm the apparently positive news, without underestimating the obstacles and difficulties we still need to overcome," a government statement said.

The statement added that the "encouraging aspects" of the de-



Photo by Astrid Recken/The Washington Times

The federal judge ruled that the decision on Elian Gonzalez is up to Attorney General Janet Reno.

cision "should not make us fall into false optimism or excessive illusions."

Ordinary Cubans reacted with joy.

"That's magnificent news," food delivery worker Toni Drei said in Havana after being told of the Miami court's ruling by a foreign reporter. "Now we want Elian back in Cuba."

Republican lawmakers in Washington said they were saddened by the decision.

"I am disappointed in the federal court's decision and the attorney general's judgment in denying a political asylum hearing to a boy who survived the seas in an escape of an oppressive regime," said Florida Sen. Connie Mack.

Likely Republican presidential nominee George W. Bush issued a written statement saying it would not be clear what Elian's father really wanted until he was allowed to come to the United States and express his will freely.

"I urge Attorney General Janet Reno to reconsider her plans to send Elian back to Cuba, back to the place his mother died trying to escape," Mr. Bush said.

• This story is based in part on wire service reports.

Ruling bolsters tobacco industry

By Julie Hyman
THE WASHINGTON TIMES

The tobacco industry avoided what had the potential to be its most serious threat yet when the Supreme Court ruled yesterday that the federal government could not regulate tobacco as a drug, sending cigarette makers' stocks soaring immediately after the announcement.

But tobacco companies' stock prices settled back down in the afternoon, amid still-present fears that the industry will be hurt by an individual lawsuit in California and a class-action suit in Florida.

Analysts said if the Supreme Court had allowed the Food and Drug Administration to regulate tobacco, the agency could have reduced or even banned nicotine in cigarettes, crippling the industry. The court decided, 5-4, that the FDA does not have oversight over tobacco.

"It was the more dangerous of the operative issues surrounding the tobacco industry," said Roy Burry, a tobacco analyst with Brown Brothers Harriman in New York.

He called the FDA's attempt to regulate tobacco products — initially made in 1996 — a "backdoor way the Clinton administration was trying to ban cigarettes."

Mr. Burry said the tobacco companies' \$206 billion settlement made with 46 states in 1998 did not harm the industry, because makers just charged more for their products.

Ann Gurkin, an analyst with Davenport & Co. in Richmond, said the Supreme Court's pending ruling had been hanging over the tobacco companies — but the decision wasn't a surprise.

"You never know [for sure] until the court rules," she said.

"The market is now focusing on the Florida class-action suit," Mr. Burry said. A jury is expected to decide on a multibillion-dollar punitive damage package in the next few weeks, after it found in July that the nation's five largest tobacco companies make a deadly and defective product.

That suit — and a California ju-

ry's decision Monday to award \$1.7 million to a woman with lung cancer she attributed to smoking — sent tobacco stocks back down yesterday after their early rise.

Philip Morris Cos. Inc. shares were the most actively traded yesterday, reaching a high of \$22.13 and a low of \$19 on the New York Stock Exchange. The stock closed at \$20.31, up 38 cents. R.J. Reynolds Tobacco Co., the second-largest tobacco company, saw its stock bounce from a low of \$15.94 to \$17.75 before coming to rest at \$17.06 at the NYSE's close — up 56 cents on the day.

"The concern in the marketplace right now is that the industry will be forced to post some kind of bond in the hundreds of billions of dollars" in punitive damages in the Florida suit, said Bonnie Herzog, a tobacco analyst with Credit Suisse First Boston.

She said that poses a bigger threat than regulation by the FDA.

Tobacco company spokesmen said their businesses are willing to talk with Congress or federal agencies about regulation.

"Our position was not about opposing regulation. It was about opposing inappropriate regulation that could have led to prohibition," said Brendan McCormick, spokesman for Philip Morris USA of New York.

In 1996, the FDA said it had the authority to regulate tobacco sales under the Food, Drug and Cosmetic Act of 1938.

Yesterday's ruling will not substantively change the way tobacco companies do business, though the FDA has begun to institute regulations regarding sales and marketing of cigarettes to children. That's because under the state settlements with the companies, the tobacco industry agreed to restrict its marketing campaigns, especially those targeted at children. The FDA rules, which are now moot, did not go much beyond those imposed by states, said Tommy Payne, an R.J. Reynolds spokesman.

Judge Backs Elián's Return to Cuba and His Father

By RICK BRAGG

A MIAMI, March 21 — The effort by the Miami relatives of 6-year-old Elián González to prevent his return to his father in Cuba was dealt a setback today when a federal judge dismissed a lawsuit requesting a political asylum hearing for the boy, concluding that a long, bitter legal battle was not in Elián's best interest.

Judge K. Michael Moore of United States District Court here ruled today that only Attorney General Janet Reno could grant Elián asylum. In Washington today, Ms. Reno said that she would not grant the child asylum and that he should be returned promptly to his father, Juan Miguel González, in Cuba.

"We're going to do everything that should be done after proper consultation to insure that the child is reunited with his father in an orderly, fair and prompt way," Ms. Reno said at a news conference today. "It is time for this little boy to move on with life at his father's side."

Lawyers for the boy's Miami relatives said late today that they had already filed an appeal with the United States Court of Appeals for the 11th Circuit. They also requested that the court delay the boy's return pending the outcome of any appeal.

The boy was found floating off the Florida coast on Thanksgiving, the sole survivor of an effort to reach the United States in which his mother perished.

Lawyers for Elián's Miami relatives refused to acknowledge defeat today. "We are confident," said Kendall Coffey, a lawyer for the family.

But experts on child custody and immigration who have followed this international custody battle said the lawyers were just trying to put a brave face on what appeared to be a sound defeat.

Michael Ray, an immigration lawyer in Miami, said the 11th Circuit, in Atlanta, is much more likely than other courts to uphold the government's position in a case like Elián's. "They've got a tough row to hoe," Mr. Ray of the lawyers for the Miami relatives. "The 11th Circuit is not the most liberal when it comes to ruling against the government."

"This is terminal," said David Abraham, a professor of immigration law at the University of Miami. He said the ruling cut through a sideshow of international politics that had obfuscated what should have been a simple custody case.

Judge Moore, who did not rule from the bench but posted his decision on the Internet, affirmed the government's assertion that Elián's father, not Elián himself, must speak for the child's legal rights.

A 6-year-old is too young to understand the legal questions in such a case, the judge said. While he concluded that the relatives' lawsuit was well intended, he wrote, "Each passing day is another day lost between Juan González and his son."

Meanwhile, the appeal filed by lawyers for Elián's Miami relatives argues that immigration laws do not exclude children from asking for asylum.

If they have to, they will take Elián's case to the Supreme Court, the lawyers said.

"Elián has not yet had his day in court," said Spencer Eig, one of eight lawyers representing Lazaro González, the boy's great uncle and temporary guardian.

Mr. Eig and other lawyers said they were still hopeful that Elián could somehow win an asylum hearing, saying that immigration laws allow any "alien" to apply for asylum, even children. "Any alien means Elián," Mr. Coffey said.

But to exclude the father as the boy's legal representative, the judge ruled, would have required proof that he abused the child. There

was no such proof, the judge ruled.

The boy's father, who had said he did not trust "corrupt" American courts, could not be reached for comment, but the Cuban government issued a cautious statement: "We must analyze with serenity and calm the apparently positive news, without underestimating the obstacles and difficulties still necessary to overcome in order to achieve the kidnapped boy's return to Cuba." In Miami, where about 40 people demonstrated peacefully outside Lazaro González's house in Little Havana, it was a momentous but oddly quiet day in an emotional saga.

At a news conference outside the federal courthouse in downtown Miami, Marisleys Gonzalez, Elián's cousin, said: "I'm overwhelmed.

I have faith, and I will keep my faith."

Fishermen found Elián floating on an inner tube off the coast of Fort Lauderdale after his mother, Elizabet Brotons, and 10 others were killed when their boat capsized. Elián quickly became a symbol of freedom in Miami's Cuban-American community and the prize in a tug of war between Fidel Castro, the Cuban president, and anti-Castro groups here.

The boy's face began appearing on T-shirts and posters in the United States and on billboards in Cuba. People marched on both sides of the Florida Straits, while in the United States politicians took sides and held news conferences.

In January, in a decision approved by Ms. Reno and endorsed by President Clinton, the Immigration and Naturalization Service ordered that Elián be returned to his father, even though Mr. González had refused to travel to Miami to ask for his son's return in court. Elián's relatives here countered with the lawsuit demanding an asylum hearing as Cuban-Americans marched through the streets, clogging traffic and shouting their displeasure.

But today, even though the news was perhaps even worse for them, Cuban-American leaders said they planned no demonstrations and would await the final legal outcome.

"We respect the judge's decision," said Luis Felipe Rojas, press secretary for Movimiento Democracia, which had organized previous demonstrations. Mr. Rojas said those demonstrations had been organized to demand that Elián's case be heard by the courts.

Many Miamians, including some Cuban-Americans, said the January demonstrations damaged the sophisticated, cosmopolitan image to which Miami aspired.

And business owners worried that television images of the demonstrations -- including one in which a frustrated motorist drove his car through a line of hand-holding protesters -- could damage the city's tourist trade.

In what could only be described as a strange distraction today, a rooster crowed from a tree outside the federal courthouse in downtown Miami as reporters, photographers and television news crews gathered for the noon news conference.

In Miami, it is not unusual for relatives of people on trial to sacrifice a chicken or other animal outside the courthouses in a Santeria or other religious ceremony, for luck. The rooster, some people here said, may have somehow escaped such a sacrifice.

Nearby, a handful of disappointed Cuban-Americans said the judge had erred.

"They have no respect for Elián's rights," said Jorge Gonzalez, who pitched a tent outside the Miami-Dade County Courthouse in January and went on a hunger strike with two other men to protest the immigration service's decision to send Elián home.

Only in Miami, said Mr. Abraham, would such a simple case become so murky and yet so spectacular.

Judge Moore's ruling, Mr. Abraham said, "brings us back to the core of the case -- that a 6-year-old is spoken for by the surviving parent, unless that parent is incompetent."

END

Giuliani Asserts Mrs. Clinton Projects Her View on Shooting

Al
By ELISABETH BUMILLER and ADAM NAGOURNEY
Mayor Rudolph W. Giuliani said yesterday that Hillary Rodham Clinton, who has accused the mayor of racially polarizing New York City, was projecting her own feelings onto him. The mayor's assertion came as the police shooting death of Patrick Dorismond reverberated through City Hall and the State Legislature and into the United States Senate campaign.

"There's a process called projection in psychology," Mr. Giuliani said at a City Hall news briefing. "It means accusing someone of what you're doing. That is precisely what Mrs. Clinton is doing."

The mayor said that Mrs. Clinton's remarks criticizing him at the Bethel A.M.E. Church in Harlem on Monday night were "tantamount to a speech at a political convention" and that she was "reading from a script provided by Al Sharpton."

He added that he felt no responsibility to reach out to the black community because "the three officers were Hispanic" and "there's no indication that this had anything to do with race."

The mayor also angrily stepped up his attacks on Mr. Dorismond, the man killed during an altercation with the police on Thursday night, by further suggesting that Mr. Dorismond's previous behavior -- including a fight with his girlfriend this month -- may have been a factor in his death.

"How he died is ultimately the thing that matters," said Mr. Giuliani, who is running against Mrs. Clinton for the Senate and at times sounded like the prosecutor he once was. "Was he the cause of it, or was the police officer the cause of it? Did he lunge at the police officer? Did he start the altercation? Did he act in the way in which he acted on three or four other occasions? Was he acting similar to the way he acted on March 7, when he punched his girlfriend in the face, even though she had his 1-year-old in her arms?"

At one point in his news conference, Mr. Giuliani held up for the cameras the police complaint that Mr. Dorismond's girlfriend, Karen Sturkey, had filed against him on March 8. Ms. Sturkey contended that Mr. Dorismond had struck her head and cursed at her during an argument about their 1-year-old daughter, Destiny. The city's corporation counsel, Michael D. Hess, has said the police took no action in the case, which was closed. Last week, Ms. Sturkey, 22, said Mr. Dorismond "was a good father."

Mrs. Clinton responded yesterday to the mayor's remarks with scorn, declaring after a town hall meeting on Long Island that Mr. Giuliani had acted unethically in releasing Mr. Dorismond's juvenile arrest record, an action that has enraged Democrats and the Republican mayor's critics, who say the action was in fact illegal.

Mrs. Clinton also drew a distinction between her earlier statement about the "murder" of Amadou Diallo, the unarmed black man who was fatally shot by four undercover police officers last year in the Bronx, and the mayor's present behavior.

"I made a misstatement and I apologized," Mrs. Clinton said. "One of the differences between the mayor and me is that I actually admit that I'm a human being who occasionally makes mistakes."

Mrs. Clinton said Mr. Giuliani's actions were "part of a pattern of hunkering down, of getting angry, of lashing out, of dividing people."

"And to me," she said, "it represents the kind of leadership style that is not effective these days."

The exchange came as both candidates declared that the Senate race was not a factor in their very-high-profile statements over Mr. Dorismond's death in the last five days. But aides to both candidates were privately measuring the political fallout.

Mrs. Clinton's advisers said the incident underlined her continuing attempt to portray Mr. Giuliani as erratic, divisive and temperamentally unsuited for a collegial body like the Senate.

The mayor's political aides said they hoped that it would reinforce Mr. Giuliani's image as a strong law enforcer but acknowledged

that they could not control him and that his statements were not something that they had advised him to make.

Mr. Dorismond's death was also a focus yesterday in Albany, where the Assembly speaker, Sheldon Silver, called the mayor's actions "egregious" and "reprehensible" at a news conference with 40 other Assembly Democrats, most of them from New York City. Mr. Silver said that the mayor had violated state law by authorizing the release of Mr. Dorismond's juvenile record and that two Assembly committees, judiciary and codes, would begin an investigation into the matter.

Mr. Giuliani said at his news conference that releasing the court records was legal because Mr. Dorismond is dead. "Privacy interests and rights expire with you," he said, a statement that was supported later in the day at a hastily called news conference in a corridor of City Hall by Mr. Hess, Deputy Mayor Joseph J. Lhota; the first deputy police commissioner, Patrick E. Kelleher, and Steven M. Fishner, the mayor's criminal justice coordinator.

But Stephen Gillers, a law professor at New York University's Law School, called the statements of Mr. Giuliani and his aides "ridiculous" and said the Family Court Act, passed by the State Legislature in 1982, stated clearly that only a judge could decide if juvenile court records might be released. "It passed the law with no exception and the mayor has no power to create one for his own purposes," Mr. Gillers said.

Mr. Giuliani's aides held the news conference in response to Mr. Silver, who they said was acting to further the political interests of Mrs. Clinton.

Mr. Lhota, who is Mr. Giuliani's second in command and oversees the day-to-day operations of the city, rarely speaks out about politics, but yesterday he said Mr. Silver "wants to be the marionette of someone like the Rev. Al Sharpton."

By this time, Mr. Giuliani had left City Hall for a fund-raiser in Rhode Island for his Senate campaign.

Although the mayor's political opponents have furiously condemned him for what they say is his demonization of Mr. Dorismond, their voices seemed only to intensify his language yesterday.

At his news conference, Mr. Giuliani also assailed reporters for what he said was their "knee-jerk" predilection to blame the police and highlight the disciplinary record of Anthony Vasquez, the plainclothes detective who shot Mr. Dorismond.

The mayor said he was releasing the juvenile record of Mr. Dorismond to balance the other side. "Your capacity for creating a false picture is pretty impressive," Mr. Giuliani said. "And it is the responsibility of the mayor to try and give balance to that, and you resent the fact that I try to give balance to it."

Picking up the psychological theme that he had used with Mrs. Clinton, Mr. Giuliani said the press could not face the facts about Mr. Dorismond. "People rarely accept the things that are going on in their unconscious," he said. "You're not going to accept the fact that you block dealing with these facts."

In police shootings, Mr. Giuliani said, reporters leave out a substantial part of the story.

"Then people get very surprised, six months later, or a year later, when police officers get acquitted," Mr. Giuliani said. "They become very, very shocked: 'Oh my goodness! We didn't know about this fact! We didn't know about that fact! We didn't know about some other facts.'"

Mr. Giuliani's added that Mr. Dorismond's arrest history was relevant to the shooting. "That Mr. Dorismond spent a good deal of his adult life punching people is a fact," the mayor said.

END

The Race to Staff Summer Schools

Mayor Rudolph Giuliani and Harold Levy, the interim New York City schools chancellor, have not formally met to discuss policy in the two months Mr. Levy has been on the job. This may be due to the fact that Mr. Levy was appointed over Mr. Giuliani's objections, even though the chancellor seems to be the diligent manager the mayor said he needed. In any case, the chill between the two men has to end soon, if for no other reason than that plans for summer school for about 300,000 city schoolchildren are far behind schedule, and between the two of them they must find 17,000 teachers in short order if they wish to avert what could be an educational disaster.

The frostiness between the two emerged last week over Mr. Levy's proposal to give extra pay to certified teachers with a year's experience who signed up for jobs in the worst school districts. In addition, teachers in schools that showed some general improvements on test scores would get free airline tickets. The cash part of the plan is an extension of a policy that provides bonuses to the faculties of hard-to-staff schools during the regular school year. But City Hall objected at the last minute. The mayor said he preferred cash bonuses only and a formula that relied on performance comparisons among individual teachers. He has now unveiled his own plan, which calls for a multi-tiered bonus system, with higher bonuses for teachers who meet certain educational targets.

There is a shortage of qualified teachers. They will need a cash inducement to change their summer plans, and both plans offer such an incentive. But the mayor's plan is needlessly complex. It would involve putting into place a system of assessment that judges one teacher's performance against another based on a four-week summer session. The chancellor's plan uses a more traditional statistical comparison between one school and another. But what is important now is that the two sides quickly reconcile their differences so that the summer school effort does not fail.

END

Reuniting a Father and Son

In dismissing a lawsuit by relatives of Elián González who sought political asylum for the 6-year-old Cuban boy, Federal District Judge K. Michael Moore has essentially upheld the decision of Attorney General Janet Reno and the Immigration and Naturalization Service that the boy should be repatriated to Cuba to rejoin his father. Judge Moore's ruling should be read as affirming I.N.S. Commissioner Doris Meissner's declaration in January that Elián is too young to make legal decisions for himself and that his father has the sole legal authority to speak for him in immigration matters.

In seeking political asylum for Elián, his Miami relatives are asking the government to make a judgment about the best interests of a child that contradicts the expressed wish of his only surviving parent. A powerful tradition in American law has repeatedly asserted that parents, not the state, know what is in the best interests of a child.

Under United States law, the only basis for removing a child from his or her parents is demonstrated abuse, neglect or abandonment by a parent. To date no one has produced any evidence to suggest that Elián's divorced father, Juan Miguel González, is anything but a devoted father. I.N.S. officials interviewed Mr. González at length in Havana last December and were satisfied that he had maintained a close and involved relationship with his son.

It is now nearly four months since Elián was rescued at sea from the incident that killed his mother and several others. His Miami relatives have indicated they plan to appeal Judge Moore's decision. That is their right. But each passing day further postpones a long-overdue reunion between a father and his son. In light of the clearly articulated views of the attorney general and the Immigration Service that Elián should return home to Cuba, his relatives in Miami ought to prepare to comply with the law and let him go.

END

Setback on Smoking

Yesterday's Supreme Court ruling that the Food and Drug Administration has no authority to regulate tobacco will unquestionably stagger the administration's drive to halt the spread of nicotine addiction among young people. But it must not be allowed to end the nation's efforts to curb the leading cause of preventable death in the United States. Instead the court decision throws the burden back to Congress, where meaningful legislation to control tobacco use has been thwarted for years by the powerful tobacco lobby acting through legislators addicted to its campaign contributions.

The Supreme Court decided the issue by a narrow, 5-to-4 vote based on contrary readings of what authority had been granted to the F.D.A. by Congress. The majority opinion, written by Justice Sandra Day O'Connor and joined by the court's most conservative members, held that Congress had "clearly precluded" the F.D.A. from asserting jurisdiction over tobacco products. Congress did so, the majority concluded, by rejecting bills over the years that would have granted such jurisdiction and by instead enacting its own separate legislation dealing with tobacco and health. At the same time, the majority noted, the F.D.A. until a few years ago had consistently said it lacked the authority to regulate tobacco, and its governing statute does not seem to fit the case of tobacco.

The minority opinion, written by Justice Stephen Breyer and joined by the court's more liberal members, argued more convincingly, in our opinion, that recent evidence pried from tobacco company files brought tobacco products squarely within the literal definition of drugs and devices that the agency can regulate. The evidence showed that the companies clearly "intended" their cigarettes to deliver nicotine in doses that would "affect" the body, a proposition that had been difficult to prove before. That is one reason the F.D.A. moved to regulate the products in 1995-96.

This disappointing decision is best read as a rejection of expansive regulation rather than a repudiation of the anti-tobacco drive. Indeed, Justice O'Connor wrote that the F.D.A. "has amply demonstrated that tobacco use, particularly among children and adolescents, poses perhaps the single most significant threat to public health in the United States."

Yesterday's setback at the Supreme Court makes it all the more imperative that Congress rein in an industry whose products kill more than 400,000 Americans each year. Congress could do so either by granting the F.D.A. the powers it needs to regulate tobacco products, the approach that seems most promising, or by passing strong separate legislation of its own. This is an issue that deserves a high profile in the fall election campaigns, right beside the campaign finance reform that is desperately needed to break the chokehold of special interests like the tobacco lobby.

END

False Missile Deadline

With important technical problems still unresolved, the Pentagon has now postponed the next, crucial test of America's projected missile defense system for nearly two months, until late June. With time needed to analyze the results, that means President Clinton will be in no position to make an informed decision about whether to build the system before this fall at the earliest. The issue is too important to be decided in the heat of a presidential campaign and should be deferred until Mr. Clinton's successor takes office.

The administration is considering building a limited system of radars and interceptor rockets based in Alaska and aimed at countering future missile threats from North Korea, Iraq and Iran. Constructing such a system, which would require modifying or abandoning the 1972 Antiballistic Missile Treaty with Russia, could have weighty consequences for America's security and relations with other nuclear powers. Any decision to proceed should be based on a thorough testing program and careful diplomacy.

Even before the new testing delay, leading Republicans and Democrats were urging Mr. Clinton not to rush a decision. The initial summer deadline was set last year under strong Republican pressure for quick action. But the politics of the issue have changed. Senator Joseph Biden, senior Democrat on the Foreign Relations Committee, recently joined Republicans like Senator Chuck Hagel and former Secretary of State Henry Kissinger in urging that the decision be left to the next president. Gov. George W. Bush declared last December that he would not object to such a delay.

Moscow has so far responded coldly to American proposals for amending the ABM treaty to permit a limited defensive missile system. But bargaining may be possible after Sunday's Russian presidential elections. Washington needs to leave sufficient time for negotiating possible revisions, which would have to be ratified by Congress and Russia's Parliament. Building a missile defense against North Korea at the cost of a new nuclear arms race with Russia would make little sense.

There are also sound scientific reasons for delay. The main prototype system for intercepting enemy warheads failed one test and only partially passed another. That second test revealed problems affecting the interceptor's vital heat-sensing system, leading to the latest postponement. Missile threats from North Korea, and possibly Iran and Iraq, will need to be taken seriously during the next decade. But before Washington decides to build a system, it must be certain the weapon works. Mr. Clinton is not likely to know that during the remaining months of his presidency.

END

Arafat has said that unless there is a treaty by September, will issue a unilateral declaration of statehood. That could touch off a major crisis, because Israelis have said they would not accept such a move. Israel, Syria and the Palestinians agree that the U.S. president must be a party to any final agreement. Although any U.S. president would do, all sides agree that it will take Clinton's successor a while to get up to speed.

"It is absolutely essential that it be done on Clinton's watch, because a new president would have his hands full with other priorities," said Geoffrey Kemp, a former White House expert on the Middle East.

McCain Returns to Senate, Receives Senator Treatment **By Janet Hook** **Los Angeles Times**

WASHINGTON John McCain returned to the Senate floor Tuesday to give his first post-campaign speech, and his colleagues treated him like any other senator: No one showed up to listen.

But everywhere else, the Arizona senator whose presidential campaign transformed him into a national political figure was treated like a rock star.

The corridor outside his congressional office was thick with curious tourists, adoring aides and reporters. Inside the office, television camera crews jockeyed for position as McCain's tiny band of Senate supporters "The Four Horsemen," they call themselves

arrived for a morning meeting.

"Oh my goodness!" exclaimed Sen. Fred Thompson, R-Tenn., squinting into the glare of TV lights. "What if we'd won!"

Almost two weeks since he conceded the Republican presidential nomination to George W. Bush, McCain has returned to make the tough transition from national celebrity to workaday life on Capitol Hill.

"I'd much rather be on the Straight Talk Express," McCain acknowledged with a grin.

Although he had already spent a quiet day in his Senate office the day before, McCain staged his formal re-entry to Senate life Tuesday with a schedule packed with media events, GOP bonding and policy pronouncements.

McCain put out word to the media that he would be making his first speech on the Senate floor around 11:30 a.m. But typical McCain: He did not tell his colleagues.

He said he wanted to re-emerge without fanfare, his first remarks to be like any other Senate speech (which usually are given to an empty chamber). So when McCain strode onto the Senate floor, the only person there was Sen. Barbara Boxer, D-Calif., who was talking about gun control. She interrupted her speech to welcome McCain back then left him alone in the chamber.

Although McCain, in his concession speech to Bush, had promised to carry his reform agenda from the campaign trail back into the Senate, his maiden speech had a different focus: the continuing crisis in Kosovo. But he did close with some words about his cause celebre.

"I intend to do what I can, working with my congressional colleagues, Republicans and Democrats, to help bring about the changes to the practices and institutions of our democracy that they want and deserve," he said.

McCain's real welcome-back reception came at the Senate GOP's weekly lunch. His anticipated arrival created such a hubbub that the Capitol Police struggled to keep the crowds in cordoned-off areas so senators could get through the halls.

"I've got some straight talk," one cop snapped. "Get behind the ropes!"

Behind closed doors, Senate Majority Leader Trent Lott, R-Miss., welcomed McCain back to the club, and his colleagues rose for a standing ovation, senators at the meeting said.

McCain later returned to the Senate floor to join debate on an issue he long has championed: A bill to allow Social Security recipients to work for pay without losing benefits. Not surprisingly, his remarks touched upon many of the planks of his presidential platform.

Federal Judge Says 6-Year-Old Gonzalez Should Return to Cuba

By Mike Clary
Los Angeles Times

MIAMI Dismissing a "well intended" plea that Elian Gonzalez be granted an asylum hearing, a federal judge on Tuesday agreed with immigration officials who have ruled that the 6-year-old boy should be returned to his father in Cuba.

In a 50-page order, U.S. District Judge K. Michael Moore said that although he sympathized with the boy's Miami relatives, who have been battling to keep him here, he could find no legal basis to countermand a January decision by the U.S. Immigration and Naturalization Service.

That decision, affirmed by Attorney General Janet Reno and supported by President Clinton, found that only the boy's father in Cuba could speak for the child. And Juan Miguel Gonzalez says he wants the boy to come home.

In Washington, Reno lauded the ruling, saying, "It is time for this little boy, who has been through so very much, to get on with his life at his father's side."

Reno added that she hoped the reunification would take place in "an orderly, fair and prompt way." She did not indicate, however, that the government would do anything to repatriate the child before his Miami relatives have a chance to further appeal the decision.

In siding with the government's position, Moore wrote, "In the final analysis, a well-intended lawsuit filed on behalf of and for the benefit of Elian Gonzalez ran headlong into an equally well-intended attorney general, sworn to uphold the letter and spirit of the immigration law ..."

Expressing disappointment, attorneys representing the Miami relatives of Elian said they would likely appeal the ruling. At the same time the lawyers put a positive spin on what one called "two-thirds of the ruling," in which Moore in effect agreed that the court had jurisdiction over the case and that the Miami family had standing to bring a lawsuit.

"Elian has not had his day in court," said attorney Spencer Eig. "But today's ruling gives us some hope that after the entire process, including appeals, he just may."

The Justice Department has faced increasing criticism for failing to move more swiftly to enforce the INS' decision to return Elian to Cuba, rather than allowing the matter to linger in the courts. With the boy's Florida relatives now preparing to appeal Tuesday's decision, Reno declined to speculate on how the legal battle may play out.

Moore issued his ruling 12 days after hearing arguments from the Miami relatives' lawyers that Elian had a right to apply for political asylum, even as a 6-year-old. The government countered by saying that only his father could make such an application, and asked that the lawsuit be dismissed.

In backing the INS decision, Moore said that "when dealing with a child this young, the immigration law, like other areas of the law, looks to the wishes of the surviving parent."

The judge also echoed a wish voiced earlier by Reno that Elian's relatives, both here and in Cuba, settle the custody dispute among themselves. But that seems unlikely, as the split between the two factions has grown bitter.

Elian has been at the center of an international custody dispute since Nov. 25, when he was found adrift at sea in an inner tube. His mother and 10 others drowned in an attempt to enter the U.S. illegally aboard a small boat. The day after his rescue he was put into the temporary custody of his great uncle Lazaro Gonzalez.

"At age six, Elian's recorded past is a profile of survival and courage in the face of adversity and the loss of his mother at sea," Moore wrote, adding: "Even this well intended litigation has the capacity to bring about unintended harm."

"In light of the Attorney General's clearly articulated views on the matter of whether Elian Gonzalez should return home, as well as the reality that each passing day is another day lost between Juan Gonzalez and his son, the court can only hope that those on each side of this litigation place the interests of Elian Gonzalez above all others."

In Cuba, President Fidel Castro has made the boy's return a national cause, the focus of marches and rallies. In response to Moore's ruling, the Cuban government issued a statement, cautioning against "false optimism or excessive illusions" about what might happen next.

"We must analyze with serenity and calm the apparently positive news, without underestimating the obstacles and difficulties we still need to overcome in order to achieve the

kidnapped boy's return to Cuba," the statement read.

In Miami, feelings among many exiles that the child should remain here are equally fervent. Some in the Cuban community contend that life in Cuba is so bleak and oppressive that Elian's father should renounce his claim to the child.

Police Sharpshooters Kill Hostage Holder

By Stephen Braun
Los Angeles Times

DUNDALK, Md. A mercurial killer with a child's name who kept an entire urban police at bay was fatally shot Tuesday night by tactical officers east of Baltimore after two hostages slipped out from the row house where he had fallen asleep in the evening hours of a five-day siege.

Joseph "Joby" Palczynski, 31, was pronounced dead at the scene after he was shot by Baltimore County police sharpshooters who burst into the barricaded apartment through a downstairs window. Palczynski, who had been asleep on a couch in a family room, bolted up to defend himself but was fatally wounded before he could return fire, police said. A third hostage, a 12-year-old boy who had been asleep on the kitchen floor, was rescued unharmed, police said.

"Joseph Palczynski is dead," intoned Baltimore County police spokesman Bill Toohey. "He was shot by Baltimore County tactics officers shortly after 11 p.m."

Palczynski, an emotionally troubled electrician accused of four slayings since March 7, became a feared presence in this blue-collar community after he eluded police during a weeklong manhunt through the dense backwoods marshlands east of Baltimore. He surfaced in a violent flourish five days ago, taking the mother of his girlfriend and two others hostage and holding off scores of police until Tuesday night's brief fatal firefight.

The denouement to Palczynski's rampage through this riverside town near Baltimore's industrialized shipping terminal came quickly, police said. At 10:20 p.m., while an exhausted Palczynski lay sleeping, Lynn Whitehead, the mother of his ex-girlfriend, crawled out through an open window. Twenty minutes later, Toohey said, the woman's husband, Andy McCord, also slipped out and reached police.

At 11 p.m., concerned about the safety of McCord's son, Bradley who slept on inside the house, "police made a tactical entry through the window," Toohey said. "They broke through the window, encountered Mr. Palczynski in the family room and shot him."

Hostage dramas like the one that ended in Palczynski's death Tuesday often have their origins in the messy sort of domestic flare-ups that squall in a broken home. But the siege in Dundalk was preceded by a murderous, tangled affair—four killings and a manhunt that led through dense woods and storm drains, stretching from Baltimore to Virginia, then back—that police insist is ample justification for the agonizing duration of their wait.

"Let's not lose sight that this man killed four people," Toohey said. "He's unpredictable, and he's violent."

Dozens of neighbors in a 16-block area whose lives have been disrupted by the standoff were not in a forgiving mood. Many were furious at police for failing to protect the hostages from obvious threats. They were equally incredulous at public safety officials' failure to keep Palczynski, an electrician with a long history of mental illness and institutionalization, off the streets.

"It boggles the mind that a boy this sick is able to move around at will with hundreds of police looking for him," said Monica Roppel, 55, who lives not far from Bird River, in the tangled marshlands where Palczynski reportedly sought refuge for a week before the hostage drama began.

On Tuesday, as a frigid rain swept down, Roppel watched from the medical supply store where she works while police cruisers filed up the winding streets leading to the row house where Palczynski and his hostages waited. Since police cordoned off the streets she has had nothing to do but stare at deserted houses.

"All we get are cops, reporters and sightseers," she sighed. In recent days, when the sun was out, it "looked like a carnival," she said. Retirees with video cameras poked through back streets. Residents ran the gauntlet of police lines, desperate for groceries and a few minutes of freedom. The rain kept the sightseers away Tuesday, but "I still don't have no business, hon," she lamented.

A few blocks away, Robert and Michelle Haffler kept watching from their windows and listening on two-way radios. Some residents bought the devices last year in anticipation of trouble associated with the new millennium. The radios have paid off. Haffler and a dozen neighbors who stayed put during the standoff used the devices to warn one another when they saw police movements and heard gunshots. Haffler, a worker at a nearby spice factory, threaded through the neighborhood at night, eluding police to buy "smokes and milk" at stores outside what police call the "kill zone."

More than 60 Baltimore County officers were on constant guard around the neighborhood, augmented by squads of detectives and sharpshooters and by tactical units on loan from Baltimore and the FBI. Despite their presence on nearly every corner, "if you know where you're going," Haffler said, laughing, "you can get by these guys."

But Haffler had another concern when he scurried out. He lives just 100 yards from the apartment that confined Palczynski well within range of the suspect's guns. Three days ago, Palczynski grew irritated when police aimed high-intensity lamps at him. He shot out several of the lights. When an armored car drew too close, the fugitive shot out its heavy rubber tires.

On Monday afternoon, the Hafflers heard another shot this time inside the house. Toohey said earlier Tuesday that police believed the shot wounded one of the hostages. But late Tuesday night Toohey indicated that all three hostages emerged unscathed from their ordeal.

Not taking chances, police sent all three off for medical evaluation.

Gates, Mexico's Slim Launch Latin American Web Portal **By James F. Smith** **Los Angeles Times**

MEXICO CITY The world's richest man and Latin America's wealthiest entrepreneur combined their formidable resources Tuesday to launch a Web portal targeting the exploding Latin American market, where the number of Internet users is expected to double within three years.

Microsoft Chairman Bill Gates and Mexico's Carlos Slim Helu formally launched TIMSN, the Latin American version of Microsoft's MSN portal in the United States. The T1 portal for Mexico <http://www.t1msn.com> went online Tuesday, and versions for other Latin American countries will debut later this year.

The launch of TIMSN raises the stakes in the battle for the Internet market in Latin America. The new portal will compete with more established regional players such as Yahoo en Espanol, Terra Networks and Latin Web leader StarMedia. At least two more formidable competitors, America Online Latin America and media heavyweight Grupo Televisa, are planning to launch Internet networks in Mexico this year.

Slim's dominance of telecommunications in Mexico may give TIMSN the clout that MSN lacks in the United States, where its 2 million subscribers leave it a distant second to AOL's 22 million subscribers.

Speaking with reporters in Mexico City through a video link from a conference in Miami, Gates and Slim said that local content providers in each Latin country would provide TIMSN with entertainment, news, chats, free e-mail and other services in Spanish.

The portal gives Slim another key link in a high-tech chain that embraces telephony, computer sales and Internet dial-up service for Latin Americans and the U.S. Latino community.

Slim, estimated by Forbes Magazine to be worth \$8 billion, controls Telefonos de Mexico, the privatized national phone company known as Telmex, and has stakes in Prodigy, CompUSA and other businesses. His family-run companies also control retailers such as Sears' Mexico operations and the Grupo Sanborns chain, both well-placed to exploit online sales opportunities.

Gates and Slim declined to disclose investment figures for the project, but industry estimates have pegged the new venture at \$100 million. Gerardo Villareal, the new president of TIMSN, said a major edge for the new Microsoft-Telmex portal comes from the 5 million Latin American users of Hotmail, Microsoft's free e-mail service. All of that traffic will be linked directly to T1, creating a huge instant market. In addition, Villareal noted, all of Telmex-Prodigy's 1-million-plus subscribers in Mexico will be automatically switched over to T1.

scattered on rivers throughout India.

After a wreath was laid atop the memorial, Clinton and his daughter Chelsea took a handful of rose petals from a basket and scattered them on top of the memorial, a polished black slab of granite inscribed with Gandhi's last words, "Hey Ram," Hindi for "Oh God."

Clinton and Vajpayee announced what the two leaders called an "architecture" for a new dialogue between their countries.

For example, the two heads of state will hold regular summits, and their secretaries of state will meet annually.

"I think with President Clinton's visit and our meeting today, we have laid a firm foundation for the future," Vajpayee said.

That foundation may be largely economic. A high percentage of Silicon Valley startups are run by Indian-Americans, and they have begun forging links with India's own high-tech industry.

"India and America should be better friends and stronger partners," Clinton said. "We have neglected this relationship for more than two decades. It is too important to ever fall into disrepair again."

Through the Cold War, Pakistan was America's ally and India was regarded with unease, and Clinton's trip is in essence formalizing U.S. policy's current tilt in the other direction.

After a leisurely week in India, Clinton will fly in and out of Pakistan in one day, making the stop as fast and perfunctory as U.S. officials can manage. Yet the new dialogue announced Tuesday falls short of the joint commissions the United States has established with such new friends as Russia, Kazakhstan and Ukraine, all with Vice President Al Gore as co-chairman.

That may be because Clinton could not commit the next administration in this way. As the pomp and ceremony played out, about 2,000 people gathered a few miles away for a protest march, despite an official ban on demonstrations in New Delhi this week. Roughly 250 were arrested, most released within three hours.

The protesters, led by members of four left-wing Indian parties, had intended to march toward the U.S. Information Service building in the heart of the city. Their placards bore such slogans as, "Clinton Go Back" and "Say No to Filthy Imperialist Culture."

But the one issue that could truly impede U.S.-Indian relations is nuclear weapons. Clinton very much wants India to halt its nuclear program, while India insists it is necessary to protect itself from Pakistan. Clinton and Vajpayee did not avoid the issue.

"At a time when most nations, including the United States and Russia, are moving away from nuclear weapons, the world needs India to lead in the same direction," Clinton said.

He urged India to sign the Comprehensive Test Ban Treaty, though his position was clearly weakened because the U.S. Senate has itself not ratified the pact.

Vajpayee, for his part, said that "I've explained to President Clinton the reasons that compel us to maintain a minimum nuclear deterrent."

Some Indian officials seemed to believe they had outmaneuvered the United States on the issue, because Clinton is proceeding with warmer relations even though the Indian position is unchanged. When India conducted nuclear tests in 1998, the U.S. postponed Clinton's trip and imposed economic sanctions.

But Clinton said he believes the two countries' positions are converging. India has promised to eliminate nuclear tests, refrain from an arms race and avoid first use of a nuclear weapon.

"These are contentious issues, but I'm actually quite optimistic about our ability to make progress on them," Clinton said. "I believe we will wind up in a common position."

The slaughter of the Sikhs in Kashmir added an immediate, bloody note to the diplomatic dance.

Ever since largely Hindu India and Muslim Pakistan won independence from Britain in 1947, Kashmir—a mostly Muslim province of India—has been disputed. Massacres are not infrequent in Kashmir, but Monday's slaughter was unusually large, and few believed the timing was a coincidence.

It was also the first mass killing of Sikhs, a distinct religious group.

Indian officials asserted that the massacre was carried out by two Pakistani-backed groups. Eight to 15 uniformed gunmen herded villagers out of their homes, survivors said. Then they separated out the men and gunned them down, the Indian government added.

Vajpayee portrayed the attack as part of the jihad, or

Islamic holy war, that Pakistan has declared in Kashmir. But Pakistan vehemently denied involvement, complaining that the event was being used by India for "anti-Pakistani propaganda" and uncharacteristically calling for an independent inquiry.

Clinton, however, urged that the episode not be a catalyst for more bloodshed. "The violence must end," Clinton said. "This should be a time for restraint."

Judge refuses to order political asylum hearing for Elian Gonzalez

**By Laurie Goering
Chicago Tribune**

MIAMI A federal judge Tuesday refused to order a political asylum hearing for Elian Gonzalez, removing one of the last legal barriers to sending the 6-year-old boy home to Cuba.

In a 50-page ruling, U.S. District Judge Michael Moore said that only Atty. Gen. Janet Reno has the discretion to grant asylum and that her decision to deny a hearing for the shipwrecked boy, in accord with his father Juan Miguel Gonzalez's wishes, was legally correct.

He characterized the asylum request by Elian's Miami relatives as "well-intended" but noted that "even well-intentioned legislation has the capacity to bring about unintended harm" and urged both parties to now "place the interests of Elian Gonzalez above all others."

"Each passing day is another day lost between Juan Gonzalez and his son," the judge wrote.

Lawyers for the Miami relatives, however, indicated they will push forward with an appeal of the ruling, which must be filed within 30 days. Lawyers can ask Moore for a stay of his own ruling something considered unlikely or seek a stay before the 11th U.S. Circuit Court of Appeals in Atlanta.

If that were granted, the appellate court would then hold its own hearing.

"This fight will continue," said Kendall Coffey, an attorney for the family. "We will move expeditiously to seek to overturn" the dismissal.

Under the law, Reno has had the power to send the boy home at any time, but has promised his Miami relatives that she would first allow federal courts to consider the case. Now that Moore has ruled, the key question is whether Reno will act immediately to deport Elian or delay to allow time for appeals.

Her comments Tuesday did not make that clear, though she re-emphasized her long-stated desire to end the case quickly.

"We are going to do everything that should be done, with proper consultation, to ensure the child is reunified with his father in an orderly, fair and prompt way," Reno said told reporters after the judge's ruling.

"It is time for this little boy, who has been through so very much, to move on with life at his father's side," she said. "I understand the very strong emotions that have surrounded this case from the very beginning but I have every confidence that the (Miami) community will accept the court's decision and support the process that reunites Elian with his father."

The reaction to the ruling by Miami's disappointed Cuban-American community was surprisingly muted Tuesday, with no large protests at the child's Little Havana home. The community, and the family's lawyers, appeared to be thinking over their strategy.

The two sides may well find themselves in what Bruce Boyer, supervising attorney for the Children and Family Justice Center at Northwestern University's Law School, calls a "game of chicken."

If the family delays filing an appeal in a bid for time, Reno could issue an order for the child's deportation. But if the family quickly appeals, Reno may be forced to decide whether her promise to allow a court hearing extends to appeals.

"The ball is really in her court now," Boyer said. "She has invited delays before, and if she says she will wait until all federal appeals are exhausted, that would be years."

In Havana, Cuba's government reacted with tempered pleasure. "We must analyze with serenity and calm the apparently positive news, without underestimating the obstacles and difficulties we still need to overcome in order to achieve the kidnapped boy's return to Cuba," a government statement said.

The decision "should not make us fall into false optimism or excessive illusions," the statement warned.

State Department sends team to Libya to assess safety conditions for Americans

By John Diamond
Chicago Tribune

WASHINGTON In the first sign of a thaw in U.S.-Libyan relations, the State Department dispatched a four-member team to Tripoli to determine whether the "terrorist state" is now safe for Americans to visit.

The Clinton administration billed its move as strictly preliminary. But the language used by administration officials described Libya as moving sharply away from its past as a suspected state sponsor of terrorism.

The mission to Libya comes six weeks before the trial in the Netherlands of two Libyan suspects in the 1988 bombing of Pan Am Flight 103 over Lockerbie, Scotland, killing all 259 persons on board and 11 on the ground.

"The purpose of this visit is to assess safety conditions for American citizens in Libya," State Department spokesman James Rubin said Tuesday. "This consular visit is unrelated to the trial of the suspects of the bombing of Pan Am Flight 103."

However, it appears that one of Washington's longtime "rogue state" enemies may be about to drop off the list.

The State Department has banned the use of U.S. passports for travel to Libya since 1981, when the two countries broke off diplomatic relations. The State Department has renewed that ban each year since, most recently in November when Secretary of State Madeleine Albright made the determination that the hold on U.S. travel to Libya remain in effect.

A senior State Department official who briefed reporters Tuesday said Albright renewed the ban because State Department officials had not had a chance to assess the situation in Libya.

Now, with the sudden surge in oil prices, there has been a marked increase in interest in Libya among U.S. oil companies hoping to return to one of the Mideast's main oil-producing nations. They have been barred under unilateral U.S. sanctions imposed on Libya in 1986 amid concern that Libya was welcoming international terrorists and participating in terrorist actions that targeted Americans.

In pushing for an opening with Libya, the Clinton administration may also be responding to pressure from Capitol Hill, truck drivers and motorists for government to do something about rising gasoline prices.

The State Department official acknowledged that U.S. oil companies have expressed interest in returning to Libya and that there has already been a rush of business interests from Europe returning there, especially after Britain last year re-established diplomatic ties. According to figures from the late 1990s, Libya ranked seventh among the 11 OPEC countries in both petroleum exports and proven crude oil reserves.

However, the official said the assessment trip had nothing to do with business interests but with the needs of "the traveling public." The official could point to no sudden surge of interest in travel to Libya and could provide no estimate of the number of Americans living in Libya today.

The decision to send the four-member team to Libya on Wednesday for a whirlwind, 26-hour safety inspection tour of the Tripoli airport, tourist hotels and other sites likely to be frequented by Americans came despite a plea from families of the Pan Am 103 bombing who asked that any policy shift wait until after the trial.

"It's absolutely appalling, but I'm not surprised," said Susan Cohen of Cape May Court House, N.J. Cohen lost her 20-year-old daughter, Theodora, in the downing of Flight 103. She accuses the Clinton administration of bending under the pressure of U.S. oil companies seeking to get back into business in Libya.

However, the senior State Department official credited the regime of Moammar Gadhafi "with ending its support for terrorism. ... There are positive indications." These include:

Since last spring, Libya has expelled the Abu Nidal organization and all its members living in Libya. Abu Nidal is considered one of the most sophisticated and dangerous international terrorist organizations.

Libya has imposed new restrictions preventing suspected terrorists from entering a country that was once a haven for Islamist organizations seeking desert training posts for their paramilitary activities.

Libya shifted its support from Palestinian opposition groups who oppose peace progress with Israel in favor of the

Palestinian Authority and Chairman Yassir Arafat.

Last year, Libya surrendered the two suspects in the Pan Am bombing. Libya has acknowledged no direct involvement in the bombing, and that question may become part of the trial, which will be held before a Scottish court on Dutch territory.

Massacre, rebuke sidetracks mending of U.S.-Indian relations By Naftali Bendavid and Uli Schmetszer Chicago Tribune

NEW DELHI, India The proclamation by President Clinton and Indian Prime Minister A. B. Vajpayee of a new era of U.S.-Indian friendship was sidetracked Tuesday by a massacre of Sikhs, a rebuke of Clinton by the Indian president and continued disagreement on nuclear weapons.

The pomp and ceremony of the first visit by a U.S. president to India in 22 years was somewhat overshadowed by the slaughter of more than 30 Sikhs in the disputed province of Kashmir, which is currently divided between India and Pakistan.

A visibly angry Vajpayee left little doubt that he blamed Pakistan for the killings and delivered an ominous warning, placing Clinton in a delicate position when he visits Pakistan later this week.

"There is a deliberate design to foment trouble, to encourage killing, mass murders, to sabotage any attempt to bring about normalcy in this part of the world," Vajpayee said of Pakistan. "This policy is not going to pay, and I hope this question will be discussed by the president in Islamabad."

Describing the killing as a "premeditated act of barbarism" and the violence in Kashmir as "ethnic cleansing," Vajpayee added, "We have the means and the will to eliminate this menace."

Pakistan denied responsibility for the massacre, and it is unclear what its military government would gain from such an act at a time when it is trying to gain U.S. respect.

Some of the anti-Indian guerrillas in Kashmir are not under direct Pakistani control and they may want to send a defiant message to India and the United States.

Clinton, without suggesting a culprit, expressed his disgust at the killing.

"We certainly share your outrage and heartbreak over last night's brutal attack," Clinton told Vajpayee. "It reminds us of what tremendous suffering this conflict has caused India."

Tuesday was the first official day of Clinton's state visit to India, which included a meeting with Vajpayee, a formal dinner and a wreath-laying at a memorial to Mahatma Gandhi.

Clinton and Vajpayee depicted the visit as the long-overdue beginning of a meaningful relationship between two of the world's most powerful and populous democracies.

Relations were strained during the Cold War when India often sided with the Soviet Union. Since then, strengthening relations with India has been low on the U.S. agenda, partly because of the administration's frustration with India for insisting on developing nuclear weapons.

During Tuesday's discussion, Clinton and Vajpayee declared that all that would now change. Vajpayee accepted Clinton's offer to visit Washington, and the two agreed to meet regularly.

At the state dinner, however, Indian President K. R. Narayanan seemed to take issue with recent Clinton statements that South Asia is perhaps the world's most dangerous region.

"It has been suggested that the Indian subcontinent is the most dangerous place in the world today and Kashmir is a nuclear flashpoint," Narayanan said during a toast. "These alarmist descriptions will only encourage those who want to break the peace and indulge in terrorism and violence."

U.S. officials played down the statement, saying they did not consider it an affront. But Narayanan's strong reaction illustrates the region's diplomatic sensitivities. Indian leaders have delivered contradictory messages this week, portraying Pakistan as a belligerent, unpredictable nation that forces them to have a nuclear bomb but simultaneously insisting that South Asia is stable and essentially peaceful.

Most of Monday was occupied with formal gestures designed to send the message that from now on, the U.S. and India are on the same team. After a formal welcoming ceremony, Clinton visited the Gandhi memorial, a park-like preserve with an eternal flame where the great leader was cremated before his ashes were

Cuba has held near-daily mass protests demanding Elian's return at various cities around the island, but no special rallies were immediately called to mark the judge's decision.

Attorneys for Elian and his Miami family insisted Tuesday that the federal court hearing had been on technical points of law, not on the merits of the boy's case.

"Elian has not yet had his day in court," said Spencer Eig, a family attorney.

"They need to look at what this 6-year-old wants," argued Marisleysis Gonzalez, a 21-year-old cousin of Elian who has been his primary caretaker. "To this point they haven't looked at what he wants and he feels and what his needs are."

But Moore clearly did rule on some merits of the case, deciding that Elian's due-process rights had not been violated by the INS decision to deny him an asylum hearing.

Despite intense questioning of government lawyers in a hearing earlier this month, which raised speculation the judge might let Elian apply for asylum on his own, Moore also made clear he backs the Immigration and Naturalization Service ruling that only Elian's father can make decisions for his child.

"The 6-year-old plaintiff alleges that he wants the INS to process applications seeking political asylum for him in the United States despite his father's protestations," Moore wrote.

But "if Elian is not competent 'to indicate a fear of persecution or intention to apply for asylum,' then someone would have to decide in his behalf whether to do so," the judge said in quoting a January letter from Reno. "That someone, under universally accepted legal norms, is his father."

Cuban-American exiles in Miami, including Jose Basulto, of Brothers to the Rescue, criticized the judge for sticking to "the letter of the law."

Reno "will put the kid back on the first airplane she can find," he warned, calling Elian a "human sacrifice to Clinton administration policy."

Still, "we believe order should be preserved here," he said, promising not to call for immediate protests in Miami.

Donato Dalrymple, the fisherman who pulled Elian from an inner tube off the coast of Florida after his mother and 10 others perished at sea, called the decision "heartbreaking."

The child has been at the center of a highly politicized custody battle since November, when he was rescued and turned over for temporary care to distant relatives in Miami. While his father wants the boy back and his relatives believe he would have a better life in Miami, the real tug of war has been between Fidel Castro and virulently anti-Castro Cuban-Americans in Miami, with both sides using the boy in a play for political advantage.

The boy's father had no immediate comment on the ruling from Cuba, but Delphin Gonzalez, one of the child's great-uncles in Miami, was clearly disappointed.

"This is a country of laws, but God will make the final verdict," he said on the steps of the courthouse after the ruling.

McCain receives hero's welcome from Senate Republican club By William Neikirk Chicago Tribune

WASHINGTON A man they warmly called "John" and the "honorable senator from Arizona" received a hero's welcome Tuesday from a Senate Republican club that has never been comfortable with him but suddenly is eager to embrace him.

Sen. John McCain accepted their embrace, at least for a day.

How long this convenient political truce will last is not clear. The fallen GOP candidate for president did not back away from positions that have infuriated the Senate GOP hierarchy, such as his ongoing advocacy of campaign finance reform and his criticism of special interest legislation.

But this was not the day to renew old battles. Republicans made it clear that they need McCain, his celebrity and his considerable drawing power. They want him for what they consider his ability to attract independent and new voters for the GOP ticket in November.

They treated him with a deference he has rarely, if ever, seen from his colleagues. They slapped him on the back, shook his hand, and cheered him at a weekly Republican luncheon for his efforts on the campaign trail.

"Sen. McCain is one of our brothers," said Senate Majority Leader Trent Lott, R-Miss., who often in the past made

some unbrotherly comments about the Arizona senator.

"He got the longest standing ovation that he will ever get," said Sen. Kay Bailey Hutchison, R-Texas. Hutchison, who supports George W. Bush, had some icy words for McCain during the campaign. Implicit in her remark was a reminder to McCain that politically it may all be downhill for him from this point. Still, she and GOP senators insisted they want him, and need him, to be a team player in Republican efforts to regain the presidency and maintain control of Congress.

Sen. Larry Craig, R-Idaho, one of McCain's critics, said, "I hope John will stay involved and I think he will. He has a great message. I agree with 70 to 80 percent of it. We would hope he would be involved in campaigning for candidates in the Northeast corridor, where he appears to have the most support."

To reporters outside the Senate chamber, McCain gave all the right answers for the Senate GOP club. He said would support Bush as the nominee of the party, although he volunteered nothing in addition that would recommend the Texas governor to voters. He said he would campaign for some 40 GOP candidates in congressional races this fall.

And he again answered the frequent question about whether he would accept an offer to be Bush's running mate: "No," he said curtly. But he added that his staff in the past few days has been talking to Bush's staff.

Asked if he was selling out his supporters by backing Bush, McCain said, "I have never been accused of selling out to anybody for any reason in my entire life, and I doubt if that allegation would be made no matter what I do."

The question among Republicans is whether McCain will demand some sort of price for enthusiastically supporting Bush and GOP candidates this fall.

As for supporting House and Senate candidates, McCain said it was "important they be committed to my agenda for reform. It doesn't mean that they have to agree with everything, but it would be very important to me that they are in agreement in general with my efforts for reform."

The senator renewed his bid for campaign finance reform and attacked corporate welfare issues that make most of his GOP colleagues shudder.

In short, they appear ready to make few compromises to the senator. Craig said as much after the luncheon among Senate Republicans. Craig said he would tell McCain what he always has told the Arizonan about McCain's allegation that the campaign finance system makes the Senate corrupt:

"I tell him, 'Shame on you. You'd better go look in the mirror,'" Craig said.

Indeed, while Republicans praised him and embraced him, they didn't want to pile it on too thick, lest they look too hypocritical. When McCain took the floor Tuesday morning for his first Senate speech since the campaign, he spoke to an empty chamber, as senators often do.

But McCain's first moment in the spotlight after the campaign turned out to be nothing special the big welcome from his colleagues would come later behind closed doors. One Republican said they didn't know the senator would be speaking so early.

If they weren't watching on television, they missed a strong attack on President Clinton's policy in Kosovo. McCain faulted the administration for not being forceful enough with allies that he said assume the U.S. "will always compensate for the deficiencies of our resolve."

Lott said later that he agreed with McCain and added that many Republicans are reluctant to support peacekeeping operations in Kosovo in a supplemental appropriations bill now under consideration. Democrats called the Republican stance irresponsible.

McCain spoke for another of his reform measures on the Senate floor later in the day a measure eliminating the earnings test for Social Security recipients. It is expected to pass the Senate on Wednesday.

He spiced this speech with the strong rhetoric for which he is noted. He said doing away with the earnings tax is "an important step toward a fairer, flatter, simpler tax code. The 44,000 page tax code is a cornucopia of favors for special interests and a chamber of horrors for average Americans."

Israel pulls out of West Bank town, leaving Palestinians with

percent of territory

By Hugh Dellios
Chicago Tribune

BEITUNYA, West Bank When the Israeli patrol vehicles pulled out of town for the very last time Tuesday, the young boys gathered on the streets to bid the occupiers goodbye with kicks at their rear fenders.

Moments after the patrols disappeared around the bend, assault rifles emerged from car windows and handguns from jacket pockets, filling the air with the blasts of gunfire that left no doubt it was time to celebrate.

After three months of haggling, the Palestinians took control of a further 6 percent of the West Bank from the Israeli army Tuesday. The withdrawal left the Palestinians with almost 40 percent of the territory as negotiators prepared to resume talks in the U.S. toward a final peace treaty later this year.

The new land is only marginally better than what Palestinian leader Yasser Arafat rejected when the Israelis offered him territory three months ago. But it means tens of thousands more Palestinians will be living under full Palestinian control, a modest but badly needed sign of progress in the 7-year-old peace talks.

"Now we're liberated," said Ahmed Khattib, a shopowner in this town of 10,000 southwest of Ramallah. "It's only an area along maybe (2 miles) of road, but now no Israeli police officers can come to my house."

The Israeli withdrawal was the last phase of an interim peace deal signed in January between Arafat and Israeli Prime Minister Ehud Barak. It had been held up since a Jan. 20 deadline after Arafat complained the Israelis had not consulted with him and were offering land with few people on it.

The deadlock was broken March 8 when, under American pressure, Barak and Arafat agreed to complete the deal, send envoys to Washington to restart negotiations and set a new deadline of May for a framework agreement that will help them reach a more detailed deal in September.

Arafat had been pushing Israel to include much-coveted Jerusalem suburbs in the latest land transfer. But Barak refused, and last week even backed down on a plan to include the small Arab village of Anata, a ways outside the city, after an angry reaction from Jewish settlers and right-wing politicians.

Many analysts believe Barak's backtracking revealed how his peace initiatives with the Palestinians and Syria have been weakened by a growing rift in his right-left ruling coalition. Peace activists accused him of caving in to distorted accusations that he was trying to divide Jerusalem.

"The question of Anata applies directly to the entire solution of the Jerusalem question, and we don't want to deal with the very serious issue of Jerusalem through the back door," said Efraim Sneh, Israel's deputy defense minister.

Sneh said the importance of the withdrawal was that all Arab towns in the West Bank are now under full Palestinian control, including 60 percent of the Palestinian population. He also said it indicated a more positive attitude in the fitful peace talks.

Those talks were set to resume Tuesday at Bolling Air Force Base outside Washington. They will be conducted by the two sides' top negotiators with an eye toward resolving such issues as Jerusalem and how much more of the West Bank Israel will ultimately cede to Arafat.

Hopes are high that the Israel-Syria peace talks will get under way again after President Clinton and Syrian President Hafez Assad meet Sunday in Geneva. Those talks stalled in early January, but Barak is under pressure to complete them before his self-imposed deadline to withdraw Israeli troops from Lebanon in July.

The lands returned to the Palestinians on Tuesday again comprised only small and medium-sized tracts throughout the West Bank. They will go only so far in giving more contiguity to the scattered Palestinian territories.

In one place, the Palestinians were given control of a bridge that crosses over land still in Israel's control. Almost all the transferred land was already under Arafat's administrative authority, while still subject to Israeli security control.

"It's not all we wanted, but it's important to keep the process going," said Mohammed Nujum, a Palestinian police commander waiting with his troops to move concrete roadside markers up the road to the new border line.

Israel's concessions included handing over more land around towns like Beitunya, home to some 10,000 Palestinians and key road junctions in and out of Ramallah.

Jewish settlers were not happy with the withdrawal. They complained that for the first time, it will leave Israeli settlers "under the guns" of Palestinian security forces.

In one case, they said, Israelis in the small settlement Negohot, near Hebron, will be able to reach their jobs in nearby towns or hospitals in Jerusalem only over an access road completely controlled by the Palestinians. The settlement, home to fewer than two dozen families, is guarded by soldiers.

The settlers' confidence was not helped by the shooting of three Israelis near Hebron on Monday night by suspected terrorists in a parked car. A short time later, Israeli soldiers shot a Palestinian woman to death and wounded her husband after their car allegedly failed to stop at a roadblock.

Israeli defense officials said that no Israelis would ever be cut off from protection by their army. And they emphasized that the Palestinian police have been cooperating with Israeli security forces, most recently in the arrests of a Hamas terrorist cell this month.

"Now those (Palestinian) guns are pointed at a common enemy," Sneh said. "Those (settlers) who refuse to digest that we are going through substantial changes in our relations with the Palestinians live in the past. Their vision is of another century of hatred and armed conflict."

Tobacco farmers pleased with Supreme Court ruling

By Bill Estep

Knight Ridder Newspapers

LEXINGTON, Ky. Farmers were pleased by Tuesday's Supreme Court ruling denying the federal government authority to regulate tobacco as a drug, but anti-smoking activists were disappointed.

Farmers had been concerned that if the U.S. Food and Drug Administration won the right to regulate tobacco, it could mean meddlesome inspectors on the farm, or rules that would limit production or drive up costs, eroding farmers' profits and giving cheaper foreign leaf a boost.

There had even been talk among farmers that the FDA could ban cigarettes because of the health risk.

So for many farmers, the ruling was welcome news after a disappointing sales season and a crippling cut in the amount of leaf they can grow this year.

"We're relieved," said Dean Wallace, executive director of the Council for Burley Tobacco. "It's been a long time since anything went positive for the tobacco patch."

Rod Kuegel, president of the Lexington-based Burley Tobacco Growers Cooperative Association, said the court ruling was correct.

"It shouldn't be a drug-delivery device," he said of a cigarette, "unless you regulate a shot glass as a drug-delivery device."

The ruling will likely increase pressure for Congress to place greater control over cigarette marketing, labeling and other issues, some farm representatives said.

"I think you will see some additional regulation," said Marshall Coyle, a Bath County tobacco farmer and head of tobacco policy for the Kentucky Farm Bureau, which opposes FDA regulation.

Danny McKinney, chief officer of the burley co-op, said that process could benefit farmers because they'll have a voice with lawmakers. And that could force cigarette-makers, who passed up much of the burley U.S. farmers grew last year, to deal with farmers as allies.

"All of a sudden the companies might need us again," Mc Kinney said.

Kuegel said the burley co-op does not flatly oppose all government regulation of tobacco, but the rules need to be reasonable.

Farmers favor limiting youth access to tobacco, and rules designed to make tobacco safer or to better inform consumers would be acceptable as well, Kuegel said. For instance, he mentioned monitoring of manufacturing plants and labeling packs of cigarettes with the level of cancer-causing nitrosamines.

Kentucky politicians also applauded the ruling.

"When the FDA gets on the farm, you never know what they are going to do," Gov. Paul Patton said.

U.S. Rep. Ernie Fletcher, a Lexington Republican, said the FDA's move to regulate tobacco was another example of

President Clinton's attack on the crop.

"I'm pleased that the Supreme Court ruled that the FDA did overstep its authority," Fletcher said.

Republican U.S. Sen. Mitch McConnell also cast the ruling in election-year terms.

"Today's announcement is a big blow to Bill Clinton's and Al Gore's assault on tobacco, and a victory for Kentucky's tobacco farmers who have fought for years to keep the FDA off their farms," he said in a statement.

Health advocates disagreed with the ruling, saying the high court had missed an opportunity for better control of a product blamed for more than 400,000 deaths annually in the U.S.

"I'm obviously very disappointed," said Scott Ballin, senior policy consultant with the Campaign for Tobacco-Free Kids in Washington, D.C.

Anti-smoking activists believe the FDA has the authority to regulate labeling and marketing of cigarettes, as it does drugs.

"The FDA should have the right to control it just like it does every potentially dangerous substance," said Julie Brackett, an official with the American Heart Association office in Kentucky.

The ruling makes the state's effort to limit youth access to tobacco even more important, she said.

Ballin said it was encouraging that even the court's majority recognized the dangers of tobacco.

The fight would have ended up in Congress no matter which way the ruling went, he said.

"Congress now has the responsibility to protect public health," he said.

Anti-smoking groups said they are not seeking to ban tobacco, but want greater government control over manufacturing, labeling, distribution and marketing of tobacco products.

"We need strong measures in place to regulate this product," said Lynn Carol Birgmann, head of the anti-smoking group Kentucky ACTION.

INS can send Elian back to Cuba, judge rules; Miami relatives to appeal

**By Andres Viglucci and Jay Weaver
Knight Ridder Newspapers**

MIAMI A federal judge in Miami on Tuesday firmly upheld U.S. Attorney General Janet Reno's authority to decide Elian Gonzalez's fate, clearing the legal path for immigration officials to return the boy to his father in Cuba.

Attorneys for Elian's Miami relatives, who are fighting to keep the boy here, quickly filed a legal notice of their intention to appeal the ruling by U.S. District Judge K. Michael Moore. The lawyers said they hope the notice will dissuade the Immigration and Naturalization Service from moving to send Elian home while they prepare their appeal, although the agency is legally free to do so.

Lawyers for the two sides are expected to discuss Wednesday how they might proceed.

Reno, at a mid-day news conference in Washington, welcomed Moore's decision but gave no indication of any impending action by the INS, which she oversees.

"It has been four months since Elian was separated from his father and lost his mother," Reno said. "It is time for this little boy, who has been through so much, to move on with his life at his father's side."

"I have every confidence that the community will accept the court's decision and will support the process that will reunite Elian and his father."

Legal experts, including the Miami relatives' lawyers, say the INS now has two options: It can simply wait out the appeal, a process that could take several months. Or it can revoke the temporary parole granted to Elian and demand that his relatives turn him over to the agency for the trip back to Cuba.

"We're hoping they respect Elian's right to appeal, just as they allowed his temporary parole to stay in effect during the district court case," said legal team member Kendall Coffey.

Reaction to Moore's decision was muted on both sides of the Florida Straits. Both the Cuban government and exile leaders in Miami cautioned followers to await the outcome of the legal maneuvers, which now seem bound for the 11th Circuit Court of Appeals in Atlanta.

"I want to thank you all for your support and let you know that we will overcome this," the boy's great-uncle, Lazaro Gonzalez, told a small crowd of supporters outside his Little

Havana home. "This is the land of liberty."

But Moore's closely reasoned ruling appears to deal a crippling, if not fatal, blow to the Miami relatives' legal efforts to keep Elian here. In a 50-page decision, he dismissed a lawsuit filed on Elian's behalf by Lazaro Gonzalez that sought to force the INS to grant the boy an asylum hearing.

Moore called the lawsuit "well intentioned," but concluded that Reno acted entirely within her broad powers in determining that only the boy's father, Juan Miguel Gonzalez, can legally speak for the boy in immigration matters. Elian's father has consistently said he wants Elian returned to him.

Moore gave the relatives a small victory, ruling that Elian and his great-uncle had the right to sue the government on the 6-year-old's behalf. But the judge concluded that they failed to show that the INS had violated the boy's due-process rights when it kicked back two asylum applications filed on his behalf.

Moore ruled that he has limited jurisdiction to intervene in the case only to the extent of deciding whether Reno had abused her discretionary powers. But he said that those powers gave Reno ample authority to act as she did.

His decision ended with an unusual plea: "Even this well intentioned litigation has the capacity to bring about unintended harm," Moore wrote. "In light of the Attorney General's clearly articulated views on the matter of whether Elian Gonzalez should return home, as well as the reality that each passing day is another day lost between Juan Gonzalez and his son, the Court can only hope that those on each side of this litigation place the interests of Elian Gonzalez above all others."

The judge's decision appears to leave little room for a successful appeal, several independent experts said.

Moore's ruling relies heavily on previous decisions by the 11th Circuit Court of Appeals in Atlanta, which would handle the relatives' appeal. That court has consistently upheld the near-absolute legal discretion granted to the INS by Congress to decide certain immigration matters without judicial second-guessing.

"On the merits, the INS is on very, very strong ground," said Yale Law School professor Peter Schuck. "The statute grants very broad powers to the attorney general."

The narrowing of the Miami relatives' legal avenues may yet prompt a renewed push to resolve his fate politically.

U.S. Rep. Bill McCollum, R-Fla., said Tuesday he would attempt to revive a stalled proposal in Congress to grant Elian U.S. citizenship or legal residency, a move that would remove the case from the INS' purview. The question of the boy's custody would then be left to a state court to decide. A custody petition filed in Miami-Dade family court by Lazaro Gonzalez has been in abeyance pending the outcome of the federal litigation.

On the presidential campaign trail, where Elian has been a recurrent issue, both front-runners, Democratic Vice President Al Gore and Republican Texas Gov. George W. Bush, reiterated calls for the boy's custody to be settled in family court.

"I urge Attorney General Janet Reno to reconsider her plans to send Elian back to Cuba, back to the place his mother died trying to escape," Bush said. "This case should be decided by a Florida family court, which will protect the best interests of Elian, not by a Clinton-Gore Justice Department whose record of putting politics ahead of the law does not inspire confidence."

During a campaign stop in New York, Gore, who has departed from the Clinton administration's stance on the matter, questioned whether Elian's father's insistent demands for the boy's return reflect his true wishes.

"The father is not free to speak his true mind. What is his true feeling?" Gore said. "The child should never have been put in a position where the choice is his freedom or his father. The real fault here lies with Fidel Castro."

Moore's decision, at the same time, has revived questions over the INS' resolve to actually carry out a decision sure to be unpopular with Cuban exiles, who previously blocked roads and highways in Miami when Reno announced her decision to return Elian in January.

"The question is, how ready will the INS be to fetch Elian and send him home?" University of Miami Law School professor David Abraham asked. "We have to hope that the people of South Florida will live under the rule of law."

No protests seemed in the offing Tuesday evening, although some exile opinion leaders spoke out defiantly. On some Spanish-language radio stations, callers denounced the judge's decision and vowed to express their discontent with the Clinton-

Gore administration at the voting booths this November.

"We must punish the enemy with our votes," said Armando Perez-Roura, an influential commentator on WAQI-AM Radio Mambi.

One protest leader, Jose Basulto, president of Brothers to the Rescue, said various exile community groups plan to meet this morning to plan a course of action.

Some advocates of Elian's remaining in Miami, however, seemed resigned.

"We accept laws and decisions even if they cause heartache," said Sister Jeanne O'Laughlin, the Barry University president who spoke out against Elian's return after hosting a controversial meeting between the boy and his grandmothers at her Miami Beach home.

"The only thing we can do as a people is pray together for the future of the child that whatever the environment the child is in, he will grow to be the man that his mother wanted him to be."

Elian spent the afternoon at a relative's house to avoid the crowd that gathered at his great uncle's Little Havana home. He went to school, but left early at about 1:10 p.m. in a car with his great-uncle Delfin Gonzalez and school owner Demetrio Perez.

Armando Gutierrez, the family spokesman, says Elian overheard a conversation about the judge's decision and looked "a little bit sad."

"Elian is like a sponge," Gutierrez said. "I believe he understands everything."

The attorneys for the boy's Miami relatives were clearly banking on the INS' willingness to let their legal challenge run its course before acting to send Elian back. Coffey would not say how soon they will appeal. The appellate court could expedite the procedure and render a decision in less than two months, he said.

Some supporters were publicly hoping the appeal would stall Elian's return long enough for him to qualify for protection under the Cuban Adjustment Act, which grants Cubans the right to apply for legal status a year after arriving on U.S. soil. But some legal experts cautioned that Elian may not be eligible under the act, noting that legal status is granted only at INS discretion.

Supreme Court rules federal government cannot regulate tobacco

By Mark Johnson

Knight Ridder Newspapers

RALEIGH, N.C. The U.S. Supreme Court ruled Tuesday that the federal government cannot regulate tobacco, rejecting President Clinton's plan to curb teen smoking and ratcheting up the pressure on Congress to address "perhaps the single most significant threat to public health in the United States."

The ruling ends a bitter five-year legal battle over an unprecedented effort to prevent smoking and shifts the responsibility back to Congress to address what is considered the nation's most preventable cause of disease and death.

"I hope I very much hope that after today's decision, Congress will pass legislation that would protect children by restricting advertising and limiting access to tobacco products, and giving the @1/8Food and Drug Administration@3/8 clear authority to regulate tobacco products," Attorney General Janet Reno said during a news conference.

In the high court's 5-4 decision, divided along familiar ideological lines, the justices ruled that Congress has repeatedly blocked the FDA from regulating tobacco like a drug. The agency lacked the authority for its 1995 proposal to assert control over cigarettes and smokeless tobacco, a complete reversal of its decades-old policy, the court ruled.

"Hooray for the Supreme Court," said U.S. Sen. Jesse Helms, a Republican from North Carolina. "Because the Supreme Court made it clear that the FDA never had the power to regulate tobacco."

While handing cigarette makers a victory, the court's majority quickly in the first words of the opinion - emphasized the tragic scope of underage smoking and, later in the ruling, the dilemma the case presented.

"By no means do we question the seriousness of the problem that the FDA has sought to address," Justice Sandra Day O'Connor wrote for the majority. "The agency has amply demonstrated that tobacco use, particularly among children and adolescents, poses perhaps the single most significant threat to public health in the United States. Nonetheless, no matter how

important, conspicuous, and controversial the issue, and regardless of how likely the public is to hold the Executive Branch politically accountable, an administrative agency's power to regulate in the public interest must always be grounded in a valid grant of authority from Congress."

The high court's only smokers, Chief Justice William Rehnquist and Justice Antonin Scalia, joined O'Connor in the majority, along with the court's other conservative members: justices Clarence Thomas and Anthony Kennedy.

Adding to the drama of the decision, O'Connor took the unusual step of reading portions of her opinion from the bench, as did Justice Steven Breyer, who penned the dissenting opinion. He was joined by justices David Souter, Ruth Bader Ginsburg and John Paul Stevens.

The dissenting justices argued the court was not giving the FDA enough latitude, given the vague language of the law and the relatively recent evidence of the companies' manipulation of nicotine. Breyer wrote that nicotine is a drug and the law creating the FDA charges the agency with protecting the public health from harmful drugs.

Tobacco company executives and their allies in Congress lauded the decision but acknowledged that it will hardly give pause to efforts to restrict the industry.

"Those folks who are primarily interested in political theater are going to use this as an excuse to try and come in another door," said Rep. Robin Hayes, R-N.C., of Concord. "People in the House who have been enemies of the tobacco farmers and tobacco workers will continue their effort through any means to do additional harm."

Anti-tobacco organizations said the court's strong language about tobacco's threat to public health lumps responsibility squarely in the lap of Congress to change the law, something lawmakers have consistently refused to do.

The decision "focuses the spotlight on Congress like a laser beam," said Matt Myers, president of the Campaign for Tobacco Free Kids. "Their decision to act or not is a life or death decision. Congress no longer has an excuse to look the other way."

The five-year-old court case began when the FDA took steps to extend its regulatory scope to tobacco, to treat cigarettes and chewing tobacco as a drug. The plan included regulating the level of nicotine, restricting advertising, banning cigarette machines everywhere but adult-only establishments and requiring store clerks to check cigarette buyers' identification up to age 27.

For decades before, through Democratic and Republican administrations alike, the agency had shied away from tobacco, saying it regulates drugs, which are products that claim to have a health benefit. Tobacco companies made no health benefit claim about cigarettes. They're just something people smoke.

"Where is there anybody out there who doesn't know what cigarettes are harmful?" said Richard Renegar, who farms 65 acres of tobacco in Northern Iredell County.

The FDA's position shifted under then-Commissioner David A. Kessler after civil lawsuits dislodged company documents showing the industry manipulated the level of addictive nicotine in cigarettes and targeted minors as potential customers.

The major tobacco companies sued the FDA in federal court in Greensboro, where the judge ruled the FDA could regulate nicotine but not advertising.

The industry appealed to the U.S. Court of Appeals for the 4th Circuit in Richmond and won. Justice Department lawyers, representing the FDA, pursued the case to the Supreme Court.

Cigarette makers tried to dissuade the high court from taking the case, arguing that they already agreed to a series of regulations in their 1998 settlement of lawsuits by 46 states. The states sued for reimbursement of Medicaid expenses on smoking-related ailments.

The Supreme Court's decision, while always difficult to predict, was forecast somewhat by the skeptical questions the justices fired at the government's lawyer during oral arguments last winter. When Solicitor General Seth Waxman reminded the court of tobacco company executives testifying before Congress that they did not believe nicotine was addictive, Scalia shot back: "Nobody believed them."

Tuesday's decision is expected to have no effect on the class-action lawsuits that keep hammering the industry, including a Florida suit where the jury is about to consider punitive damages that legal experts predict could reach into the billions. If anything, the court's ruling may have hurt the industry in such cases, said

Richard Daynard, who heads the Tobacco Liability Project at Northeastern University.

"One of the strongest things @1/8tobacco companies@3/8 had to say, until this morning, in their defense from a punitive damage point was that the jury didn't have to worry about sending them a message or changing their behavior because folks in Washington are working on that," Daynard said. "They don't have that argument any more."

Net tax panel unable to reach consensus

By Joelle Tessler

Knight Ridder Newspapers

DALLAS Despite last-minute wrangling Tuesday, the Advisory Commission on Electronic Commerce failed in its key mission: to give Congress a formal recommendation on whether and how to tax sales made over the Internet.

At its fourth and final meeting, the polarized panel appointed by Congress to study e-commerce taxation was unable to muster the two-thirds majority vote needed to send an official recommendation to Congress on the contentious issue.

On Monday, a simple majority 11 of 19 commissioners voted to support a proposal put together by the six corporate executives on the panel, including AT&T Corp. Chairman Michael Armstrong, America Online President Robert Pittman and MCI WorldCom Vice Chairman John Sidgemore. The Business Caucus proposal, which recommends extending for five years a moratorium on taxing online sales, won the backing of panel members who would prefer to keep online purchases permanently tax-free. These include Virginia Gov. James Gilmore III, chairman of the commission, and Grover Norquist, president of Americans for Tax Reform. Both argue that taxing online purchases would stall the rapid growth of electronic commerce and result in administrative hassles for online retailers.

But a number of state and local officials on the panel, fearful of losing valuable tax dollars, refused to support the proposal even after hours of negotiations behind closed doors. The holdouts included Utah Gov. Michael Leavitt, Dallas Mayor Ron Kirk and Washington Gov. Gary Locke. Several representatives from the Clinton administration also refused to line up behind the Business Caucus proposal.

Although the measure did not receive enough votes to become a formal recommendation, Gilmore said the commission would report its vote on the Business Caucus proposal and that he believed Congress would take it seriously. The commission's report is due April 21. The Internet Tax Freedom Act, passed by Congress in October 1998, put a three-year moratorium on the taxation of Internet access and the imposition of "multiple and discriminatory" taxes on e-commerce.

Sales over the Internet are now governed by the same tax laws that govern catalogue sales: A retailer does not have to collect taxes on a purchase made over the Internet unless it has a physical presence in the state in which the customer is located.

The Business Caucus proposal would clarify the definition of physical presence and prohibit taxing the sale of goods in "digital" form, such as electronic books and CDs. The proposal would also eliminate the 3 percent federal excise tax on telecommunications that was set up to finance the Spanish-American War and permanently eliminate any taxes on Internet access both relatively noncontroversial issues.

According to Dean Andal, chairman of the California Board of Equalization and a panel member who backs the Business Caucus proposal, the key disagreement centers on the proposal's definition of physical presence. This includes provisions that would allow online retailers to offer repair or warranty services or work with offline retailers to accept returns in a state without establishing a physical presence there.

The commissioners have also had trouble agreeing on how to tax goods delivered in digital form. In addition, there is an undercurrent of debate on whether state and local governments will someday be able to force online retailers to collect sales taxes after any moratorium expires, said G. Kent Johnson, national partner in charge of e-commerce state and local tax solutions at KPMG.

Although no further meetings are scheduled, Gilmore left the door open for the commissioners to continue negotiating by phone. And in a conference call with reporters after the meeting ended, Deputy Treasury Secretary Stuart Eizenstat said panel members have "significantly narrowed their differences ... and

made sufficient progress so that no one wants to give this up."

Regardless of what the commission ultimately does, a number of state and local governments are already moving ahead with plans to simplify their tax systems and develop a proposal urging Congress to give them the authority to force online retailers to collect sales taxes. Larry Jones, assistant executive director of the U.S. Conference of Mayors, said legislation calling for tax system simplification has been introduced in 18 states. Also Tuesday, Senate Commerce Committee Chairman John McCain, R-Ariz., introduced legislation containing part of the business-backed plan.

Looking ahead, Leavitt said he believes the debate will evolve as more big-name offline retailers like Sears, Wal-Mart and JC Penney move online and realize they are at a disadvantage compared with online-only retailers that do not have to collect sales taxes.

Despite all the public disagreements among the commissioners, the panel was able to recommend to Congress that it monitor concerns over online privacy and take steps to close the digital divide.

Cautious reactions to judge's ruling that makes boy's return to Cuba likely

By Frank Davies and Karen Branch

Knight Ridder Newspapers

WASHINGTON Mindful of political reality, members of Congress who proposed legislation to help keep Elian Gonzalez in Miami reacted cautiously Tuesday to a federal judge's ruling that makes the boy's return to Cuba more likely.

Sponsors of bills to grant citizenship or residency to the 6-year-old said they were disappointed by the ruling but will not press their campaign on Capitol Hill until other legal efforts in the case have been exhausted.

"I'm still trying to assess what we should do, and my instinct is we're not going to move on the legislative front until the judicial options have played out," said Sen. Connie Mack, R-Fla., and principal backer of the citizenship measure in the Senate.

Mack acknowledged that there is resistance to the bills among some Republicans. GOP leaders in both houses shelved the bills in late January, after many Republicans said they didn't want to get involved in the international controversy.

The Cuban American National Foundation, the exile community's major lobbying organization, has pushed for the legislation as a way of taking the case away from federal authorities and securing a "day in court" in Florida family court.

"There are still other legal options, and we're not hitting the panic button -this is a marathon," said Jose Cardenas, CANF's Washington director, who confirmed that the group would hold off for now on pushing hard for any legislation.

Rep. Dan Burton, the Indiana Republican who issued a congressional subpoena for the boy aimed at keeping him in the country, also took a go-slow approach.

"This is just Round One," said Mark Corallo, a spokesman for Burton. "We've got a long way to go. Mr. Burton always said he wanted to see this decided in a court of law. It's still in a court of law."

One House co-sponsor of an "Elian bill," Rep. Bill McCollum, R-Fla., said the judge's ruling would eventually make legislative action necessary.

"I am greatly disappointed," said McCollum, a candidate for Mack's Senate seat. "Today's ruling leaves no recourse except for Congress to take the matter out of the hands of the INS and allow the child's case to be decided by a custody hearing, which can only happen now if Elian is granted U.S. citizenship."

The House's three Cuban-American members criticized Judge Moore's ruling and stressed a similar urgency for action.

"The United States Congress will not stand by as this child is denied due process and the benefit of all applicable asylum laws," said Rep. Bob Menendez, a New Jersey Democrat.

Lincoln Diaz-Balart and Ileana Ros-Lehtinen, two Florida Republicans, released a joint statement that critiqued Moore's 50-page ruling. The two House members said Moore found that Elian, through his great uncle, has legal standing to sue the federal government, but was prevented from advancing an asylum claim.

"Despite the fact that Elian was not permitted any such administrative due process, Judge Moore shockingly and

incongruously proceeded to rule that Elian had no rights," the two members said.

McCollum and the two Florida Republicans went beyond the ruling to criticize the Clinton administration for its efforts to return the boy to his father in Cuba.

"We must never lose sight of who is responsible for returning the boy to totalitarian oppression Bill Clinton," said Diaz-Balart and Ros-Lehtinen.

Clinton voices outrage at massacre in Kashmir, seeks India-Pakistan talks

**By Christopher Marquis
Knight Ridder Newspapers**

NEW DELHI A day after gunmen brutally executed at least 35 Sikh civilians in India's disputed northern territory of Kashmir, President Clinton voiced outrage at the "brutal" crime. But Indian Prime Minister Atal Bihari Vajpayee vowed it would not prod India closer to war with Pakistan.

Indian officials privately asserted that the massacre, which took place as Clinton was jetting to this capital from Bangladesh, was part of a Pakistani-supported terror operation to focus world attention on Kashmir and entice Clinton to intercede in the conflict.

If true, the plan largely backfired, as Clinton closed ranks with his Indian hosts and promised to press Pakistani officials to respect the so-called line of control dividing the contested region. Clinton is scheduled to visit Pakistan's military chief on Saturday, and the massacre actually may have improved his chances of persuading India and Pakistan to resume peace talks.

Pakistani officials denied any role in the killings and a leader of pro-Pakistani Moslem rebels accused India of killing the Sikh villagers to win Clinton's support.

Clinton, who began a five-day state visit to India Tuesday, has referred to South Asia as the most dangerous region in the world, largely because of the potential for further bloodshed over Kashmir between India and Pakistan, both of which have tested nuclear weapons. At least 25,000 people have died in two wars over the Himalayan territory.

"We certainly share your outrage and heartbreak over last night's brutal attack in Kashmir," Clinton told his Indian hosts Tuesday. He added: "The violence must end. This should be a time for restraint, for respect for the line of control, for renewed lines of communication."

The president's appeal signaled a subtle shift in support toward India's position on Kashmir as it seeks to repel repeated incursions by Islamic radicals from Pakistan and Afghanistan. India has long insisted on the inviolability of the decades-old cease-fire line and has rejected Clinton's offer to mediate.

Secretary of State Madeleine Albright said Tuesday that the Kashmir problem will only be solved by dialogue between India and Pakistan, but that Clinton will not mediate. She denied that U.S. policy was becoming more aligned with India's.

"I would not interpret it that way. Our policy is what it was when we came here," Albright said. "The problem is the story of Kashmir is a long and sad one."

The remarks came as Clinton and Vajpayee announced a new phase in relations between the world's oldest democracy and its most populous. Calling for an end to decades of mutual suspicion born of the Cold War - when India tilted toward the Soviet Union and the United States supported Pakistan - the two leaders agreed to hold regular summits and signed a document pledging cooperation on everything from trade and investment to protecting the environment.

Clinton invited Vajpayee to Washington later this year and said the estrangement between their nations had gone on "far too long." He embarks next on a five-city tour of India, which will take him from ancient sites such as the Taj Mahal to pockets of modernity, including India's computer software capital.

"India and America should be better friends and stronger partners," Clinton said.

Despite the warm words, U.S. officials so far have failed to persuade India to roll back its development of nuclear weapons or to sign the Comprehensive Test Ban Treaty.

Vajpayee, however, promised to adhere to a voluntary ban on nuclear tests, and to strengthen export controls aimed at curbing the spread of weapons of mass destruction. He eagerly embraced Clinton's calls for restraint over Kashmir.

"There is no threat of any war. India is committed to peaceful means," he said. "We are prepared to discuss all problems on the table."

Calling the Sikh killings part of "a deliberate design to foment trouble," the prime minister asserted: "This policy is not going to pay. And I hope this question will be discussed by the president in Islamabad," the Pakistani capital.

Clinton replied that he would bring a strong anti-violence message to Gen. Pervez Musharraf, who toppled the civilian government in an October coup. Clinton asserted it was not yet clear who was responsible for the murders.

However, Indian officials said the murders bore signs of Pakistani complicity. The attack appeared to be an attempt to force out minority Sikhs from Kashmir, the officials asserted. Police said the Sikhs, largely perceived as neutral in the border conflict, had recently been targeted by the Indian army as recruits to fight insurgents.

According to police, gunmen wearing combat uniforms and speaking Urdu - the language common in both Kashmir and Pakistan - raided the village of Chait Singhpora Mattan late Monday and forced residents into the street. They lined up the village's men, then fired on them at point-blank range.

India's Sikh population, which is centered in the northern Punjab region, launched its own fight against the Hindu-dominated government in the 1980s. That uprising resulted in the military's storming of the holiest Sikh shrine and led to the assassination of Prime Minister Indira Gandhi at the hand of her Sikh bodyguard in 1984. The separatist drive ended in the early 1990s after the government granted Sikhs greater regional autonomy.

A senior Indian official, who asked not to be identified, said the killings appeared to be part of a "very nave attempt to split Hindus and Sikhs" to the advantage of pro-Pakistani Muslims.

Chang says Taiwan will not be intimidated by threats from China

**By Michael Zielenziger
Knight Ridder Newspapers**

TAIPEI, Taiwan On the shabby seventh floor of a grimy high-rise sandwiched between a noodle shop and a furniture factory, the leading candidate to be Taiwan's new foreign minister greets visitors with a hearty laugh and some harsh words.

These low-rent quarters typify a party that has never been in power. For years, Parris Chang was the ultimate outsider, trying to convince anyone who would listen that Taiwan's destiny was to become independent of mainland China, despite the insistence of both Beijing and Washington that there is only one China, and that this thriving capitalist bastion is not it.

But now Taiwan's outsiders are in, and while President-elect Chen Shui-bian has tried to soft-peddle his pro-independence views, Chang makes it clear that the Democratic Progressive Party (DPP) will not accept Beijing's demands for reunification, especially in the face of military threats from the mainland.

"Chen Shui-bian has taken a very conciliatory and moderate tone," said Chang, now president of the Taiwan Institute of Political, Economic and Strategic Studies, a think-tank for the ascendant party. "He will be flexible."

"But he will also hold firm to his fundamental belief that Taiwan is already an independent country," Chang said. "We don't need to provoke China, but we are not Hong Kong. We will never give up our sovereignty. We should not mislead Beijing into thinking we have retreated from our previous positions in the face of Chinese threats."

"We will not be intimidated," he added, gravely.

Chang's unvarnished assertion of Taiwanese independence - even after the party's historic victory on Saturday offers a pointed contrast to the post-election statements of his president-elect.

Chen, the pragmatic former mayor of Taipei, has offered to hold a "peace summit" with Beijing at which even the question of "one China" could be discussed. Some members of his party suggested Tuesday that the DPP could even drop its long-standing demand that this island be renamed "Republic of Taiwan."

But conversations with prominent DPP leaders such as Chang demonstrate that the strong sentiments of the DPP's strongest domestic constituents - native-born Taiwanese and the 20-something generation of voters who do not consider the mainland home - will make it difficult for the new president to reach a

general with my efforts for reform," he said. "I've had requests now from some 40 House members ... to campaign for them and I look forward to campaigning for a number of House and Senate candidates, particularly those who are committed to a reform agenda."

John Weaver, the Texan who is political director of the suspended McCain presidential campaign, said McCain would "campaign as hard as possible for Republican candidates for the House and Senate, for gubernatorial positions and for state legislature seats. And he's going to speak out on reform issues around the country."

McCain, who made campaign-finance reform the centerpiece of his presidential campaign, said he would "love to see both presidential candidates renounce the use of soft money."

"Soft money" is the term used to describe unlimited contributions that federal law permits individuals and groups to give to political parties for "party-building" activities. Using such donations to promote an individual candidate is illegal, but the stricture is easy to skirt.

Bush and Vice President Al Gore, the presumed Democratic presidential nominee, have rejected McCain's call for a ban on soft money. They say that would amount to unilateral disarmament.

McCain said Bush's refusal to renounce soft money would be no bar to campaigning for him.

"I demand no concessions, nor will there be negotiations," McCain said, though he also said, "My staff and his staff have been in frequent communications."

Weaver said he and Bush campaign manager Joe Allbaugh talked on the phone four times in the past week.

Weaver declined to divulge details of the conversations but said they were "friendly and productive."

Bush campaign spokeswoman Mindy Tucker said Allbaugh declined to be interviewed.

"There's not a laundry list of things that have to be done or anything else, but there are issues that need to be discussed that don't involve negotiations, and that's what's happening," Weaver said.

"We have not discussed any personal issues and I don't anticipate that we will," he added.

Bush spokesman McClellan said: "Senator McCain has already indicated that he does not want anything in return for his support and we want to respect this time for him to reflect."

Allbaugh is to meet Wednesday with a group of Republican House members known as the Bush Steering Committee, which is led by Rep. Roy Blunt, R-Mo., and with Sen. Paul Coverdell, R-Ga., Bush's liaison to the Senate, as well as with other senators backing the Texan.

Pollster says tension between Bush, McCain threatens GOP chances in 2000 race

By Carl P. Leubsdorf
The Dallas Morning News

WASHINGTON Republican pollster Frank Luntz said Tuesday that continuing coolness between Gov. George W. Bush and Sen. John McCain threatens Republican chances in the presidential election.

"The fact that McCain has not endorsed Bush up to this point is a real problem for the Republicans," Luntz told reporters. He said that, in order to beat Democrat Al Gore, Bush needs to secure the support of two-thirds of those who voted in GOP primaries for McCain.

Though most voters aren't paying attention to the campaign now, he said that "now is the time" for Bush to embrace McCain in "a bear hug," instead of taking the position that he need not accommodate the man he defeated in the GOP primaries. "There is no time in August or September" to take those steps, he said.

One way for Bush to secure the backing of McCain's voters is to invite the Arizona senator to be his running mate. "John McCain does have the ability to bring independents and conservative Democrats into the GOP...because he is so credible," he added.

McCain again ruled out that prospect on Tuesday.

Luntz said that two other potential running mates who could broaden support for Bush would be Ohio Rep. John Kasich, who ran briefly for president and then backed Bush, and Tennessee Sen. Fred Thompson, a McCain backer.

He said that the choice of Elizabeth Dole would strengthen Bush among women voters, with whom he already does better than most Republicans.

And he said that one potential running mate for Gore who could shake up the election would be Connecticut Sen. Joseph Lieberman, an orthodox Jew who the pollster said might have strong appeal to religious conservatives despite his liberal voting record.

Luntz compared the independents and Republicans who voted for McCain to the voters who backed Ross Perot, for whom he worked, in the early stages of the Texan's 1992 campaign. He noted that Bill Clinton won that election in part because he deliberately appealed to Perot voters at a time when aides to President Bush were attacking the Dallas businessman.

Since the nominations were decided earlier this month, the GOP pollster said, Gore "is clearly and deliberately reaching out to these people."

That shows "they understand the political dynamic," he added.

But he said that Gore has "a credibility problem" with McCain voters because, based on a series of post-primary focus groups, "they don't like him (Gore) as a person."

"Bush is closer to them ideologically," Luntz said, "but they're still bitter about the campaign that was waged."

He suggested that an agreement could easily be worked out in a meeting of Bush, McCain and two high-level advisers, former GOP Chairman Haley Barbour, who backs the Texas governor, and former Minnesota Rep. Vin Weber, a McCain backer.

Luntz said that McCain's personality offset Bush's message in the primaries but that the Bush approach could still be a winning one in November, despite economic prosperity favoring Gore.

"If Bush is effective, he will override the economic bias in favor of the Democrats," Luntz said. "Without that... he could lose the election."

Experts: Clinton could revoke temporary custody of Elian given to Miami family

By David LaGesse
The Dallas Morning News

WASHINGTON After a federal judge ruled Tuesday against relatives trying to keep a Cuban boy in Miami, attention shifted to whether the Clinton administration would push to return him to his father.

Miami relatives of Elian Gonzalez said they would appeal the ruling that dismissed an asylum claim on behalf of the 6-year-old. U.S. District Judge K. Michael Moore upheld the administration's authority to reject the claim, which was opposed by Elian's Cuban father.

Legal experts said the ruling should encourage the administration to revoke the temporary custody of Elian that it gave to the Miami family in November.

"The Justice Department should issue an order and say it's time for the child to go back," said Alexander Aleinikoff, a former senior official at the Immigration and Naturalization Service.

It would amount to the most aggressive action yet by the administration and could speed an end to Elian's four-month separation from his father.

Attorney General Janet Reno said she still hoped the family would voluntarily return Elian to the government's care.

"A federal court has considered this case and has sustained our decision," she said. "It is time for this little boy, who has been through so much, to move on with his life at his father's side."

The family's attorneys said they filed a notice of appeal with 11th U.S. Circuit Court of Appeals in Atlanta.

Few observers expect the family, led by a great uncle of Elian, to voluntarily give up custody before exhausting any appeals. Justice officials declined to say how they would proceed if the family doesn't cooperate, but have said before that they want to avoid having federal officers seize Elian from relatives.

Another legal expert said he feared the Justice Department could decide to let the case drag through the November election. That could help insulate Vice President Al Gore against a feared backlash from conservative Cuban Americans who oppose

A similar undercount this time could cost the state more than \$1.9 billion, aides said.

High court rules that the government cannot regulate tobacco as a drug

By David Jackson

The Dallas Morning News

WASHINGTON The Supreme Court urged tobacco warriors to seek a political solution Tuesday, ruling that only Congress can impose federal regulations on cigarettes.

By a 5-4 vote, the court struck down the Clinton administration's attempts to regulate tobacco products through a federal agency, the Food and Drug Administration.

The court said Congress must first give the FDA explicit authority to crack down on cigarette sales to children, an action that tobacco critics demanded within hours of the decision.

But prospects for congressional action are uncertain at best in a presidential election year, combatants on both sides said.

"The court's decision underscores the clear need for the Republicans in Congress and George W. Bush to put the interests of people ahead of the big tobacco companies," said Vice President Al Gore, the Democratic nominee-in-waiting.

The Bush campaign said in a statement: "Congress should pass tough laws to keep tobacco out of the hands of kids similar to strict anti-teen smoking laws the governor advocated and signed in Texas."

Tobacco industry officials said they welcome discussion of reasonable federal regulations. But they added that final decisions will probably await a new president and Congress.

"No one really believes anything can be done this year there won't be time," said Peggy Roberts, director of corporate communications for Philip Morris.

The tobacco companies still face a variety of individual civil lawsuits, not to mention a federal suit filed last year by the Justice Department. But tobacco stocks closed a bit higher on Wall Street. Philip Morris rose 38 cents to \$20.31. Loews Corp. rose \$2 to \$47.13 and R.J. Reynolds Tobacco Co. finished up 56 cents at \$17.06.

Industry critics said the Supreme Court ignored a mountain of evidence that tobacco companies spent decades covering up the dangers of their products. The court's refusal to grant FDA jurisdiction, they said, exposes millions of children to the addictiveness of cigarettes and smokeless tobacco.

"Now Congress has the right, the ability, and the responsibility to do something about this public health crisis," said Sen. Frank Lautenberg, D-N.J.

Tobacco officials, saying they are already working to keep kids from smoking, saluted the Supreme Court for rebuking what some called a power grab by the Clinton administration.

"The highest court in the land has confirmed that a federal agency cannot on its own go beyond its limits of authority set by Congress," said a statement from Brown & Williamson Tobacco.

The court's decision wipes out President Clinton's most ambitious effort to curb teen smoking. Traveling in India, Clinton also called on Congress to act.

He specifically mentioned a past Senate bill sponsored by two Republicans, Bill Frist of Tennessee and former presidential candidate John McCain of Arizona.

"Nearly four million children under the age of 18 smoke cigarettes 3,000 more start each day and 1,000 will have their lives cut short as a result," Clinton said in a statement.

McCain, however, called congressional action a longshot, in part because of massive campaign contributions from tobacco companies.

"I have to tell you I'm not optimistic that we will be able to get that done until we have campaign finance reform," McCain said.

A spokeswoman for Frist said he wants to review the Supreme Court decision before deciding how to proceed.

With the strong backing of the Clinton administration, the FDA in 1996 reversed a decades-long policy and asserted authority over tobacco.

It instituted a federal ban on tobacco sales to children under 18, echoing laws in all 50 states. The FDA also called for tighter restrictions on advertising that might appeal to young people.

The agency further required cigarette sellers to demand photo identification from young buyers. It also restricted cigarette vending machines to bars and other places populated only by adults.

The tobacco industry sued, asserting that the FDA exceeded its authority. The industry won that argument before the U.S. 4th Circuit Court of Appeals in Richmond, Va., and again Tuesday in the Supreme Court.

Writing for the majority, Justice Sandra Day O'Connor said the court sympathized with the goals of the Food and Drug Administration. But she said government agencies need explicit permission from Congress before they can regulate such a large segment of the economy.

The majority said Congress specifically excluded tobacco when it passed the Food, Drug and Cosmetic Act of 1938. It also noted that over the years, Congress has passed tobacco-specific legislation rather than defer to executive branch agencies such as the FDA.

The opinion further noted that the FDA is required to ban items it deems to be dangerous or unsafe. Thus, the FDA would be required to prohibit cigarettes if it had regulatory authority over tobacco.

"Congress, for better or for worse, has created a distinct regulatory scheme for tobacco products, and squarely rejected proposals to give the FDA jurisdiction," Justice O'Connor wrote.

Joining Justice O'Connor in the majority were Chief Justice William Rehnquist and Justices Antonin Scalia, Anthony Kennedy, and Clarence Thomas.

The four dissenting justices noted that in past cases the court has generally deferred to the judgments of federal agencies.

Writing for the minority, Justice Stephen G. Breyer pointed out that the food and drug act gave the FDA power over items "intended to affect the structure or any function of the body." He said cigarettes qualify because of the way nicotine affects the central nervous system.

"The upshot is that the Court today holds that a regulatory statute aimed at unsafe drugs and devices does not authorize regulation of a drug (nicotine) and a device (a cigarette) that the Court itself finds unsafe," Justice Breyer wrote.

Justices John Paul Stevens, David Souter and Ruth Bader Ginsburg joined the dissent.

A variety of anti-smoking groups criticized the court's decision and urged Congress to respond. "It is always more difficult in an election year. But we don't have to start from ground zero," said Matt Myers, president of Campaign for Tobacco Free Kids.

Tommy Payne, executive vice president for external relations at R.J. Reynolds, said the industry welcomes a "rational discussion" about a "reasonable regulatory structure."

"We're supportive of that and fully intend to be active and constructive participants," Payne said.

McCain repeats he would decline GOP vice presidential nomination

By Richard Whittle

The Dallas Morning News

WASHINGTON Sen. John McCain reiterated Tuesday that he would decline the Republican vice presidential nomination if Gov. George W. Bush offered it but said he would campaign for reform-minded GOP candidates this fall.

Speaking to reporters shortly after his first Senate speech since he lost his party's presidential nomination to the Texas governor, McCain also said again that he would "support the nominee of the Republican Party."

A spokesman for Bush, Scott McClellan, said, "Governor Bush appreciates his gracious remarks and believes it was a helpful signal to send on his first day back."

The Arizona senator has said repeatedly that he would back the Republican nominee and reject the second slot on the party's ticket. But in the wake of his March 9 withdrawal from the race, there was speculation he might change his mind about being Bush's running mate.

McCain declined to discuss what form his support for Bush might take. He never referred to his erstwhile foe by name, and he said he preferred to campaign for candidates "committed to my agenda for reform."

"It doesn't mean that they have to agree with everything, but it'd be very important to me that they are in agreement in

Eliau's return to Cuba.

"There could be a political decision to wait until after Nov. 6th, so Al Gore could still win Florida," said David Abraham, a Miami University law professor.

President Clinton and other administration officials have said they will keep politics out of the case.

But Miami politics has intensified the debate over Elian, who was found Thanksgiving Day floating on an inner tube in the Atlantic Ocean. He survived a boat accident that drowned his mother and others trying to escape from Cuba.

Immigration officers allowed a Miami great uncle to take care of Elian at his home in Miami, where the boy has become a symbol for other Cuban Americans who fled communist oppression in Cuba.

Protests erupted on Miami streets in early January after immigration officials ruled that Elian should be returned to his only surviving parent, father Juan Gonzalez in Cuba.

Besides becoming an issue in the presidential campaign, Elian also became a cause on Capitol Hill where bills were introduced to grant him citizenship. That effort stalled after the court case got underway and appears unlikely to be revived.

The case also caused a split between Juan Gonzalez and his uncle in Miami, Lazaro Gonzalez, who has temporary custody of Elian. Attorneys for the uncle first filed suit for custody in a state court, but that effort was rejected by immigration officials who said they control Elian's status.

In a 50-page ruling issued Tuesday, Moore agreed that Congress meant to give the executive branch wide-ranging authority over immigration matters.

"A well-intended lawsuit filed on behalf of and for the benefit of Elian Gonzalez ran headlong into an equally well-intended Attorney General ... determined to see that a father's wishes to be reunited with his 6-year-old son be given primacy in law and fact," Moore wrote.

"Even this well-intended litigation has the capacity to bring about unintended harm," he added.

An attorney for Lazaro Gonzalez said the decision included some good news for the Miami family. The judge rejected government arguments that courts can't review immigration matters, and said the relatives had a right to sue on behalf of Elian.

"We're very pleased with two-thirds of the decision today," said Spencer Eig, one of a team of attorneys working on behalf of the Miami family.

Winning the right to represent Elian gave the family hope that their case would be accepted by an appellate court, the attorney said.

But the judge also strengthened the impact of his ruling by not making it on technical issues, such as the legal standing of the relatives, legal experts said.

"This is probably the best outcome possible for the government," said David Martin, a University of Virginia law professor and former attorney at the immigration service.

The Miami attorneys also could ask Moore to delay enforcement of his order. If he did, he also would likely forestall any action by government attorneys to reclaim custody of Elian, experts said.

But the judge is unlikely to stall his own order, they said.

The appeals process could be given added urgency if the government moves to regain custody of Elian, Martin said.

The family would need the protection of the appellate court to stall a government order to turn over the boy, he said.

"Now may be the most auspicious time for the Justice Department to force a resolution to this matter," Martin said.

END

J. Dennis Hastert
Fourteenth District
Illinois



(202) 225-0600

Office of the Speaker
United States House of Representatives
Washington, DC 20515

March 29, 2000

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

Mark -
FYI

Dear Mr. President:

It is our understanding that the Department of Justice may soon attempt to forcibly remove Elian Gonzalez from his Miami home and return him to communist Cuba. As this is a matter of urgency, we request that you immediately instruct Attorney General Reno to not take such action.

We continue to demand that you instruct the Attorney General to abide by your Administration's original position that the Florida family court should decide what is in the best interest of Elian. At a minimum, the proceedings before the federal courts should be allowed to run their course. The judicial process is the best way for determining what is in the best interest of this child, just as the courts are called upon thousands of times each day to make the same determination for other children. Nevertheless, the Department is threatening this removal action while Elian's case is pending before the courts, attempting to short-circuit the appeals process undermining fundamental procedural rights protected by our Constitution.

The Department of Justice, above all agencies within the executive branch, should respect the rule of law. While the United States District Court in Miami has ruled in favor of the Department, this decision is now before the federal appellate courts. In fact, in an unusual move, the 11th Circuit Court of Appeals has agreed to review Elian's case on an expedited schedule. It is critically necessary for Attorney General Reno to allow this important matter to receive full judicial review.

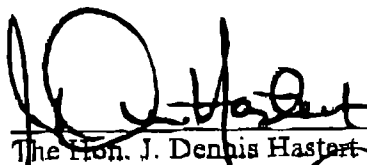
We have attached to this letter a chronology of judicial decisions and Justice Department actions in this case. These facts demonstrate the Department's unwillingness to defer to the judgments of the courts in deciding what is best for Elian. This practice must end.

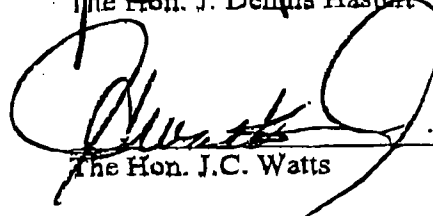
We appreciate your prompt attention to this time sensitive issue.

Respectfully yours,


The Hon. Dick Arney


The Hon. Tom DeLay


The Hon. J. Dennis Hastert


The Hon. J.C. Watts

Addendum attached

J. Dennis Hastert
Fourteenth District
Illinois



(202) 225-0500

Office of the Speaker
United States House of Representatives
Washington, DC 20515

Gonzalez Case: Procedural History

1) On December 1, 1999, after legally paroling Elian Gonzalez into the United States and placing him in the care of his great uncle, Lazaro Gonzalez, the Immigration and Naturalization Service (INS), pursuant to law and established policy and procedure, declared that the issue of the legal custody of Elian Gonzalez must be decided by the Florida Family Court. It further stated that Elian would remain in the United States until the Florida Family Court resolved the issue of his custody.

2) Previously, on December 10, 1998, INS had issued new guidelines in order for children to be able to file claims for political asylum in the U.S. The new INS guidelines stated that asylum procedures for children must recognize that children under the age of 18 may experience persecution differently from adults. The guidelines also established more child-sensitive procedures to help INS asylum officers interact more meaningfully with children. Based on INS guidelines and existing law and procedure, Elian's attorneys filed a petition for political asylum for Elian. The petition was returned by the INS to Elian without an interview or consideration of the merits of said petition.

3) Pursuant to established law, policy and procedure, as well as to the above-referenced INS declaration of December 1, 1999, Lazaro Gonzalez, Elian's great uncle, obtained an order on January 10, 2000 from the Florida Circuit Court for the Eleventh Judicial Circuit, granting him temporary custody of Elian Gonzalez and prohibiting the removal of Elian from Miami-Dade County until the issue of his custody was permanently resolved by the Florida Family Court.

4) After the state court ruling of January 10, 2000 granting Lazaro Gonzalez temporary custody of Elian, a second petition for political asylum for Elian was filed on his behalf by his great uncle Lazaro Gonzalez. INS refused to accept the second petition. INS has consistently espoused the rationale that "only the father can speak for Elian," even though INS' own guidelines do not impose this requirement, and as noted above, INS guidelines recognize that petitions for asylum from children may be appropriate.

5) Despite the INS declaration of December 1, 1999, recognizing that the Florida Family Court must decide the issue of Elian's custody, and despite the well-established principle of American jurisprudence that custody disputes are clearly within the realm of the state courts, as well as the requirement of the 10th Amendment to the United States Constitution that the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the states, Attorney General Reno stated, in a

letter sent on January 12, 2000 to Elian's attorneys, that she refuse to abide by the state court order, and that INS' custody decisions, "may be challenged, if at all, only in Federal court". She further stated that "we are prepared to litigate in that forum" (federal court).

6) Accordingly, Lazaro Gonzalez, on behalf of Elian, filed an action in the United States Court for the Southern District of Florida seeking to force the INS to follow its own guidelines and grant Elian a hearing for political asylum.

7) The Court set a hearing for March 9, 2000 on the issue of whether it had jurisdiction to hear the lawsuit filed on behalf of Elian by Lazaro Gonzalez.

8) Subsequent to the hearing the Court ruled, on March 16, 2000, that it did have jurisdiction, that the plaintiffs have legal standing to sue on Elian's behalf and, without holding either a trial or even a hearing on a motion for summary judgment, the Court ruled against Elian on the merits of the complaint. The Federal Court left intact the State Court Order granting Lazaro Gonzalez temporary custody of Elian, however, and supported "the state court's conclusion that Lazaro is a proper next friend in the instant case".

9) Immediately, Elian's lawyers filed a notice of intent to appeal the case as authorized by law, to the 11th Circuit Court of Appeals in Atlanta.

10) Acting as both judge and party in the pending legal case, the Justice Department demanded, on March 23, 2000, in a written ultimatum to Elian's attorneys, that they radically shorten the time allowed them by law in order to file their appellate arguments, and that they submit to various other conditions sought to be imposed arbitrarily by the Justice Department.

11) Elian's attorneys proceeded to ask the Appellate Court to expedite the procedure in this case, and the Court, on March 27th, issued an expedited timetable for the presentation of legal documents, and scheduled oral arguments for May 8, 2000.

12) On March 27, the Justice Department in effect rejected the Appellate Court's timetable by stating that it would revoke Elian's parole in the United States, with the possible intention of sending Elian back to Castro's Cuba within days.

In summary, the Justice Department, which declared through the INS on December 1, 1999, that, as required by law, Elian's custody would have to be decided by Florida Family Court, refused to obey a Florida Family Court order that stands to this day granting temporary custody of Elian to his great-uncle and prohibiting Elian from being removed from the area of jurisdiction of the state court; insisted on litigating the matter only in the federal courts, thus forcing Elian's lawyers to file suit in federal court; refused to respect the time-frame set by law for the federal appeal, and refused as well to obey the time-frame set by the federal appellate court itself when the Court agreed to expedite Elian's appeal and scheduled oral arguments for May 8, 2000.

H. Dennis Hastert
Fourteenth District
Illinois



Benker

(202) 225-0500

Office of the Speaker
United States House of Representatives
Washington, DC 20515

FAX COVER LETTER

ATTENTION: Chuck

FROM: Policy Office Staff

☐ Ralph Hellmann

☒ Bill Inglee

☐ Amy Jensen

☐ David Thompson

☐ Bill Hughes

☐ Chris Scheve

☐ Tim Kurth

☐ Katherine Kless

☐ Christin Cummings

☐ Jonathan Moore

DATE: 3/29/00

FAX NUMBER: 456 6220

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Comments:

* SENT in THIS EVENING'S
INSIDE MAIL

✓ Bill

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Bob Smith
3/25/00

106TH CONGRESS
2D SESSION

S. 2314



IN THE SENATE OF THE UNITED STATES

(for himself, Mr. Mack, and Mr. Graham) ^{and Mr. McCain}

Mr. SMITH of New Hampshire introduced the following bill; which was read ~~the first time.~~
~~twice and referred to the Committee on~~

A BILL

For the relief of Elian Gonzalez and other family members.

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. PERMANENT RESIDENT STATUS FOR ELIAN
4 GONZALEZ AND OTHER FAMILY MEMBERS.

5 (a) GRANT OF PERMANENT RESIDENCE STATUS.—
6 Notwithstanding the Immigration and Nationality Act, or
7 any other provision of law—

8 (1) Elian Gonzalez and the family members
9 specified in subsection (b) are declared to be aliens
10 lawfully admitted for permanent residence in the

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)(C)(ii)) shall not apply to Elian Gon-
6 zalez or any other family member specified in sub-
7 section (b), and neither he nor any such family
8 member shall be regarded as seeking an admission
9 into the United States for purposes of the immigra-
10 tion laws, if any such alien is absent from the
11 United States for any period by reason of having
12 traveled to Cuba.

13 (b) OTHER FAMILY MEMBERS COVERED.—The fam-
14 ily members referred to in subsection (a) are the following:

Elián Gonzalez

Juan Miguel Gonzalez

Nelsy Carmenate

Jianny Gonzalez

Mariela Quintana

Raquel Rodriguez

Juan Gonzalez

5. 23/4
MAR 29 2000
Read the first time.

CONTEXT: *Today's Miami Herald reports that Fidel Castro has accused Lazaro Gonzalez, the great uncle with whom Elian presently resides, of sexually molesting young children while he was a physical education teacher in Cuba. INS has looked into information provided by the Government of Cuba, which contained no supporting facts, and has preliminarily determined that it has no bearing on the present placement of the child.*

The February 22 hearing in federal court was postponed until March 9 because the judge handling the case suffered a stroke. The expulsion of a Cuban diplomat in connection with charges of espionage by a Miami INS official has raised questions about the involvement of the INS official in the Elian case. While INS cannot say definitively that he had no access to files in the case, he played no role whatsoever in any of the decisions made in the matter. The PNG'd Cuban diplomat met with Elian's grandmothers during their U.S. visit. The Cuban newspaper Granma suggested that the ordered expulsion was a diversionary tactic just days before the first scheduled hearing in the Gonzalez case. The State Department dismissed the allegation as nonsense.

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

Legislation to confer citizenship on the boy is pending in both houses of Congress. Action by Congress to confer citizenship or residency on the child would effectively divest INS of jurisdiction over the matter, leaving a Florida state court to resolve a custody case filed by the boy's great uncle against the boy's father in Cuba. A hearing on the Elian case took place on March 1 before the Senate Judiciary Committee. No Administration witnesses participated.

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.

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

- That's just not something we would be able to comment on.
- **[IF PRESSED]** I would direct you to INS for further information.

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

- As the President has said, we hope the challenge to the INS decision will be resolved in court, not in the Congress, and strongly oppose legislation to confer citizenship on the child.
- As the President has said, we have not made a decision on a veto, but would not rule it out.

What's your reaction to the delays in the federal case?

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

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

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

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

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

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

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

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

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

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

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

- INS and the State Department are looking at it.

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

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

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

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

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

- This is a matter for the Justice Department to handle, and in keeping with normal policy, we cannot comment on pending litigation.

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

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

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

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

Bill Summary & Status for the 106th Congress**NEW SEARCH** | **HOME** | **HELP****H.CON.RES.240**

Sponsor: Rep Rangel, Charles B. (introduced 1/24/2000)

Related Bills: S.CON.RES.79

Latest Major Action: 1/24/2000 Referred to House committee

Title: Expressing the sense of Congress that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba.

Jump to: Titles, Status, Committees, Related Bill Details, Amendments, Cosponsors, Summary**TITLE(S):** *(italics indicate a title for a portion of a bill)*

- **POPULAR TITLE(S):**
Elian Gonzalez bill (identified by CRS)
- **OFFICIAL TITLE AS INTRODUCED:**
Expressing the sense of Congress that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba.

STATUS: *(color indicates Senate actions)***1/24/2000:**

Referred to the House Committee on the Judiciary.

COMMITTEE(S):**Committee/Subcommittee:**House Judiciary**Activity:**

Referral

RELATED BILL DETAILS: (additional related bills may be identified in Status)**Bill:**S.CON.RES.79**Relationship:**

Identical bill identified by CRS

AMENDMENT(S):

NONE

COSPONSORS(54), ALPHABETICAL: (Sort: by date)

<u>Rep Abercrombie, Neil</u> - 1/27/2000	<u>Rep Baca, Joe</u> - 1/31/2000
<u>Rep Baird, Brian</u> - 1/31/2000	<u>Rep Barrett, Thomas M.</u> - 1/27/2000
<u>Rep Becerra, Xavier</u> - 1/31/2000	<u>Rep Bishop, Sanford D. Jr.</u> - 1/31/2000
<u>Rep Boehlert, Sherwood L.</u> - 1/31/2000	<u>Rep Bonior, David E.</u> - 1/27/2000
<u>Rep Carson, Julia</u> - 1/27/2000	<u>Rep Christensen, Donna MC</u> - 1/31/2000
<u>Rep Clay, William (Bill)</u> - 2/1/2000	<u>Rep Coyne, William J.</u> - 2/1/2000
<u>Rep Cummings, Elijah E.</u> - 1/31/2000	<u>Rep Dingell, John D.</u> - 1/31/2000
<u>Rep Ewing, Thomas W.</u> - 1/27/2000	<u>Rep Farr, Sam</u> - 2/1/2000
<u>Rep Frank, Barney</u> - 1/24/2000	<u>Rep Hinchey, Maurice D.</u> - 1/24/2000
<u>Rep Hoeffel, Joseph M.</u> - 1/31/2000	<u>Rep Jackson, Jesse L., Jr.</u> - 1/27/2000
<u>Rep Jackson-Lee, Sheila</u> - 1/27/2000	<u>Rep Jefferson, William J.</u> - 1/31/2000
<u>Rep Jones, Stephanie Tubbs</u> - 1/31/2000	<u>Rep Kanjorski, Paul E.</u> - 1/31/2000
<u>Rep Kilpatrick, Carolyn C.</u> - 1/31/2000	<u>Rep Kleczka, Gerald D.</u> - 2/1/2000
<u>Rep LaFalce, John J.</u> - 1/27/2000	<u>Rep LaHood, Ray</u> - 1/24/2000
<u>Rep Largent, Steve</u> - 1/27/2000	<u>Rep Lee, Barbara</u> - 1/24/2000
<u>Rep McDermott, Jim</u> - 1/24/2000	<u>Rep McGovern, James P.</u> - 1/24/2000
<u>Rep McNulty, Michael R.</u> - 1/31/2000	<u>Rep Meeks, Gregory W.</u> - 1/24/2000
<u>Rep Miller, George</u> - 1/24/2000	<u>Rep Moakley, John Joseph</u> - 1/24/2000
<u>Rep Nadler, Jerrold</u> - 1/31/2000	<u>Rep Oberstar, James L.</u> - 1/27/2000
<u>Rep Olver, John W.</u> - 2/1/2000	<u>Rep Pascrell, Bill, Jr.</u> - 1/31/2000
<u>Rep Pelosi, Nancy</u> - 1/31/2000	<u>Rep Rodriguez, Ciro</u> - 1/27/2000
<u>Rep Roemer, Tim</u> - 1/27/2000	<u>Rep Sabo, Martin Olav</u> - 1/27/2000
<u>Rep Sanders, Bernard</u> - 1/31/2000	<u>Rep Schakowsky, Janice D.</u> - 1/27/2000
<u>Rep Serrano, Jose E.</u> - 1/24/2000	<u>Rep Slaughter, Louise McIntosh</u> - 1/31/2000
<u>Rep Stark, Fortney Pete</u> - 1/31/2000	<u>Rep Stenholm, Charles W.</u> - 2/1/2000
<u>Rep Vitter, David</u> - 1/27/2000	<u>Rep Waters, Maxine</u> - 1/27/2000
<u>Rep Weiner, Anthony D.</u> - 1/27/2000	<u>Rep Wynn, Albert Russell</u> - 1/27/2000

MOST RECENT SUMMARY:

1/24/2000--Introduced.

Declares the sense of the Congress that: (1) Congress should not interfere with normal immigration proceedings by taking any legislative measures designed to delay the reunification of Elian and Juan Gonzalez; and (2) the Immigration and Naturalization Service should proceed with its original decision to return Elian Gonzalez to his father, Juan Gonzalez, in Cuba, and take all necessary steps to reunify Elian Gonzalez with his father as soon as possible.

Bill Summary & Status for the 106th Congress**NEW SEARCH** | **HOME** | **HELP****S.CON.RES.79**Sponsor: Sen Dodd, Christopher J. (introduced 1/26/2000)Related Bills: H.CON.RES.240

Latest Major Action: 1/26/2000 Referred to Senate committee

Title: A concurrent resolution expressing the sense of Congress that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba.

Jump to: Titles, Status, Committees, Related Bill Details, Amendments, Cosponsors, Summary**TITLE(S):** (*italics indicate a title for a portion of a bill*)

- **POPULAR TITLE(S):**
Elian Gonzalez bill (identified by CRS)
- **OFFICIAL TITLE AS INTRODUCED:**
A concurrent resolution expressing the sense of Congress that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba.

STATUS: (*color indicates Senate actions*)**1/26/2000:**Referred to the Committee on the Judiciary. (text of measure as introduced: CR S100)**COMMITTEE(S):**

Committee/Subcommittee:	Activity:
<u>Senate Judiciary</u>	Referral

RELATED BILL DETAILS: (additional related bills may be identified in Status)

Bill:	Relationship:
<u>H.CON.RES.240</u>	Identical bill identified by CRS

AMENDMENT(S):

NONE

COSPONSORS(5), ALPHABETICAL: (Sort: by date)

Sen Bingaman, Jeff - 1/31/2000 Sen Boxer, Barbara - 1/26/2000
Sen Durbin, Richard J. - 1/26/2000 Sen Feinstein, Dianne - 1/26/2000
Sen Leahy, Patrick J. - 1/26/2000

MOST RECENT SUMMARY:

1/26/2000--Introduced.

Declares the sense of the Congress that: (1) Congress should not interfere with normal immigration proceedings by taking any legislative measures designed to delay the reunification of Elian and Juan Gonzalez; and (2) the Immigration and Naturalization Service should proceed with its original decision to return Elian Gonzalez to his father, Juan Gonzalez, in Cuba, and take all necessary steps to reunify Elian Gonzalez with his father as soon as possible.

IN THE LOOP

Al Kamen

That 'Day,' a Betty Currie Tell-All

Betty Currie speaks! Well, sort of. President Clinton's personal secretary is the keynote speaker at a brunch back near her old home in Waukegan, Ill., where she's to talk about "A Typical Day in the White House."

The brunch and speech are part of a day-long series of programs Saturday capped by a dinner where Currie receives this year's award honoring "The Most Influential African Americans of Lake County."

The city of Waukegan, some local organizations and the People's Voice, a community newspaper and the key sponsor, are to pay tribute to Currie, called a "living legend," in a People's Voice press release. This is believed to be her first major speech in quite some time, since she was called before a grand jury to testify about Clinton's relationship with former intern Monica S. Lewinsky.

The event drew a note from Clinton, who sent "Warm greetings to everyone gathered in Waukegan" and said he was "delighted to extend special congratulations to my dear friend Betty Currie."

"I thank Betty Currie and all of this year's honorees for their many contributions to the life of our nation," Clinton's message said. And "Hillary joins me in sending best wishes for a wonderful event."

A "Typical Day at the White House?" Hmmm . . . Potentially an extremely interesting talk. But sources close to Currie are certain it will not be about *those* typical days.

Matalin-Carville, the Sequel

The 1992 election produced the unlikely pairing of Clinton strategist **James Carville** and President Bush campaign senior staffer **Mary Matalin**, who later married. Now the 2000 campaign may produce another odd couple, though not in the same romantic sense.

Spotted Sunday night at the only hot restaurant in New Hampshire, Richard's Bistro in Manchester, where all the press and pols dine, seated at the very same table were **Al Gore** campaign manager **Donna Brazile** and Bush campaign senior strategist **Karl Rove** chatting amiably over dinner.

Turns out it was an accidental pairing. Some Time magazine folks apparently booked Brazile for an early off-the-record dinner and others booked Rove for a later dinner chat. But Brazile arrived very late so they ended up dining together with the Time honchos.

Unclear if Rove and Brazile are becoming pals, but we hear they did sign little note cards for each other with something about becoming the next Carville and Matalin.

Is Panama Canal Like a Root Canal?

Clear your calendars! Rep. **Helen Chenoweth-Hage** (R-Idaho) is holding a "congressional briefing" this afternoon to try to find a "Legislative Remedy for the Illegal

Panama Canal Transfer."

The idea, our invite says, is to look at "more evidence on how and why the canal must be reclaimed." Chenoweth says that "two key experts will be present to discuss this critical issue." One is retired Army Lt. Gen. **Gordon Sumner**, former chairman of the Inter-American Defense Board, and the other "key expert" is **John F. McManus**, president of the John Birch Society.

Maybe just a wee bit late?

Not Disinterested, Not Interested

Hard to find someone who hasn't taken sides in the **Elian Gonzalez** situation. Chicago lawyer **Jeffery M. Leving**, who filed a brief with the Immigration and Naturalization Service advocating Elian's return to Cuba, thought bitter litigation was not the way to go.

So Leving, an attorney for the American Coalition for Fathers & Children, sought help from former president **Jimmy Carter**.

"Any legal outcome not reached by a mediated agreement of the parties may likely lead to civil unrest," Leving wrote Carter on Jan. 25. "A mediated outcome could avoid such a disastrous conclusion," Leving suggested, and Carter's reputation as a mediator would make him a perfect candidate. So would he do it?

Sorry, Carter wrote back in a handwritten note on Leving's letter. "I am totally and publicly in favor of the boy being returned to his father in Cuba, so I lack the neutrality expected of a mediator. Best Wishes, Jimmy C."

White House Takeout

Times sure have changed. Denver Mayor **Wellington Webb**, introducing Clinton to some 300 mayors and aides in the White House East Room on Friday, noted that mayors were not regularly invited to the White House before Clinton's presidency.

The invites are now so frequent, Webb observed, that "it is no longer fashionable to take every item with a White House emblem on it."

Slavet Taking Over Merit Systems Board

Ben L. Erdreich, the former Democratic representative from Alabama who's been chairman of the Merit Systems Protection Board since 1993, is leaving next month at the end of his term to practice law here and back home with a Birmingham-based firm. Vice Chair **Beth S. Slavet** will take over as acting chairman on Erdreich's departure.

Segal Exercises Handgun Control

Phyllis Segal, former Massachusetts deputy attorney general, longtime major player at the National Organization for Women and most recently chair of the Federal Labor Relations Authority, is the new chair of Handgun Control.

Hannah
takes poverty p



AmeriCorps. Tak

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Total Pages: 6

LRM ID: LJM72

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, January 27, 2000

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: *Richard E. Green*
Richard E. Green (for) Assistant Director for Legislative Reference

OMB CONTACT: Lisa J. Macecevic
E-Mail: Lisa_J_Macecevic@omb.eop.gov
PHONE: (202)395-1092 FAX: (202)395-3109

SUBJECT: **STATE Report on Elian Gonzales**

DEADLINE: Noon Friday, January 28, 2000

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Please send any comments on the attached letter concerning Elian Gonzales by **NOON TOMORROW** so the letter may be transmitted to Congress TOMORROW.
Thank you.

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01/27/00 13:53



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

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STATE

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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

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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

Assistant Secretary for Consular Affairs

**THE WHITE HOUSE
OFFICE OF LEGISLATIVE AFFAIRS
HOUSE LIAISON**



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

FACSIMILE TRANSMISSION

DATE:

2/2/00

TO:

Trene Bremer / Alen Eisenbaum

FAX:

~~456-6620~~
514-1117

PHONE:

FROM:

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☐ LISA KOUNToupES
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☐ JOSH ACKIL
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☐ BRIAN MASON
☐ TANEESHA JOHNSON

Comments:

Alen Dear Colleague -

PAGE ONE OF

Congress of the United States

Washington, DC 20515

January 31, 2000

"We conclude that it would be unconstitutional, contrary to U.S. immigration law and congressional rules, and a serious interference in the parent-child relationship for Congress to grant Elián citizenship without the consent of his father." Law professors' legal opinion, attached

Dear Colleague:

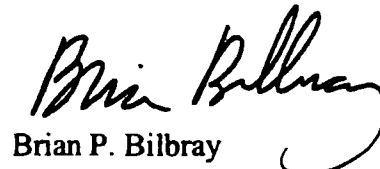
Attached please find a copy of a legal opinion, written by professors who teach constitutional, family, immigration, and human rights law at major law schools throughout the United States, about the issues raised by the Mack-McCollum bills to impose citizenship on Elián González. These arguments also apply to any effort to impose resident status.

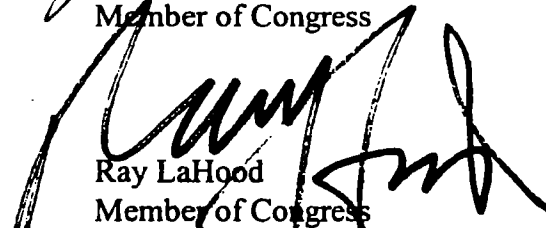
Before you vote on any citizenship or permanent residency legislation for Elián González, we urge you to carefully review these compelling legal arguments and the conclusion that the law requires early reunification of Elián with his father. The professors confirm constitutionally and legally what we all know is the right thing to do --- return Elián to his father.

With thanks for your consideration and best wishes, we are

Sincerely,


José E. Serrano
Member of Congress


Brian P. Bilbray
Member of Congress


Ray LaHood
Member of Congress


Tim Roemer
Member of Congress

"Legislation granting a six year old child citizenship, against the wishes of his father...is unprecedented and would involve Congress in family matters that are traditionally protected from government invasion."

Ibid.



YALE LAW SCHOOL
P.O. Box 208215
New Haven, Connecticut 06520-8215

January 27, 2000

The Honorable José Serrano
United States House of Representatives
Washington, DC 20515

Dear Cong. Serrano:

You have requested a legal opinion regarding proposed legislation that would grant citizenship to Elián González, the six year old Cuban boy. We teach in the fields of constitutional, family, immigration, and human rights law, and respectfully offer this response.

As we explain below, respect for family integrity is a basic principle of U.S. law, enshrined in our Constitution, statutes, and regulations. The Supreme Court, the Executive Branch and the Congress have all emphasized the importance of parental rights, the importance of family reunification, and the right of parents to choose where a child will live and his citizenship. Legislation granting a six year old child citizenship, against the wishes of his father, a father whom the Immigration and Naturalization Service has determined has the legal right to speak for his son in immigration matters, is unprecedented and would involve Congress in family matters that are traditionally protected from government invasion. We conclude that it would be unconstitutional, contrary to U.S. immigration law and congressional rules, and a serious interference in the parent-child relationship for Congress to grant Elián citizenship without the consent of his father.

1. Imposing citizenship on Elián González without the consent of his father Juan González would be an unconstitutional interference with the parent-child relationship.

Granting Elián citizenship would interfere with the parent-child relationship, a relationship that the Constitution has long protected against government "usurpation, disregard, or disrespect."¹ Our courts have repeatedly stated that "a parent's desire for and right to 'the companionship, care, custody and management of his or her children'"² is a fundamental right under our Constitution and can be disturbed only in the most egregious of circumstances. The rights to conceive and raise one's children have been deemed "essential, basic civil rights of

¹ *M.L.B. v. S.L.J.*, 519 U.S. 102, 116 (1996); see also *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Prince v. Massachusetts*, 321 U.S. 158 (1944); *Wisconsin v. Yoder*, 406 U.S. 205, 232-33 (1972).

² *M.L.B. v. S.L.J.*, 519 U.S. at 117-18 (quoting *Lassiter v. Dept. of Soc. Servs.*, 452 U.S. 18, 27 (1981) and *Stanley v. Illinois*, 405 U.S. 645, 651 (1972)).

that the child would be at risk of torture or persecution if returned to his father.”¹¹ In these circumstances to override the decisions the father has made for his son and family, would be contrary to the family values that this country has deemed “essential” since its founding.

2. Imposing citizenship on Elián González without his father’s consent would violate the right of every individual to determine his own citizenship.

Under the U.S. Constitution individuals have the right to determine their own citizenship; imposed citizenship (other than at birth) is an interference with fundamental constitutional rights. This has always been the position of the U.S. government: “No person should have the nationality of a foreign country forced upon him after birth without his consent.”¹²

Our country’s rejection of imposed nationality originates from its interference with an individual’s fundamental liberty interest to determine his or her own citizenship. That interest is constitutionally protected. Citizens have a constitutional right to voluntarily relinquish their citizenship, cannot be constitutionally punished by forced denationalization, and cannot relinquish their citizenship except through voluntary actions. So too, the forced acquisition of new citizenship for Elián would carry with it new obligations, such as military service, and new burdens, such as the restrictions on travel to Cuba for U.S. citizens.¹³ New citizenship also often removes or weakens the diplomatic protection afforded by the person’s prior citizenship, and involves an important aspect of personal self-definition. Those substantial individual interests and obligations cannot be made subject to government compulsion by forced citizenship.¹⁴

Nor is there any argument that the great uncle has the legal right to give his consent for Elián to become a citizen. The Attorney General and INS Commissioner have already determined that Mr. González alone may speak for the child, and that he desires his son’s

¹¹ Letter from Attorney General Janet Reno to Linda Osberg-Braun, Roger Bernstein, and Spencer Eig dated January 12, 2000 (“Attorney General Letter”), at 3.

¹² P. Weiss, *Nationality & Statelessness in International Law* 110 (1956) (quoting United States Government at Hague Conference of 1930). As long ago as 1886, Secretary of State Bayard objected to Mexico’s imposition of citizenship upon certain American citizens, stating that “a new national status [cannot] be forced as a favor by one government upon a citizen of another.” 3 J.B. Moore, *A Digest of International Law* 306 (1906) (emphasis added).

¹³ 31 C.F.R. 515.560; 31 C.F.R. 515.561.

¹⁴ The only exception to the rule against imposing citizenship is with regard to minors; Elián González can be made a citizen without his consent, but only upon the consent of his father or by reason of his father’s own voluntary naturalization. See Parts 3 & 4, *infra*. The reason for this narrow exception is obvious: a minor, particularly one that is 6 years old, is deemed incapable of consent. In order to promote family unity that might otherwise be disturbed if the parent were made a citizen and the child were not, and also because the parent can be deemed to provide implied consent for the child—a child is entitled to derivative naturalization upon his parents own naturalization. To make Elián González a citizen in circumstances where his father does not seek to naturalize and has not consented to his son’s own naturalization is contrary to the Constitution.

children are eligible to naturalize only on a derivative basis, upon the successful naturalization application of their natural or adoptive parents. There is absolutely no provision in the naturalization statutes for another relative, such as a great-uncle (even one granted temporary custody), to arrange for the naturalization of a child. In fact, the naturalization statutes specifically address Elián's situation, providing a single path to citizenship for him: a child under 18 years of age and born outside the U.S. to two alien parents automatically acquires U.S. citizenship upon the "naturalization of the surviving parent if one of the parents is deceased."²⁰

Under the naturalization statutes, Elián is too young to apply for citizenship in his own right, and may acquire U.S. citizenship only if Mr. González himself were to file a successful application for naturalization. No other relative can seek to convert Elián's citizenship. This statutory scheme is the product of wise legislative choices, but it is also grounded in the Constitution, which recognizes the basic parental right to raise one's children, and shields that right from governmental attack. Imposing citizenship on Elián without his father's consent would flout the naturalization statutes and violate the Constitutional protections they codify.

4. Imposing citizenship on Elián González without his father's consent would flout House and Senate rules governing private bills.

Like the naturalization statutes, House Rules governing private bills recognize and incorporate the powerful constitutional protections afforded the parent-child relationship. For example, these Rules require "a signed statement by each beneficiary, or the beneficiary's guardian, that he or she desires the relief sought by the bill" (emphasis added).²¹ Granting Elián González citizenship without the consent of his father flouts House Rules regarding private immigration bills and violates the constitutional principles upon which the Rules rest. Although it may be true that House Rules can be overridden by vote of the House itself, this rule is not a mere rule of procedure, but one of substance that reflects the constitutional requirements outlined above—that it is only the parents (and perhaps a legal guardian) that can request citizenship on behalf of their minor child. Ignoring the House Rule that requires a guardian's consent would violate the constitutional due process rights of both Elián and his father and would be unconstitutional.

In addition, House and Senate Rules require that all administrative and judicial proceedings regarding a beneficiary's immigration status be completed before a private bill is considered.²² Congress has recognized by this Rule that extra-legal remedies should be a course of last resort. This is to insure the rule of law, that Congress is given the benefit of judicial rulings and that it is not burdened with bills presenting issues that may be remedied in courts. At present Elián González is the subject of two court proceedings in Florida—one in federal court and the other in state court. Although in our view the Attorney General is not required by law to await the outcome of further judicial proceedings before implementing her decision to return

²⁰ 8 U.S.C. § 1432(a)(2).

²¹ House Immigration Subcommittee Private Bill Rules of Procedure ("House Rules") 1(i).

²² Senate Immigration Subcommittee Rules of Procedure for Private Bills ("Senate Rules") 3; House Rules 3.

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DOUG BANDOW

PAUL GREENBERG

Balancing citizenship . . . and family

Why has Congress been asked to make little Elian Gonzalez an American citizen, or at least a legal resident? Because it may be the only way to keep him out of the clutches of the U.S. Immigration and Naturalization Service, which is ready to send him straight back to Fidel Castro's picturesque Caribbean isle.

While they're at it, our senators and representatives should also consider citizenship for another survivor of that ill-fated raft trip: Arianne Horta, who left her daughter Estefani behind in Cuba.

She's asked the INS — yes, the same bureaucracy trying to send little Elian back to his father — for help in getting her daughter here.

But the INS' dedication to family reunification doesn't extend to uniting a family in a free country. Until this mother becomes an official resident sometime next year, the INS won't help her claim her daughter. As a citizen, however, she might be able to get her daughter out. Little Elian should be so lucky.

Meanwhile, the INS continues to press the case of somebody who's not an American citizen — Elian's father, who says he wants his son back, but won't or can't come to the States to testify. Instead, the Cuban regime dispatched two grandmothers/spokespersons to make a round of political appearances in this country.

The grandmas declined to visit the boy in his Florida home. They insisted on a private meeting away from the rest of the family, and so did the INS. The ladies were afraid of protesters in Miami, it was said. It seems the demonstrators were throwing flowers and shouting "Libertad!"

But freedom is not something anyone prudent would shout about in Cuba. There, the only demonstrators allowed are Fidel-approved. Any others might find themselves, as they used to say in the Soviet Union, a head shorter.

The administration's order of priorities in deciding what to do about this littlest refugee isn't entirely clear. What does it put first — the claims of fatherhood? Cuban-American relations? the bureaucratic process and the supremacy of the INS?

What comes last in our policy-makers' scale of values is clear enough: Freedom. Libertad.

Meanwhile, no sign of Dad. Although it is his relatives in Miami who insist on letting Elian grow up free, and it was the father who

called to tell them his son was on the way to Florida. Nobody heard a peep out of Dad until Fidel protested the boy's "kidnapping" by wicked imperialists.

It is all very strange — until one realizes what kind of regime we're dealing with in Havana. For decades now, Fidel Castro has been putting dissidents against the wall and populating his prisons with poets. The Cuban penal code includes "crimes" like dangerousness, disrespect, failure to

denounce others and owning a fax machine. This is a Leninist regime that doesn't hesitate to take out its fury on any family left behind. In short, it's the kind of society — the name for it is totalitarian — that the National Council of Churches thinks would be just dandy for a kid like Elian.

Yes, Elian's father back in Cuba has been demanding the return of his son, publicly echoing the party line. And who can blame him? He's got a family to think about.

The boy's mother didn't survive the flight to freedom, and so she can no longer speak for him, except through her sacrifice. Although it should be noted that two survivors of that ill-fated flight to freedom say her last wish was that Elian get to American soil.

It might also be noted that before making a break for it, Elian's mother had been interrogated for "political deviation," another criminal offense in Cuba. Can anyone, even those who would dispatch an innocent child to Fidel's penal farm, feel good about doing so?

Lest we forget: When one of Fidel's generals defected with his son, the boy's mother accused him of kidnapping their child. But when she made it to these shores, she explained she was just saying that because she'd had to. Nobody blamed her. Fidel Castro's regime doesn't just use duress; it is duress.

Another Cuban father who made it here, Jose Cohen, is still trying to get his kids out — he's even got U.S. visas or them — but they're still being held in Cuba. Naturally the National Council of Churches isn't holding press conferences to help him. Some folks seem to be in favor of family reunification only when Fidel Castro is.

In pursuing Elian Gonzalez, the INS has stood the traditional understanding of family reunification on its head: Instead of a principle that lets other members of a fleeing family into the United States, the INS would send this 6-year-old back to a communist dictatorship. It opposes any hearing in Florida's family court to determine what's in the child's best interests.

Here's hoping that once Congress has bestowed citizenship on Master Elian and Mrs. Arianne Horta, it might take one more action: It should consider changing the official name of the U.S. Immigration and Naturalization Service to something simpler and more accurate, something reflecting the scorn it now enjoys from those it has harassed over the years. And in Elian Gonzalez's case, it has certainly earned that scorn.

Paul Greenberg is a nationally syndicated columnist.

The two grandmothers of Cuban refugee Elian Gonzalez made a well-publicized pilgrimage to D.C., to plead for his return. It was a poignant scene, as Fidel Castro undoubtedly expected. But, it did not help resolve the 6-year-old's future.

Elian was rescued off Florida's coast on Thanksgiving Day after his boat, filled with Cuban refugees, capsized. His mother and stepfather perished.

Elian was placed with relatives in Miami, but his father, still in Cuba, requested that Elian be sent back. The Immigration and Naturalization Service agreed, setting Jan. 14 for his return.

But a Florida court asserted jurisdiction and Rep. Dan Burton, Indiana Republican, subpoenaed Elian for a March congressional hearing.

Sen. Connie Mack, and Rep. Bill McCollum, both Florida Republicans, are sponsoring legislation to make Elian a U.S. citizen.

Which prompted the grandmothers' visit. They met with INS Commissioner Doris Meissner, who said the two ladies "made a very compassionate and heartfelt plea to be reunited with their grandson."

Elian's case is a tragedy. His family's flight highlights the reactionary communist system that continues to impoverish and oppress the Cuban people.

Continued

The Washington Times

The deaths of Elian's mother and stepfather show the price that some people pay for freedom. Their deaths, the worst loss a child can suffer, are particularly catastrophic for Elian.

Moreover, Elian has lost his father, and Juan Gonzalez has lost his son. If Elian stays in America, it may be years before they see each other again.

Normally, the case would be simple. The father wants his child back. Back Elian should go.

Reuniting the two is particularly important given the death of Elian's mother. The distant relatives with whom he is staying may offer him a loving home. But his father represents the security that Elian most needs after his mother perished.

Alas, however, Elian would not be returning to Canada, France or even Russia today, all of which he could freely leave in the future. To return to his father is to return to Fidel Castro's Cuba, an island prison.

Indeed, it has been alleged Elian's dad knew of and supported the plan to take Elian to America. But if this is so, Juan Gonzalez cannot admit the truth when his livelihood, liberty and life, and those of his family, are at Mr. Castro's disposal.

Again, normally the case would be simple. Despite anomalies — Cubans face a bizarre policy whereby they are returned if captured at sea, but can stay if they touch land — America has generally welcomed political refugees.

Yet, Elian is just 6. He lacks the judgment necessary to form a well-considered desire to stay.

The only comparable case is that of Walter Polovchak, a 12-year-old who emigrated with his family from the Soviet Union in 1980.

When Walter's father decided after months to return to communism, Walter resisted, leading to a six-year court fight that ended only when he turned 18. He now lives in Illinois and says his refusal to return "is the best decision I have ever made."

However, Walter, not his mother, chose to seek freedom. His decision demonstrates how a child of 12, in contrast to one of 6, might understand the basic differences between a free and unfree society. Mr. Polovchak was much closer to adulthood — which actually ended his case — than is Elian. Moreover, Mr. Polovchak had not lost a parent.

Ironically, the collapse of communism means Mr. Polovchak eventually would have been able to leave if he desired to do so. Communism in Cuba will disappear, too, it is to be hoped early in Elian's lifetime. But he could easily spend his entire childhood locked in an impoverished dictatorship.

What to do?

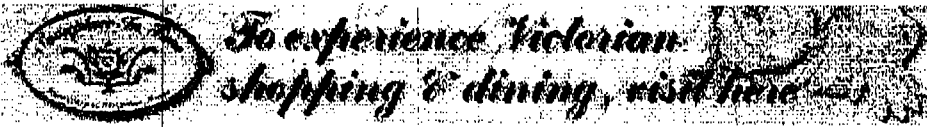
First, take the case away from the INS, which used a frivolous technicality to assert its jurisdiction and acted with unseemly haste in deciding to return Elian. This most politically minded administration seems more interested in enhancing relations with Havana than protecting the freedom of a 6-year-old kid.

Second, let a court hold a custody hearing to determine what is in Elian's "best interests." Request that Juan Gonzalez, the two grandmothers, and any other immediate family members appear in the courtroom, free from Cuban coercion, to explain what they want for the child. And promise them asylum if they want to stay in America.

Then, if the court decides that the best option is to return Elian, so be it. If it is to keep him here, so much the better. Who would want to have to choose between family and freedom?

Even worse, who should make the choice for Elian Gonzalez? Certainly not Washington, which has everything except Elian's interest in mind.

Doug Bandow is a senior fellow at the Cato Institute.



Hispanics note different treatment for Cubans

IMMIGRATION: Unlike Elian Gonzalez, Mexican children are routinely deported by the U.S.

January 30, 2000

By MINERVA CANTO
The Orange County Register

Mentioning the name Elian Gonzalez in Orange County's Hispanic immigrant community elicits the usual comments: "He should be returned to Cuba." Or, "He should be allowed to stay in the United States."

Talk of the Cuban boy who was rescued by fishermen off Florida then invariably turns to the fact that about 14,000 children are deported to Mexico every year after trying to cross the U.S.-Mexico border illegally.

Without Congress getting involved. Without anyone conducting nationwide opinion polls on the case. Without affecting relations between both countries.

It's simply a matter a fact accepted by many Orange County Hispanic immigrants, who are predominantly from Mexico.

"It isn't strange that nobody from Mexico has spoken up about all this mess, to ask why all the special treatment," said Elvia Ruiz, a 54-year-old Mexican immigrant who has lived in Santa Ana for more than 20 years. "It's just accepted because Cuba is Cuba. Mexico will never be treated like Cuba."

Ruiz said Cubans and Mexicans are similar because many from each nation risk their lives to come to the United States.

"But I think the similarities end there," Ruiz said.

Grace Gomez, 23, also an immigrant from Mexico, agrees.

"There is a history that can't be erased, and we are talking about two very different ones for two very different Latino countries," said Gomez, a Buena Park resident.

Jorge Lopez, 34, an immigrant from Guatemala, wishes that

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the famous Cuban boy's plight would bring attention to the fate suffered by thousands of children who are deported.

"But no. It's all about Elian and politicians using Elian to get what they want," Lopez said. "Because if they really cared about Elian and the kids, then they would write a bill for all the kids, not just him."

#1 newspaper in Orange County, California

Register

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CUBA

Published Monday, January 31, 2000, in the Miami Herald

Boy's future a tough call

BY FRANK DAVIES AND CAROL ROSENBERG
crosenberg@herald.com

WASHINGTON -- Now sidelined in the House and uncertain of passage in the Senate, Florida Republican Sen. Connie Mack's effort to bestow American citizenship on Elian Gonzalez stirred an ideological dilemma last week for congressional conservatives:

To be pro-family or anti-communist?

Listen to Rep. E. Clay Shaw, a Fort Lauderdale Republican, who says he is weighing his aversion of Fidel Castro against parental rights and remains undecided on how he would vote on the citizenship question:

"All of us are really grappling with this," Shaw said. "I hate the idea of sending the boy back to Castro, but I'm repulsed by the notion of not favoring the father and grandparents over uncles and cousins."

Shaw added that he found many of his House colleagues "uncomfortable with becoming decision-makers in a custody case," in part because he was concerned about what precedent it could set.
SENT TO COMMITTEE

"In the end, I think it's unlikely that we'll take any action," predicted Shaw, whose coastal district stretches from Miami Beach to Jupiter, because House Speaker Dennis Hastert, R-Ill., had sent both House versions of the Elian Gonzalez bills to the Judiciary Committee of Rep. Henry Hyde, R-Ill.

Sending the bills, to award either citizenship or permanent residence, to Hyde's committee means a go-slow posture in the House because Hyde wants the courts to grapple with the custody issue before Congress tackles it.

The move also deprives Rep. Lincoln Diaz-Balart, a Miami Republican, of the option of rushing it to the floor through his seat on the Rules Committee.

On the Senate side, a key early Republican defection from the pro-citizenship camp came when Sen. Chuck Hagel, R-Neb., braved a blizzard to meet with Elian's grandmothers in the Senate on Tuesday, along with Democratic colleagues who pledged to fight a floor vote on the Mack bill.

"Is Castro a dictator? Yes. Is there democracy in Cuba? No," said Hagel, one of 70-plus House and Senate members who met last week with Elian's grandmothers, Mariela Quintana and Raquel Rodriguez.

Hagel worked in Republican caucuses to keep the bill off the Senate floor, and by the weekend fellow Republican Sen. Arlen Specter of Pennsylvania said he also was siding with the father in the custody dispute.

"I think he belongs with his father, and I think that is the sense that's evolving on Capitol Hill," Specter told Reuters news agency.

"My sense is that there's a growing feeling in America that Elian should be returned to his father."

With Democrats and some Republicans expressing distaste for the political drama, analysts said fast-track citizenship legislation was stalled by a peculiar confluence of forces, including Farm Belt interest in eroding the 38-year-old economic embargo of Cuba.

"There are Midwestern Republicans who view the embargo as hurting American farmers who want a market in Cuba -- and there's also a sentiment among religious conservatives on parental rights," political scientist Darlo Moreno said in Miami.

Add members of Congress who want to clamp down on immigration and Democrats such as Reps. Charles Rangel and Jose Serrano of New York, who have long argued for normalizing relations with Castro, and "granting citizenship is a hard thing for Congress to do," Moreno said.

"It's not like giving \$1.5 million to the Miami Ballet, which is the normal give and take of Congress -- you do something for my district, I do something for your district."

Republican Reps. David Vitter of Louisiana and Steve Largent of Oklahoma, considered strong family-values advocates, publicly disagreed with their party and signed on as co-sponsors of Rangel's return resolution.

"As a conservative and as a parent, I feel strongly that a parent should guide the destiny of his minor child absent some unique circumstances, such as evidence of abuse," Vitter told The New Orleans Times-Picayune.

He said he would have preferred that the boy's father, Juan Miguel Gonzalez, travel to the United States to declare his desire to rear Elian in Cuba. But Vitter said the appearance of Elian's two grandmothers in the United States lessened his concerns about the father's sincerity.

DIFFICULT CHOICES

Michael Schwartz, spokesman for the conservative Congressional Family Caucus and an aide to Rep. Tom Coburn of Oklahoma, said members were indeed torn between the family-values argument and their antipathy of Castro's regime in deciding on the citizenship bill.

He blamed Castro's unwillingness to allow Elian's father to travel to the United States with his wife, infant child and all four grandparents to let America test the family's wishes -- outside Cuban government interference.

"There's a really strong reason to send him back to Cuba, to be with his father. That's his father," Schwartz said.

But the only way to really know what is best for Elian, Schwartz said, "is if we can get Juan Miguel here, and his family, to stand on American soil under American protection."

He was also criticized the Clinton administration for not demanding that Castro dispatch the Gonzalez family, of Cardenas, Cuba, to Miami to settle the custody dispute.

Meantime, he characterized the citizenship proposal as a tactic to shift the issue to a family court judge "to make sure there is a hearing before a judge, where we can make our best effort to get to the truth."

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NEWS

Published Tuesday, February 1, 2000, in the Miami Herald

Exile group forges ironic alliances

BY KAREN BRANCH
kbranch@herald.com

The battle over granting citizenship or residency to Elian Gonzalez has highlighted a little-known fact about the Cuban American National Foundation and its links to Congress: Miami's most important exile lobbying group and its political action committee often are more generous with Democrats than Republicans.

In an irony of historical proportions, the foundation has been a major supporter of two nephews of President John F. Kennedy -- who earned the hostility of exiles by denying air support to the ill-fated Bay of Pigs invasion in 1961.

This may surprise Cuban Americans in Miami, most of whom are Republicans.

But foundation folks say it just makes political sense.

"It should come as no surprise there are many Democrats supportive of our issues," foundation spokesman Fernando Rojas said. "That's a reflection of our efforts to make sure that Cuba policy is bipartisan in nature."

Those efforts are also reflected in contributions by the Free Cuba PAC, the political fund-raising arm of the foundation. The organization spent \$53,500 on Democrats in the 1997-98 congressional campaign cycle, compared with \$49,500 on Republicans.

In the 1999-2000 cycle reported so far, the balance is tilted even more toward Democrats. Fifty-five percent of the PAC donations (\$21,000) went to congressional Democrats, with 45 percent (\$17,000) to Republicans.

Many of the foundation's Democratic allies are congressional members from Florida and New Jersey, home to large Cuban exile populations that are prolific voters. They include Sen. Bob Graham, D-Fla., and Sen. Robert Torricelli, D-N.J. -- who signed on as sponsors to Florida Republican Sen. Connie Mack's bill to grant Elian U.S. citizenship.

ALLY OF FOUNDATION

Yet the foundation, too, has snagged less obvious champions for anti-Castro causes. The most acclaimed is Rep. Patrick Kennedy, D-R.I., son of Cuban embargo opponent Sen. Edward Kennedy, D-Mass.

The younger Kennedy is co-sponsoring a bill by U.S. Rep. Robert Menendez -- a Cuban-American Democrat from New Jersey -- to grant permanent residency

SEE ALSO

Roberto Kolon
ALLIES: Rep. Patrick Kennedy
at the Cuban American
National Foundation in 1999.
Flanked by Alberto Hernandez,
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- Sister Jeanne: Elian's new mom is here
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to the 6-year-old.

They, along with Rep. Peter Deutsch, a Broward Democrat who also represents parts of exile-abundant Miami-Dade, signed letters to President Clinton and Attorney General Janet Reno to urge that they postpone Elian's return.

The historical irony of the Kennedys' support is one acknowledged by the foundation, whose founder, the late Jorge Mas Canosa, was a Bay of Pigs veteran.

"When you mention the name Kennedy, you're reminded of the early days of the struggle against Fidel Castro and that promise that was made by that administration to restore democracy to Cuba, which remains unfulfilled, Rojas said. "But Patrick Kennedy was one of the first to try to reach out to the community -- even visiting at one point with the Bay of Pigs veterans.

"What is interesting is here you have a new generation of Kennedys working side by side with another generation of Cuban Americans to try to fulfill a fundamental desire on our part and, indeed, on his part, to bring about freedom in Cuba.

TIES WITH KENNEDYS

Jorge Mas Santos, now chairman of the foundation, said his father was just as close to Patrick and Joe Kennedy.

Federal contributions records show that Mas Canosa did indeed express support for the Kennedys -- in personal contributions. He and his wife and sons donated \$1,450 to Patrick's 1996 reelection bid and \$1,000 for the 1997-98 cycle.

The Mas family, similar to the Free Cuba PAC, has reached into its own pockets more for Democrats than for Republicans in two of the last three congressional elections, and have so far continued that trend in the 2000 races. Only in 1996 did they give more to Republicans -- \$39,250 compared with \$21,950 to Democrats.

The Mas family gave \$26,000 to Democrats and \$19,250 to Republicans in the '94 cycle, \$6,250 to Democrats and \$5,750 to Republicans for the '98 races, and \$2,000 to Democrats and \$500 to Republicans for the 2000 cycle.

ANOTHER KENNEDY

The foundation counts among its allies former U.S. Rep. Joseph P. Kennedy II, Patrick's cousin. In the 1997-98 campaign cycle, the Free Cuba PAC gave \$7,000 to Joseph's congressional campaign and \$6,500 to Patrick's.

On Nov. 1, Joe Kennedy joined the board of directors of MasTec -- the telecommunications construction company chaired by Mas Santos.

"We've had a very close relationship with Joe and Patrick for many, many years. I've known them maybe seven or eight years, Mas Santos said.

"They've always been supporters of freedom for Cuba, and I think it's important that the Kennedy family -- given their spot in history with the Cuba issue -- be on the right side of history with those of us who want freedom and democracy for Cuba.

Patrick Kennedy did not want to discuss his relationship with the foundation. He declined an interview through spokesman Larry Berman.

"We did a press release and some letters he signed on to -- and he says they speak for themselves, Berman said.

VIEW ON ELIAN

Kennedy's news release says he believes Elian's fate should be decided by U.S. courts: "Those elements are particularly necessary because of the fact there is

no freedom of speech in Cuba, and therefore, we still do not know what Elian's father truly wants in this matter.

Since his election in 1994, Kennedy, now 32, has backed the foundation agenda. He voted against congressional efforts to end TV Marti. He supported the Helms-Burton bill to tighten the U.S. trade embargo against Cuba.

The foundation released a statement by Kennedy on Helms-Burton:

"This bill is a clear statement that the American people stand arm in arm with the people of Cuba in their struggle against a repressive dictator, and that we will not back away from being partners in our common fight for freedom begun by my uncle, President Kennedy, Kennedy's statement said, referring to John F. Kennedy's imposition of the embargo in 1961.

"President Kennedy looked forward to the day Cubans would live in freedom. I share his hope for the future of Cuba and this bill will help that day come soon.

DEMOCRATIC BACKERS

Other key Democrats also have backed the foundation agenda for years.

They include Sen. Harry Reid, D-Nev., the Senate Democratic whip, who received \$7,000 in contributions from the Free Cuba PAC for the 1997-98 campaign cycle.

Sen. Joseph I. Lieberman, D-Conn., has a relationship with the foundation that can be traced to his first election in 1988. Lieberman toppled the Republican incumbent, Sen. Lowell Weicker, who as a senator had opposed efforts to create Radio Marti and advocated normalization of relations with Cuba. Weicker met with Castro during trips to Cuba in 1980 and 1983. After the last trip, he reported in financial disclosures that Castro gave him a box of cigars worth \$100.

The foundation's support of Lieberman's candidacy was inevitable:

Weicker "was literally close personal friends of Fidel Castro, Rojas said. "It was unfortunate a senator from Connecticut would vacation with Fidel Castro -- and we felt it critical to target that race.

"We established a very close relationship with Sen. Lieberman, who understood the plight of the Cuban people. Jorge Mas Canosa and he became very close friends over the years. . . . In the case of Elian, he was one of the first individuals who wanted to help with us. He's going to be a co-sponsor of the bill to grant him citizenship.

PLAN DELAYED

Despite intense lobbying efforts by the foundation and Elian's family to make the boy a U.S. citizen, the bill has received a cool reception to the fast-track effort. GOP leaders who originally expected to bring the issue up for early floor votes now have delayed the plan.

Lieberman and Torricelli also wrote a letter to Reno, a fellow Democrat, on Jan. 7, asking her to delay enforcement of a ruling by the Immigration and Naturalization Service to return Elian to Cuba by Jan. 14.

The Free Cuba PAC gave at least \$10,000 to Lieberman in the current 2000 campaign cycle -- and Mas family members have given him at least \$1,000 more. The PAC also gave \$5,000 to Sen. Charles Robb, a Virginia Democrat and a frequent supporter of foundation positions.

"He's one of the Senate's six Vietnam veterans, so he had a pretty hardline stance on communism, Robb chief of staff Tom Lehner explained.

The foundation proved its loyalty to Robb, even in 1994, when he was challenged by a Republican whose hard-line views mirrored the foundation's: Iran-contra figure Oliver North.

ROBB'S POSITION

Mas Canosa, then foundation chairman, endorsed Robb over North.

But where the sticky issue of Elian is concerned, Robb is not so disposed to take a leadership role, his chief of staff said. Indeed, even GOP leaders who were originally expected to bring up the boy's citizenship question for early floor votes now have delayed the plan until a federal judge in Miami rules on the case -- despite intense lobbying efforts by the foundation and Elian's family and allies.

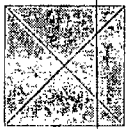
One day after Mack announced Robb was one of the co-sponsors of his bill to grant Elian citizenship, Lehner said it wasn't true.

"He's not on it. Mack just misspoke. This isn't as central to us as it is to the Florida delegation, said Lehner, whose boss is up for reelection this year after barely defeating North in the 1994 race. "This is not to say we might not vote for this thing. We still haven't sat down to determine a course of action.



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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Trent Lott
Majority Leader
United States Senate
Washington, DC 20510

Dear Mr. Majority Leader:

The purpose of this letter is to state the views of the Department of Justice on pending legislation that would declare Elián González to be a naturalized citizen of the United States.

Elián González is a six-year-old ^{Cuban} child who has lost his mother. He is too young to make legal decisions for himself. Our decision that ~~Elián's father and sole~~ surviving parent, Juan González, ~~has~~ the legal authority to speak for him in immigration matters is consistent with INS practice and with the legal principle that the parent is the person most able to represent the child's best interests. When an unaccompanied minor alien, such as Elián, arrives in the United States without proper entry documents, the INS routinely attempts to contact a parent, either in the United States or in another country, regarding the child's whereabouts and inadmissibility. Here, after Elián's inspection was deferred, the INS met with his father who clearly articulated his desire that Elián withdraw his application for admission and return to Cuba.

In deciding whether to give effect to the father's wishes, the INS carefully examined whether there was any reason that the father could not be relied upon to represent the child's interests. Specifically, the INS considered allegations that the father was under coercion such that he was not able to express his wishes for the child or was not able to assess properly whether the child was at risk of persecution or torture upon his return to Cuba. On both counts, after interviewing the father and the Miami relatives, as well as examining other available information, including the asylum application tendered on Elián's behalf, the INS found no reason to question the father's decision not to assert an asylum claim and to request Elián's return to him in Cuba.

The Honorable Trent Lott
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There is no question that Mr. González is Elián's father and that he has the legal authority to represent his son in immigration matters. Mr. González expressed no desire to the INS that Elián be naturalized as a U.S. citizen, and made no statements that were even remotely consistent with such an objective. Therefore, we do not believe that the proposed citizenship legislation is at the request of, or has the consent or support of, Elián's father, who has the sole legal right to speak on behalf of Elián on such matters.

As a result, such a grant of citizenship could only be construed as the involuntary naturalization of an individual. Conferring involuntary citizenship on a child who does not meet the statutory requirements for naturalization, and whose sole surviving parent does not request U.S. citizenship for his child, would be an unprecedented and unwise use of Congress' power under Article I, section 8 of the U.S. Constitution to "establish a uniform Rule of Naturalization." Therefore, the Department opposes the pending legislation and recommends that it not be enacted into law.

In the past, private relief bills providing U.S. citizenship to individuals who did not meet the requirements for naturalization have from time to time been enacted, but such measures have been rare. They have been particularly unusual since the 1960s, when several changes to immigration and nationality law led to dramatic reductions in the numbers of such bills. For example, a frequent subject of private relief bills was restoring U.S. citizenship to individuals who had unknowingly expatriated themselves by such actions as voting in foreign elections, but this equitable basis for relief was mooted by new requirements that expatriation must be voluntary.

In extremely unusual cases citizenship has been conferred on an honorary basis upon living individuals, such as Winston Churchill, in recognition of a full lifetime of extraordinary distinction. In general, this country does not use the precious privilege of U.S. citizenship for honorary or political ends, or waive generally applicable citizenship requirements in order to provide a private benefit. Policy G of the Rules of Procedure and Statement of Policy for Private Immigration Bills of the Subcommittee on Immigration and Claims of the Committee on the Judiciary of the U.S. House of Representatives accurately states our national policy with respect to private citizenship

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bills:

The Subcommittee will require that any bill expediting naturalization be accompanied by evidence indicating that such action would be in the national interest, as opposed to personal interest. There are few precedents for favorable action on bills waiving any naturalization requirements or granting posthumous or honorary citizenship. It is the Subcommittee's intent generally to view unfavorably legislation of this type. More appropriate mechanisms for rewarding individuals may be in the form of medals, awards, or ceremonies.

We are unaware of any precedent for legislatively conferring citizenship upon a specific living individual who has not sought that benefit. The House Immigration Subcommittee's rules recognize how important it is that the beneficiaries of private relief bills actively seek the benefit by requiring, in Rule of Procedure 1(i), that the author of the bill submit "[a] signed statement by each beneficiary, or the beneficiary's guardian, that he or she desires the relief sought by the bill."

Requiring voluntary assent to private immigration relief is consistent with the naturalization provisions of the Immigration and Nationality Act (INA). Although, by definition, private immigration bills create exceptions to the uniform rules applicable to other individuals, the greater a private bill's departure from the normal requirements of the law, the more questionable it is as a sound and supportable action. Section 337 of the INA requires persons who have applied for naturalization to take the oath of allegiance. By taking this oath, new citizens publicly undertake the obligations of U.S. citizenship, including the obligation to bear allegiance to the Constitution and laws of the United States, to renounce allegiance to any other nation, and to bear arms or perform other national service when required by law. The oath acts as the new citizen's voluntary assumption of these obligations.

Under the INA, the acquisition of U.S. citizenship by a child who is not born a U.S. citizen depends upon the actions of his or her parents. The child may acquire U.S. citizenship derivatively through the naturalization of his or her parent, or a U.S. citizen parent may apply for naturalization on behalf of his or her child born abroad. In neither case may an alien child
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become a U.S. citizen without his or her parent's active involvement. Naturalizing a child without the consent of the child's only parent would be an extreme departure from current

law, and one which vastly exceeds the type of waiver typical of private immigration relief legislation (for example, waiving an otherwise applicable residence requirement in the case of an adult applicant who knowingly and voluntarily seeks the waiver and the immigration status resulting from it).

With the exception of good moral character, Elián does not meet the normal requirements for either adult or child naturalization. He has suffered a terrible loss under unimaginable circumstances. The best thing this nation can do is return Elián to a loving parent as soon as possible. A grant of involuntary citizenship to this child, contrary to the wishes of his sole surviving parent and with a view toward preventing the child's return to that parent in Cuba, is not the proper course of action.

Thank you for considering our views in this matter.

Sincerely,

Robert Raben
Assistant Attorney General

Custody

McClom-

Moak bill - ^{great} Citizenship

Why - take the measure ^{hands} ~~of~~ ^{into} ~~the~~ family courts to decide custody

answer ¹ → process we followed
² →

~~Working on the bill~~
- think to like how what was.



Copyright 2000 Associated Press
AP Worldstream

February 2, 2000; Wednesday 10:26 AM Eastern Time

SECTION: International news

DISTRIBUTION: Crb;;England

LENGTH: 727 words

HEADLINE: AP Photo HAV109

BYLINE: JOHN RICE

DATELINE: HAVANA

BODY:

The grandmothers of shipwreck survivor **Elian Gonzalez** have complained that their visit with the boy was continually interrupted and cut short. They also angrily denied claims they were manipulated by the Cuban government.

"We are not hostages. We are acting freely," paternal grandmother Mariela Quintana said during a 90-minute broadcast Tuesday on Cuban state television.

Their comments came in response to those of Jeanne O'Laughlin, a nun of the Dominican order who hosted their meeting last week with the child they hope to bring home to Cuba.

In an NBC television interview shown in part during the Cuban broadcast, O'Laughlin suggested that the two women were under pressure from the Cuban government in the struggle to wrest the 6-year-old from his great-uncle's family in Miami.

"She is the one who is not free," said maternal grandmother Raquel Rodriguez, who wept while recalling the meeting with Elian. "She is a lying person. It's a lie ... so many lies."

The boy has been at the center of an international custody battle pitting his father and grandparents against the great-uncle's family almost since he was rescued from an innertube off the Florida coast on Nov. 25. His mother and 10 other people died when the boat carrying them from Cuba to the United States sank.

The grandmothers complained that the child who lived most of his life in their homes seemed quiet and withdrawn when he was brought to meet them on Jan. 26 at the home of O'Laughlin, president of Barry University.

"He looked frightened ... His face was sad. He was not the boy we knew," Quintana said.

They said that the boy's second cousin, Marisleysis Gonzalez, of Miami, apparently remained with O'Laughlin and another nun in a room next door and could listen though an open entryway, despite an agreement that members of the Miami family would not be at the meeting.

In a column published Tuesday in the New York Times, O'Laughlin said she now favors keeping Elian in the United States with his second cousin partly because the boy "has transferred his maternal love to her" following the loss of his mother. She said the grandmothers seemed fearful apparently of their own

government.

Rodriguez said Elian seemed nervous when the grandmothers questioned the presence of his cousin. "He said, 'Look grandmother, this is my cousin.' He said it as if the boy was depending on her, that he could not be without her."

Quintana said that Marisleysis Gonzalez had almost no relationship with Elian before the November shipwreck.

The women said their meeting with the boy was repeatedly interrupted by the nuns offering food or bringing messages. Rodriguez said one nun entered three times with the same message, asking them to meet members of the Miami family.

They said that the boy was starting to warm up when O'Laughlin halted the meeting after 90 minutes, short of the two-hour minimum reportedly agreed to.

The grandmothers said they remained cheerful during the farewell for the boy's sake, but when he had gone, "We cried a lot. That was terrible," Quintana said.

The two also complained that a nun and policeman took a cellular telephone from them just as the boy was starting to speak to his father, Juan Miguel Gonzalez, in Cuba.

Quintana said they had been unable to speak with the boy by telephone either from the United States or Cuba, being told when they called that the child was either sleeping or out.

She said that the boy's father, however, had managed to speak to the boy twice in recent days.

The U.S. Immigration and Naturalization Service has ruled Elian should be returned to his father, but the Miami relatives are trying to block that action in federal court. U.S. District Judge William Hoeveler will hear arguments Feb. 22 on whether their lawsuit should be dismissed.

The Children's Rights Council, a Washington-based child advocacy group, said Tuesday it will file a brief within a week to support returning the child to his father, arguing that only the father has legal standing in the case.

"We realize Cuba is a dictatorship, but the child would not be living with Fidel Castro, he'd be living with his dad," said the group's president, David L. Levy.

"This child has lost his mother and stepfather. It would be a tragedy for him to lose his father and four grandparents."

LANGUAGE: ENGLISH

LOAD-DATE: February 2, 2000

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National Review

February 7, 2000

SECTION: ARTICLES; Vol. LII, No. 2

LENGTH: 1083 words

HEADLINE: Agony over Elian

BYLINE: Kate O'Beirne

BODY:

THE last time attorney general Janet Reno urged hasty action because of her concern for the well-being of children, the Branch Davidians' compound was incinerated. In the case of **Elian Gonzalez**, a similar dynamic may be at work. Reno has declared that a Florida judge's grant of emergency custody to Elian's great-uncle "has no force or effect" because "this little boy has been through so much . . . It is therefore imperative that all of us do what we can to resolve his case as soon as possible." Reno appears to be quite eager to see the pint-sized refugee returned to a tyrant.

She's not the only one having problems with this flap. Ever since Elian was found lashed to an inner tube in the waters off Florida-having survived an escape from Cuba that took the life of his mother and ten others-the dispute over his future has had liberals championing the rights of a father who, as a subject of the Cuban regime, has none, and some conservatives arguing for the right of a 6-year-old to determine his own fate.

The liberals have the worse part of the bargain. Conservatives, in a sense, are only taking a position consistent with their beliefs of the last 40 years. Anti-Communists are loath to see the boy condemned to life in a dictatorship. The anti-anti-Communists, however, are rallying to Castro's regime.

The Clinton administration accuses Republicans of playing Cold War politics to curry favor with Cuban Americans. But the fact remains that the unilateral decision to return the boy to Cuba breaks with precedent-and is the direct result of Fidel Castro's intimidation.

The administration's insistence that the case is strictly a federal matter under the jurisdiction of the Immigration and Naturalization Service is a reversal of its initial position. On December 1, a few days after Elian's rescue, the INS recognized that issue of legal custody must be decided by [the] state court." Cuba had asked the American mission to return the boy, but the State Department explained that the federal government would defer to the Florida courts, as they take precedence in custody disputes.

On December 5, Castro demanded that Elian be returned within 72 hours-or else mass demonstrations would take place, just as negotiations were about to begin on the future of the migration accords (under which the Cuban government vows to prevent a flood of illegal departures). Following Castro's threat-according to Richard Nuccio, President Clinton's former adviser on Cuba-the State Department urged the INS to reconsider its jurisdiction.

Within 48 hours of Castro's ultimatum, the State Department announced that INS regulations "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 . . . " The statement also noted that the U.S. remained committed to the migration accords.

Once Castro made it clear that he wanted Elian back, the dictator's old friends in the U.S. took up his demand. Ramsey Clark joined a protest at the INS office in New York City, and the former general secretary of the National Council of Churches hurried to Cuba to vouch for the fitness and sincerity of Elian's father.

Others urging the INS to hurry Elian back to Cuba would rather that he suffered scarcity than be "spoiled" by the riches of capitalism. The Washington Post's Mary McGrory criticizes the toys and trips the motherless child is enjoying and frets that Elian is in danger of becoming "the permanent kid in a candy store." That certainly won't happen if he is returned to Cuba, where children over age 6 are forbidden to drink rationed milk.

Also in the Washington Post, Judy Mann regrets that the case provides "a marvelous opportunity for anti-Communists to drag out their dreary old Cold War rhetoric." In USA Today, Jill Nelson sees "cultural imperialism" in the claim that Elian would have a better life in America. Particular hostility is directed toward Cuban Americans, the only aggrieved minority group told by liberals to "get over it." Even Cuba's charge that Elian's fate cannot be left in the hands of "corrupt judges" is echoed by the dictator's friends. McGrory notes that the "Cubans of Miami" elected the judge who awarded temporary custody, so "she is, emotionally, one of them."

To further discredit the judge, critics raised a conflict-of-interest charge because an unpaid spokesman for Elian's Miami relatives was a paid consultant on the judge's 1998 campaign. But under Florida's code, there is no obligation to disclose a prior relationship with an individual who is not an attorney or party involved in the pending case.

The state judge awarded temporary custody to a great-uncle, but the INS will not defer to the state court; it has determined, instead, that only the boy's father can act in his behalf. Grover Joseph Rees, a former general counsel at the INS, recognizes that the agency is not bound by the state-court judgment, but believes that the INS acted improperly in the case: "The INS abused its discretion in letting someone in Cuba withdraw an asylum application that says, please don't send me back to Cuba because I'll be persecuted."

INS officials, like the media, treat interviews with Elian's father, Juan Gonzalez, as though he were in Canada pleading for his son's return. The INS concluded that Mr. Gonzalez was expressing his "true wishes" and found nothing that would call his parental rights into question. Here, the INS is forgetting Cuban law. Under the Code of the Child, the state exercises parental rights and demands that all persons coming in contact with a child develop his "Communist personality."

Mr. Gonzalez's Miami relatives maintain that he knew and approved of his former wife's plan to flee with their son, and it is rumored that Mr. Gonzalez has twice applied for an immigrant visa for the U.S. The truth of these assertions can't be determined in a unilateral INS administrative proceeding. In an adversarial hearing, with all sides represented, Elian's relatives would have a chance to prove their claims about his father's true intentions.

The Justice Department wants to avoid the spectacle of federal marshals prying Elian's fingers off a Big Wheel to be dragged to the nearest airport. That's why it should follow precedent-and defer to the state court for a determination of custody that Elian's relatives have pledged to abide by. One of the Cold War's last refugees should have his day in court.

LANGUAGE: ENGLISH

LOAD-DATE: January 20, 2000

FOCUSTM

Search: General News;Elian Gonzalez

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

FOCUS

Example: House of Representatives

*Newsweek Feb. 7th.***SECTION:** INTERNATIONAL; Cuba; Pg. 45**LENGTH:** 238 words**HEADLINE:** The Grandmas Pay a Visit**BYLINE:** By Joseph Contreras**HIGHLIGHT:**

The fight for Elian wears on

BODY:

They came, they saw, they wept --and in the end, after a 90-minute meeting as precisely orchestrated as a cold-war spy swap, little **Elian Gonzalez's** grandmothers left Miami with no assurance that he would go home soon, or at all. "He's changed completely," said Mariela Quintana, Elian's paternal grandmother. That seemed indisputable: Elian, rescued after his mother and 10 other refugees were lost at sea, now plays Nintendo and wears his hat backward, like any American kid, and he showed up for the reunion with his grandmothers wearing a gold neck chain that was Miami ultrachic. "I will get my U.S. citizenship tomorrow," he told an interviewer.

He was mistaken about that, and the controversy over his custody could last for months. Last week congressional Republicans came close to introducing a bill to declare Elian an honorary U.S. citizen--then backed down, perhaps because national polls are running heavily in favor of sending him home. In Miami, legal maneuvering by Elian's relatives shifted to federal court, where the Clinton administration argued that law and morality require his repatriation to Cuba. The next step is a ruling on whether the Feds have jurisdiction, followed by the inevitable appeal. That means Elian will be staying in Miami for now despite his grandmothers' pleas. "I felt for them," said Sister Leonor Esnard, a nun who helped arrange the visit. "They love that kid."

GRAPHIC: PHOTO: 'Changed completely': Elian in Miami**LANGUAGE:** ENGLISH**LOAD-DATE:** February 2, 2000

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Time

February 7, 2000**SECTION:** NATION; Pg. 58**LENGTH:** 737 words**HEADLINE:** Send in the Grandmas;
Elian's abuelas shuttle between Washington and Miami but still can't take the boy back to Cuba**BYLINE:** Tim Padgett/Miami, With reporting by Jeanne DeQuine/Miami and Dolly Mascarenas/Cardenas**BODY:**

Before **Elian Gonzalez's** grandmothers arrived in Miami to see him last week, Cuban Americans confronted the nun at whose home the meeting would take place. They demanded that Jeanne O'Laughlin, a Dominican sister and president of Miami's Barry University, prove there were no trapdoors in her house from which agents of the Immigration and Naturalization Service could jump out to seize the boy. Then when the grandmothers landed in Miami, their Cuban handlers kept them on the tarmac for an hour to deliver words of warning. Beware, they told the 51-year-old matriarchs: Miami's Cuban exiles may try to hurt you.

It was going to be that kind of family reunion. Elian's grandmothers--his abuelas--spent 90 minutes last Wednesday chatting with and hugging their six-year-old grandson. But they might as well have grabbed one of his arms and not let go: this family gathering was a diplomatic tug-of-war. When it ended, the abuelas, Mariela Quintana and Raquel Rodriguez, said Elian had seemed a "completely different boy." The meeting hardened their resolve to take him home. "I feel angry and impotent," a tearful Rodriguez told TIME. "What is happening is inhuman." But Elian's Miami clan had its own spin. Marisleysis Gonzalez, 21, a cousin who seems to portray herself as Elian's new mom, crowed to reporters that he had rejected his abuelas and was now on her "side."

The grandma meeting was the high (and low) point of a week in which two bitter and ruthless camps--Fidel Castro's Cuba and Miami's Cuban-American community--battled to win Yanqui hearts and minds. It's a war on three fronts: the INS, which has ruled that Elian should be returned to Cuba; Congress, which is weighing a bill to give him U.S. citizenship; and the federal courts, in which Elian's Miami family is filing suit to win him asylum.

In the middle is Elian, the little boy plucked from the Atlantic on Thanksgiving Day after the boat carrying him, his mother and 12 others capsized on its way to the U.S. Elian, one of three survivors, floated for two days on an inner tube. The Cubans insist he belongs with his only living parent, his father Juan Miguel Gonzalez, 31. The Cuban Americans say Elian should be allowed to live with the freedom his mother wanted for him.

Castro apparently won't let Elian's father travel to the U.S.--probably because he fears Juan Miguel would defect. But the Cuban dictator seems to have found potent ambassadors in the grandmas. They first went to Miami on Monday. The Cubans and the INS insisted on a meeting in a neutral location, but the Miami relatives would make Elian available only in their home, forcing the grandmothers to leave without seeing him.

In Washington the next day, the abuelas tearfully lobbied against the citizenship bill. And they won a key victory: the INS ordered that Elian be made available at a neutral site. At the meeting, the Cubans shrewdly had the grandmothers carry in a cell phone so Elian's father could talk to him--and the Miami camp just as shrewdly got the phone taken away.

After the grandma meeting, each side quickly resumed the salvos. Sister O'Laughlin, the once neutral nun, announced she now favors keeping Elian in the U.S., in part because the abuelas seemed manipulated by fear. Elian's father, a Communist Party member, claimed in papers filed in the federal lawsuit that the Miami camp had offered him \$ 2 million, a house and a car if he would move to America.

If Elian is sent back, the grandmas--who were expected to return to Elian's hometown of Cardenas, Cuba, over the weekend--will almost certainly be the ones to retrieve him. Abuelas are usually respected moral authorities, but that Cuban tradition isn't worth a knitted shawl in this fight. In fact, the Miami exiles have assailed the grandmas--for not thanking Elian's granduncle Lazaro Gonzalez for taking him in. "We are thankful to Lazaro for what he did at the beginning," Quintana told TIME. "But now he is using my grandson."

In the week's tug-of-war, the grandmas seemed to have the stronger grip. Congressional support for citizenship for Elian waned, even among Republicans. The federal judge moved up the deadline for the Miami relatives to present their final case and scolded lawyers for their media grandstanding. Which means these abuelas' first visit to the U.S. may not be their last.

--With reporting by Jeanne DeQuine/Miami and Dolly Mascarenas/Cardenas

GRAPHIC: COLOR PHOTO: NURI VALLBONA--THE MIAMI HERALD, BOUNCED AROUND After meeting with his grandmothers, Elian returned to his Miami home with his cousin and uncle; COLOR PHOTO: JOE SKIPPER--REUTERS, TAKING SIDES Jeanne O'Laughlin, once neutral, now favors keeping Elian in the U.S.; COLOR PHOTO: PABLO MARTINEZ MONSIVAIS--AP, THE GRANDMOTHERS In Washington, Quintana, left, and Rodriguez plead for Elian's return to his father in Cuba

LANGUAGE: ENGLISH

LOAD-DATE: January 31, 2000

Copyright 2000 U.S. News & World Report
U.S. News & World Report

February 7, 2000

SECTION: U.S. NEWS; Vol. 128 , No. 5; Pg. 26

LENGTH: 462 words

HEADLINE: Caught in the middle

BYLINE: By Franklin Foer; Linda Robinson

DATELINE: Miami

HIGHLIGHT:
Everyone wants a piece of little **Elian Gonzalez**;

BODY:

During his two months in Miami, **Elian Gonzalez** has enjoyed the all-American experience: lunch at McDonald's, a day at Disney World, and even getting his own TV movie: Last week, CBS signed an agreement to turn the 6-year-old Cuban boy's saga into a four-hour miniseries.

Who can resist glomming on to Elian and his heartbreaking story of losing his mother at sea? Apparently, no one. Not Cuban strongman Fidel Castro, who has turned him into a cause celebre on the streets of Havana, splashing the boy's face on T-shirts and billboards. Not Kyle Taylor, the president of YouNetwork, an E-commerce outfit that gave Gonzalez 100 shares of its stock. Not even Congress can resist the sweet-faced kid. Lawmakers have rushed to introduce legislation that would grant him American citizenship, a last-ditch attempt to prevent his repatriation to Cuba by the Immigration and Naturalization Service.

Although House Speaker Dennis Hastert is in no hurry to bring these bills to a vote--the public overwhelmingly supports returning the boy to Cuba--this issue could become the Washington showdown of the season. Battle lines have been drawn. On one side is a group of anti-Castroites, who demand that Elian remain in Miami, led by Florida's Republican Reps. Bill McCollum and Lincoln Diaz-Balart. On the other side are Congress's most liberal members.

Grandma's lobbyist. The story has all the elements of a classic Washington tale, rife with characters clad

in tailored suits and fancy leather shoes. Elian's Miami relatives have retained lobbyist Joseph Bogosian, of the firm McGuire Woods Consulting, to make sure that Congress sees the issue their way. And interest groups across town have girded for battle, including the Cuban American National Foundation and Cuban American Alliance. Even the presidential candidates have gotten into the act, attempting to outdo one another with their anti-Castro proclamations. (The prize for most hyperbolic statement goes to Republican contender Steve Forbes, who declared that returning the boy "is Bill Clinton's human sacrifice to Fidel Castro.")

At first, it seemed that the Clinton administration had steered clear of this political morass. It allowed the INS to perform the routine processing of an illegal immigrant. But as pressure mounted, the administration buckled. It urged the federal courts to jump into the case, even though immigration experts agree that those courts have no grounds to reverse an INS decision. "It makes you wonder if immigration law applies in South Florida," says David Abraham, an immigration expert at the University of Miami, adding, "Janet Reno could end this at any time." But there are important Cuban votes to be gained, and politicians who could stand to gain them.

GRAPHIC: Picture, Elian peers out of a van surrounded by the media at a relative's house in Little Havana. (AFP)

LANGUAGE: ENGLISH

LOAD-DATE: February 1, 2000

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Knight Ridder Washington Bureau

February 2, 2000, Wednesday

SECTION: DOMESTIC NEWS

KR-ACC-NO: K1447

LENGTH: 993 words

HEADLINE: Story of Elian resonates profoundly in South Florida

BYLINE: By Rachel Konrad

BODY:

MIAMI _ In the heart of the Little Havana neighborhood here, Jose Emelio Pederoso placed a vase of fresh snapdragons near a statue of Cuba's patron saint, the Virgin Mary, guiding three fishermen lost at sea.

Pederoso uttered his daily prayer since fleeing Cuba 20 years ago: "God bless the Cuban people. Help them bring about the end of the cursed communist system and the death of Fidel Castro." Then he improvised: "And let Elian live in freedom."

The story of 6-year-old Elian Gonzalez resonates profoundly in South Florida, where 780,000 Cubans comprise the nation's largest exile community and it is believed that up to 75,000 people have drowned trying to escape Cuba since Castro took power in 1959. Fishermen plucked the boy from shark-infested Atlantic waters on Thanksgiving Day. His mother and 10 others died when their boat broke apart in high seas as they fled Cuba, but the boy survived two days without food or fresh water.

So as Elian's father and grandmothers in Cuba seek his return and his Miami relatives struggle to keep him here, thousands in Little Havana pray for Elian Gonzalez. Many hail him as an (BEGIN ITALICS) angelito (END ITALICS) _ a little angel _ whom God intended to escape Cuba and reap America's fabled liberties. The little boy at the center of the big international custody dispute has achieved a saintly status, an icon on one of the last battlefields against Communism.

In front of the ranch home where Elian is staying with his great-uncle, Lazaro Gonzalez, women burst into tears when Elian ventures outside. One supporter recently carried a poster reading: "Three kings, three children: Moses, Jesus and Elian."

Elian's tale seems to touch on Cuban-Americans' faith and hope.

Cuba's patron saint is the (BEGIN ITALICS) Virgen de la Caridad (END ITALICS), Mary of Charity. According to legend, three fishermen were caught in a tropical storm off the coast of Cuba more than a century ago. They spent days adrift until the Virgin Mary appeared. Dolphins pushed the rowboat as she guided them to shore.

Elian reportedly told his rescuers that dolphins saved him from sharks. When a well-wisher in Miami gave him a puppy, he named it "Dolphin."

"He is our miracle child," said Angel Suarez, a 62-year-old exile who visits Lazaro Gonzalez's home every day in hopes of a glimpse of Elian. "There is no reason for him to be alive, except that God delivered him to us."

Many Cuban-Americans say that separation from loved ones is a fact of life in South Florida. Many of them, too, long to be reunited with mothers, fathers, grandparents, children, best friends and lovers in Cuba _ but not enough to return to the island under Castro's reign, they say.

For most of the world, the Cold War is over, but not in South Florida. The fervor varies by generation, but most exiles in Little Havana embrace (BEGIN ITALICS) la causa (END ITALICS) _ the cause _ of a democratic Cuba. Exile groups still practice military maneuvers in the Everglades, in hopes of taking back their country and killing "the bearded demon," as one exile called Castro.

In Little Havana, they say life under Castro's repression would be a far greater cruelty than keeping Elian separated from his father. Many insist Elian would live there without basic material trappings _ plumbing, clothes, food, medicine. Cuba's economy is a shambles and the government is rationing goods. After losing his mother and surviving an ordeal at sea, they say, the boy deserves to live, speak, think and work as he chooses.

In the United States, by contrast, 11 percent of Cubans and Cuban-Americans in the 1990 Census earned more than \$75,000 a year, compared with 9 percent of the total U.S. population.

Little Havana is not without its problems, including crime and drugs. But new minivans and sport-utility vehicles, manicured lawns and freshly painted homes abound, evidence of comfortable middle-class lifestyles.

For millions of non-Cuban Latinos, Castro and fellow revolutionary Ernesto (Che) Guevara are not despised devils but respected heroes who stood up to Yankee imperialism. Among those admirers is Roy Fastabend, 42, a divorced father born in El Salvador who came to a recent rally at the Gonzalez home. As wealthy Cubans move to posh suburbs, the enclave has welcomed immigrants from elsewhere in Latin America. Many of the new immigrants are puzzled by the anti-Castro furor and the debate over Elian.

"I think what the family is doing is wrong," Fastabend said. "As a father, I know the boy belongs with his father. The exiles are blind to his needs."

When others in the crowd overheard him, they chased him and his two kids down the street.

(BEGIN ITALICS) "No entiende! No es cubano!" (END ITALICS) one furious woman shouted.

He doesn't understand! He's not Cuban!

It is difficult to overstate Little Havana's hatred of Castro _ especially among exiles who left in the early days after the revolution. Many saw their friends or relatives executed or imprisoned _ or were imprisoned themselves. And most left loved ones behind.

Dagoberto Aviles spent three years in Cuban prisons before escaping in 1962. The 62-year-old U.S. Army veteran says Elian should live in a democracy _ even if it means growing up without his biological father.

"He will have fathers here _ Washington, Jefferson and the fathers of democracy," Aviles said. "The children of this country are all immigrants like Elian."

Uva de Aragon, assistant director of the Cuba Research Institute at Florida International University, blames Elian's plight on Cuba's immigration policies, which forbid most Cubans from traveling off the island. The only Cubans who travel legally are government officials and some elderly people.

The separation of families, she said, is "the tragedy of Cuba."

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LANGUAGE: ENGLISH

JOURNAL-CODE: WA

LOAD-DATE: February 2, 2000

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February 2, 2000, Wednesday, Home Edition

SECTION: Metro; Part B; Page 6; Letters Desk

LENGTH: 88 words

HEADLINE: ELIAN GONZALEZ

BODY:

I hail the attempts by our federal lawmakers to pass legislation that would make **Elian Gonzalez** a U.S. citizen. But why set our sights so low? Why not legislate that all Cuban children are U.S. citizens? For if this Cuban boy is better off with his distant relatives in the U.S. than with his father and grandparents in Cuba, then why not clear the way for all children in Cuba (or perhaps in any poor communist country) to be raised by freedom-loving Americans instead of their closest kin?

LAURIE SHRAGE

Claremont

LANGUAGE: English

LOAD-DATE: February 2, 2000

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The New York Times

February 2, 2000, Wednesday, Late Edition - Final

SECTION: Section A; Page 20; Column 6; Editorial Desk

LENGTH: 137 words

HEADLINE: Who Will Judge Elian's Mind-Set?

BODY:

To the Editor:

Sister Jeanne O'Laughlin's change of mind about **Elian Gonzalez's** state of mind is a sad misinterpretation of brainwashing ("Why I Changed My Mind About Elian," Op-Ed, Feb. 1). This little boy has been paraded on the shoulders of brand-new relatives, cheered and hailed by Cuban exiles in Miami and given enough toys and games to thrill the heart of any 6-year-old. He was probably warned that his grandmothers were coming to take him away from all these wonderful gifts.

It is demonic what has been done to him and the family that raised him from infancy. This country's obsession, and particularly that of the Cuban community in Miami, with Fidel Castro and his tiny island's politics is ludicrous. But when it comes to destroying a child, it is criminal.

LEONORA THUNA
New York, Feb. 1, 2000

<http://www.nytimes.com>

LANGUAGE: ENGLISH

LOAD-DATE: February 2, 2000

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The Washington Times

February 02, 2000, Wednesday, Final Edition

SECTION: PART A; NATION; INSIDE POLITICS; Pg. A6

LENGTH: 1047 words

BYLINE: Greg Pierce; THE WASHINGTON TIMES

BODY:**A CHANGE OF HEART**

Jeanne O'Laughlin, the Dominican nun and president of Barry University who hosted a meeting between **Elian Gonzalez** and his grandmothers, took to the op-ed page of the New York Times yesterday to explain why she had changed her mind about sending the 6-year-old back to Cuba.

As she awaited the arrival of the grandmothers and their Cuban government escorts, "I had a chance to see, firsthand, the strong bond between Elian and the Miami cousin who has taken care of him since his mother died in the same attempt to escape Cuba by boat that set him adrift," Sister O'Laughlin said.

"His cousin is only a year younger than his mother was, and as he glanced at her for reassurance before the meeting and greeted her ecstatically afterward, it became clear to me that he has transferred his maternal love to her.

"As I watched the grandmothers' Cuban escort keep close telephone contact with Havana during and after the visit, I came to feel that the Cuban government was attempting to exert control over these events. Even more troubling, I saw signs of anxiety in both the Miami relatives and the grandmothers: trembling, furtive looks, ice-cold hands.

"I saw fear in Elian, too, and I became a wiser woman at that moment, wincing at my own naivete. I considered what it would mean for this boy suddenly to be ripped away from his surrogate mother, how this second trauma might scar him permanently. I saw and felt, at that moment, how wrong it would be to return Elian hastily to Cuba."

MRS. SINCERITY

"The first year of Mrs. Clinton's New York experience is just ending, and on Sunday she is scheduled to announce officially her candidacy for the United States Senate. Things are not, on the whole, going well," Elizabeth Kolbert writes in the New Yorker.

"Her halting and always implausible campaign has, so far, consisted mostly of gaffes, wasted opportunities, and prurient questions from the press," Miss Kolbert said.

"How does someone mount a Senate campaign from a state where she has never lived if she has no record of accomplishment to point to and is, on top of all that, widely distrusted? The answer that is emerging is, like the first lady's sentimental musing on her tchotchkes, as once stranger and more ordinary than could have been expected: she is planning, it seems, to base her candidacy on the quality of her concern, the heartfelness of her convictions, and the depth of her feeling - to run, in other words, on her sincerity."

Meanwhile, a lot of Democratic politicians in New York are losing heart, the writer said.

"In public, the tone of their pronouncements about the race has grown increasingly wan, abstracted, and noncommittal. In private, they mostly complain."

THUGGISH BEHAVIOR

"War hero Sen. Bob Kerrey - who won a medal and lost a leg in Vietnam - insists he's not bothered that pro-Gore thugs heckled him as 'Cripple' because he backs Bill Bradley," the New York Post's Deborah Orin writes, referring to an incident earlier this week in New Hampshire.

" 'That's the first honest thing they've said in 10 days,' quipped Kerrey, who also got splattered with mud on his 'truth squad' mission of telling the world Gore's a liar on issues like abortion.

"Kerrey shouldn't expect any apologies on Gore's part: 'Should our campaign have to apologize to Bob

Kerrey that he had to come to a Gore event to find a crowd?" sniped Gore flack Chris Lehane.

"The funny thing is, Gore folks regularly shadow Bradley - in at least one case the Gore campaign even filmed a Bradley rally - but the Bradley folks didn't heckle them or try to keep them out."

THE REAGAN ECONOMY

Stephen Moore, an economist with the Cato Institute, gives President Clinton credit "for keeping the expansion moving" into a record-breaking 107th month, but "arguably Bill Clinton's greatest economic achievement has been that almost all of his cockamamie policy ideas were never enacted into law."

Mr. Moore, writing in the Feb. 4 issue of Human Events, asks: "Remember the BTU tax? Remember Robert Reich's \$50 billion fiscal stimulus package? Remember, most of all, Hillary's health care plan? Thankfully, we dodged all of these economic wrecking balls."

"Clinton's ill-advised tax hike in 1993 slowed the economy for about 18 months, but thanks to falling inflation - which is like an offsetting tax cut - and the technology boom, it didn't stall it."

Mr. Moore added: "The politician most responsible for laying the groundwork for this prosperous era is not Bill Clinton, but Ronald Reagan. America's economic turnaround started in the early 1980s, a decade before Bill Clinton arrived in Washington. In 1982 almost every vital economic trend - from unemployment to inflation to family incomes - reversed course from the stagflationary 1970s."

UNDER ASSAULT

Free speech is under assault in Austin, Texas.

Former Secretary of State Henry Kissinger was scheduled to speak at the University of Texas yesterday, but the event was canceled in the wake of threats by a left-wing group called the Radical Action Network. The group had vowed to disrupt the lecture.

Last year, leftists there disrupted a speech by civil rights activist Ward Connerly, calling him an "Uncle Tom." Mr. Connerly opposes racial preferences and quotas.

ATHEISM AND TOLERANCE

Vice President Al Gore, questioned by Newsweek, says it would not bother him if an atheist became president.

"No, it would not," Mr. Gore said. "I think it would depend on who the person was, of course. But do I believe that someone can have an understanding of our Constitution and a true spirit of tolerance without affirming a particular and specialized belief in God? Yes, I do. I think that is incumbent upon anyone who affirms a respect for tolerance."

MUSIC MAN

Vice President Al Gore will narrate Aaron Copland's "Lincoln Portrait" at Avery Fisher Hall in New York City.

Accompanying Mr. Gore will be the American Symphony Orchestra and the New York City Gay Men's Chorus, according to a full-page ad in the New Republic. The concert will benefit "seven institutions aiming to fulfill the promise of America," and maybe even help Mr. Gore win a few votes.

* Greg Pierce can be reached at 202/636-3285 or by e-mail (Pierce@twtdmail.com).

LANGUAGE: ENGLISH

LOAD-DATE: February 2, 2000

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View Related Topics

February 2, 2000, Wednesday, Final Edition

SECTION: OP-ED; Pg. A20; LETTERS TO THE EDITOR

LENGTH: 558 words

HEADLINE: U.S. Citizenship for Elian?

BODY:

Judy Mann complained about the legislative attempt to "thrust" U.S. citizenship on **Elian Gonzalez** to take the case out of the INS's jurisdiction [Jan. 26]. The INS, charged with enforcing immigration laws, made its decision based on the fact that Elian does not have U.S. citizenship or a green card and is too young to apply for political asylum on his own behalf--hence, he must return to Cuba.

Taking the legal technicalities out of the mix provides an opportunity to consider what is in Elian's best interest. Thrusting U.S. citizenship on someone does not necessarily sound "arrogant" to me. Perhaps it is because of The Post's story on the Chinese who paid as much as \$ 50,000 to sneak in cargo--risking their lives--just for an opportunity to set their feet in this country. Perhaps it is also because I waited many years to have my immigration request processed from Korea, and another five years to be eligible for the citizenship test. I would have been thrilled to have U.S. citizenship thrust on me.

Is the United States an ideal place for a child to grow up? Certainly not. But if he stays here, Elian would grow up to enjoy much greater freedom and opportunity than he would ever dream of in Cuba.

SUE BAK SHEEHAN

Vienna

To paraphrase Madame Jeanne Roland de la Platiere, a political activist during the French Revolution, shortly before her execution in 1793: Oh, liberty, what crimes are committed in thy name.

De la Platiere's complaint lends itself to the Elian Gonzalez case, in which Sen. Connie Mack and Cuban-born Rep. Lincoln Diaz-Balart are intervening in a familial situation by trying to bestow citizenship on a 6-year-old boy. The election of citizenship and allegiance to a nation require mature reflection by the individual concerned. A 6-year-old hardly qualifies.

Self-serving politicians are grasping this opportunity for the limelight, even if it involves the destruction of a boy's emotional well-being and the anguish of his father. Presidential candidates cannot bring themselves to call for the return of Elian to his father and country because it might cost them votes.

This nation has failed in its attempts to overthrow Castro. Elian Gonzalez is the latest victim of that frustration.

ROLAND F. TIFFT

Bonita Springs, Fla.

Charles Krauthammer's Jan. 28 op-ed column suggested that to honor Elian's mother, the child should be allowed to remain in the United States.

Elian's mother risked her child's safety by taking him on a dangerous journey in an unsafe boat motivated more by passion than politics. She illegally left Cuba with her boyfriend, who had a criminal record, and consequently lost her life in the process. We don't know if her intent was to flee communism.

If Elian were an American boy illegally taken by his divorced mother to another country and she had died in the process, we would have insisted that the boy be returned to his father in the United States. To attempt to make Elian a citizen of the United States defies precedent and puts the United States in conflict with international law. The representatives of the National Council of Churches investigated and determined that Juan Gonzalez loves his son and wants him back. Elian should be returned to his father as the INS has ruled.

ROBERT ANGUS

Silver Spring

LANGUAGE: ENGLISH

LOAD-DATE: February 02, 2000

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February 2, 2000 Wednesday, CHICAGO SPORTS FINAL EDITION

SECTION: COMMENTARY; Pg. 18; ZONE: N; Voice of the people (letter).

LENGTH: 228 words

HEADLINE: SEND ELIAN HOME

BYLINE: John Sterling.

DATELINE: CHICAGO

BODY:

Charles Krauthammer is completely off base in his analysis of why **Elian Gonzalez** should remain in

the U.S. (Commentary, Jan. 31). Regardless of how politicized Fidel Castro has made this case, the fact remains that a child belongs with his/her parents. Krauthammer does not provide a shred of evidence that Juan Gonzalez was a bad or abusive father--he merely injects innuendo and speculation into Mr. Gonzalez's responses in a "Nightline" interview. By all reports, Elian had a loving relationship with his father in Cuba--and lived with his father five days a week.

Meanwhile Krauthammer asks if Elian's mother's wishes "count for nothing." Given the level of endangerment she subjected Elian to in her tragic attempt to cross to the U.S., I am more inclined to question her judgment than attempt to fulfill her wishes.

The rest of the column was a ridiculous series of partisan and/or emotional arguments--noting that Castro will make "Elian a symbol of Fidelism," invoking "the boys at Normandy," and calling for us to "make him an American."

Frankly the piece was intellectually vacuous and lacked any reasonable sense of logic and proportion.

This should not be a political issue. Given the fact that Elian's father is alive, well and wants the boy home, there should be no other considerations involved.

Elian belongs with his father--send him home.

LANGUAGE: ENGLISH

LOAD-DATE: February 2, 2000

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

COMMITTEES:
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RANKING DEMOCRATIC MEMBER
SUBCOMMITTEE ON CRIME

COMMITTEE ON SCIENCE
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Congress of the United States
House of Representatives

Washington, DC 20515

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HOUSTON, TX 77002
713-865-0060

January 25, 2000

Wendy Patten
6-9141

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.

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

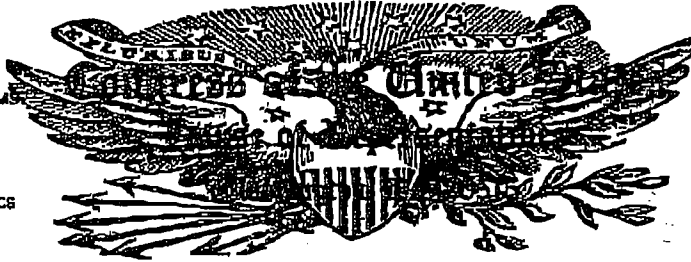
SHEILA JACKSON LEE

18TH DISTRICT, TEXAS

COMMITTEES:

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Telefax: (202) 225-3317

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Telefax: (713) 655-1612

CC = Maria

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: _____

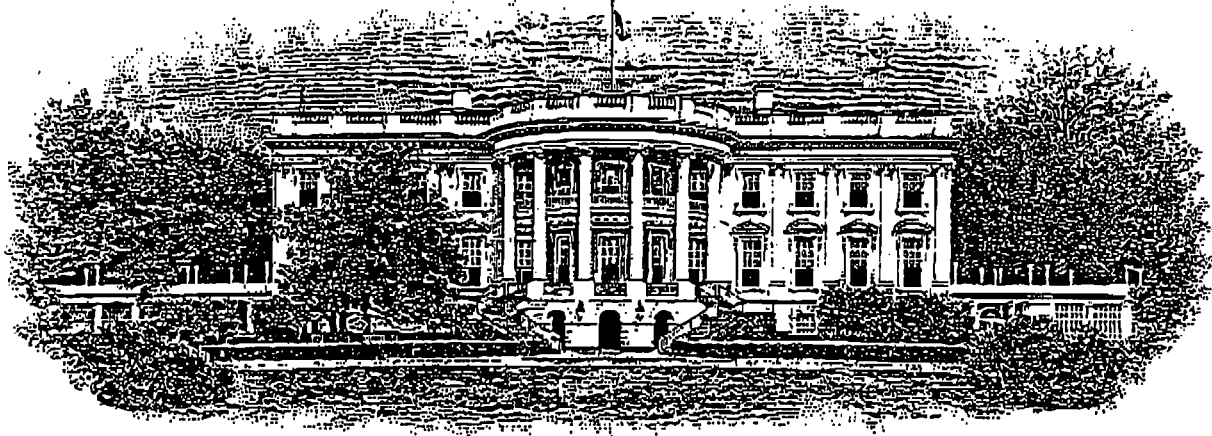
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La Habana, 21 de enero de 2000

*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.

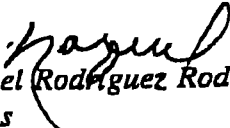
Podrá suponer usted que hacer este viaje ha significado un gran sacrificio para nuestra familia, que no se ha separado un solo instante desde el momento de la tragedia en que perdimos a una hija y hemos sido forzados a contemplar con infinito dolor el secuestro de nuestro nieto. En los últimos días los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

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

ID# 408766
PAGE 1

DATE RECEIVED: 01/12/2000

NAME OF CORRESPONDENT: THE HONORABLE BOB MENENDEZ

SUBJECT: REQUESTS THE THE PRESIDENT TO TAKE NOT ACTION TO ENFORCE THE DECISION
ANNOUNCED BY THE INS THAT WOULD MANDATE ELIAN GONZALEZ RETURN TO CUBA

		ACTION		DISPOSITION		
ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
LEGISLATIVE AFFAIRS		ORG	2000/01/12			

ACTION COMMENTS ATTN: CHUCK BRAIN

NSC

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

COMMENTS

cc: INS

ADDITIONAL CORRESPONDENTS: 2

MEDIA: LETTER

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A - APPROPRIATE ACTION
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TYPE RESP = INITIALS OF SIGNER
CODE = A
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REFER QUESTIONS AND ROUTING UPDATES TO RECORDS MANAGEMENT (ROOM 72, OEOB) EXT-62590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO
RECORDS MANAGEMENT.

Congress of the United States

Washington, DC 20515



408766

January 7, 2000

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

JAN 13 11:25

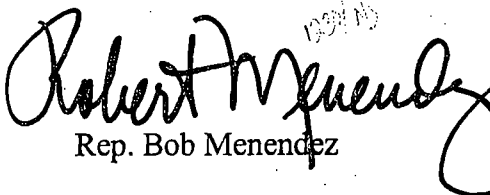
We are writing regarding the plight of Elian Gonzalez to request that you take no action to enforce the decision announced by the Immigration and Naturalization Service that would mandate Elian's return to Cuba.

As you are aware, there are many complicated legal aspects to this case. Given that the fate of an innocent little boy is at stake amidst these complex and unique circumstances, we believe that the U.S. Government should not move too hastily on this issue.

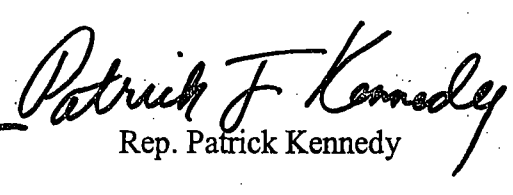
In addition, we feel that it is imperative that Congress be allowed to examine all the issues involved. We intend to introduce legislation to extend permanent resident alien status to Elian Gonzalez when Congress returns in late January. Accordingly, we respectfully urge you to take steps to halt the implementation of the INS' decision, waiting instead to work with Congress when it reconvenes.

Thank you for your thoughtful attention to this urgent matter.

Sincerely,


Rep. Bob Menendez


Rep. Peter Deutsch


Rep. Patrick Kennedy

835874

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

ID# 407993
PAGE 1

DATE RECEIVED: 01/10/2000

NAME OF CORRESPONDENT: THE HONORABLE JOSE SERRANO

SUBJECT: URGES THE PRESIDENT TO REJECT ALL ATTEMPTS TO THWART THE AUTHORITY AND
DECISION OF THE INS TO RETURN ELIAN GONZALEZ TO HIS FATHER IN CUBA

		ACTION		DISPOSITION		
ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
LEGISLATIVE AFFAIRS	LARRY STEIN	ORG	2000/01/10		C	00/01/10
ACTION COMMENTS						
NSC						
ACTION COMMENTS:						
ACTION COMMENTS:						
ACTION COMMENTS:						

COMMENTS

ADDITIONAL CORRESPONDENTS: 0

MEDIA: LETTER

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RECORDS MANAGEMENT.

JOSÉ E. SERRANO
16TH DISTRICT, NEW YORK

WASHINGTON OFFICE:
2342 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3218
(202) 225-4361
FAX (202) 225-8001

DISTRICT OFFICE:
890 GRAND CONCOURSE
BRONX, NY 10451-2828
(718) 538-5400
FAX (718) 588-3652

Congress of the United States
House of Representatives
Washington, DC 20515-3216

January 5, 2000

COMMITTEE:
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AND RELATED AGENCIES
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HISPANIC CAUCUS

MEMBER, CONGRESSIONAL
BLACK CAUCUS

VICE CHAIR
DEMOCRATIC STEERING
COMMITTEE

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500-0005



Dear Mr. President:

Finally after a flawed process and an unjustifiable delay, the INS has announced that Elián González will be returned to his father. I am supportive of this moral decision.

At a recent press conference, lawyers from Miami indicated they would be asking that this decision by the INS be overturned, and stated that they would be initiating legal action. This is outrageous, unacceptable, and has no supporting legal precedent or basis. Any attempt to change this long and overdue correct decision by the INS would be a grave mistake.

Now is not the time to again politicize the process. I urge you to reject all of these attempts to thwart the authority and decision of the INS. This child belongs with his father, and I hope that all of your efforts will be directed towards quickly bringing this to a conclusion.

Sincerely,

José E. Serrano
Member of Congress

JES:nab

836094

MAXINE WATERS
MEMBER OF CONGRESS
36th DISTRICT, CALIFORNIA

CHIEF DEPUTY WHIP

COMMITTEES:
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SERVICES
JUDICIARY

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

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DISTRICT OFFICE
10124 S. BROADWAY
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LOS ANGELES, CA 90003
(323) 757-8900
FAX (323) 757-9505

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**



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

FAX COVER SHEETDATE: 1/24/2000

TO:

Joel WigintonMark Magaña

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456-6468 / 456-2604

FROM:

PATTY FIRST

PHONE NO.:

202/514-4810

FAX NO.

202/514-9149

NO. OF PAGES:

6 (EXCLUDING COVER)

COMMENTS:

Hack + Rangel bills on Elián

105TH CONGRESS
1ST SESSION

S. 1999

IN THE SENATE OF THE UNITED STATES

Mr. MACIK introduced the following bill; which was read twice and 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 Notwithstanding section 337(a) or any other provi-
5 sion of title III of the Immigration and Nationality Act
6 (8 U.S.C. 1401 et seq.), Elian Gonzalez-Brotons shall be
7 considered to be a naturalized citizen of the United States
8 as of the date of enactment of this Act and shall be fur-
9 nished by the Attorney General with a certificate of natu-
10 ralization.

Elian Gonzalez Citizenship Legislation

Next week, Senator Connic Mack will introduce bipartisan legislation to grant citizenship to Elian Gonzalez.

Purpose of legislation

- The purpose of this legislation, which is a simple one paragraph bill, is to ensure that Elian Gonzalez's future is not a political decision made by government agencies, such as the INS. Elian's future should be determined in a state family court. This is a forum in which all family members and interested parties can get a fair and exhaustive hearing on the issues. By granting Elian citizenship, the immigration matter will be resolved and the matter becomes a custody issue where the best interest of the child will be determined by a fair and neutral judge.

Date of introduction

- Bi-partisan legislation will be introduced on Monday, January 24.

Precedent

- The following are examples where Congress has granted citizenship:

Honorary Citizenship

Winston Churchill	public law 88-6	(1968)
Mother Teresa	public law 104-218	(1996)
William Penn	public law 98-516	(1984)

Waived residency and physical presence requirements necessary for citizenship for three Olympians

- Private Law 98-13 (1984)
Marina Kunyavsky, a 19-year-old native of the Soviet Union who was a gymnast.
- Private Law 98-7 (1984)
Audun Endestad, a 30-year-old native of Norway and skier.
- Private Law 98-15 (1984)
Jean Wilhelm Willrich, a native of West Germany who was a soccer player.

Waived residency requirements necessary for citizenship for three businessmen

- Private Law 92-132 (1972)
Walter Eduard Koenig
- Private Law 92-150 (1972)
Alberto Rodriguez
- Private Law 92-152 (1972)
Gerald Vincent Bull

Waived oath, government and history test requirements necessary for citizenship

- Private Law 98-41 (1984)
Nory De Maio

If you need further information, contact Tracie Chesterman in Senator Mack's office, 4-6697.

NEWS RELEASE

CONGRESSMAN CHARLES B. RANGEL

U.S. House of Representatives
CONTACT—Emile Milne
202-225-4365

Washington, DC 20515
FOR IMMEDIATE RELEASE
January 24, 2000

RANGEL BILL URGES: REUNITE ELIAN GONZALEZ WITH HIS FATHER IN CUBA

WASHINGTON—Cong. Charles Rangel today introduced legislation urging the reunification of Elian Gonzalez with his father in Cuba.

"There is no question that this six-year-old boy who lost his mother in a tragic accident at sea should be reunited with his father," Cong. Rangel said. "This resolution will allow Members of Congress to lend their voices to that idea."

Members who signed on as original co-sponsors of the bill were Democrats Jose Serrano, John Moakley, Jim McDermott, Barney Frank, Barbara Lee, Maurice Hinchey, George Miller, Gregory Meeks, James McGovern. Cong. Ray LaHood, Republican of Illinois, was also an original cosponsor.

"Despite President Clinton's urgings that this matter be handled outside the realm of politics, Elian Gonzalez has been tossed around like a political football since being rescued at sea last Thanksgiving Day," Cong. Rangel said. "It is time to put an end to his ordeal by reuniting him with his family and his grandparents in Cuba," Cong. Rangel said.

The language of the resolution implicitly criticizes expected efforts to delay or block the boy's return by making him a U.S. citizen. "Congress should not interfere with normal immigration proceedings by taking any unusual or inappropriate legislative measures designed to delay the reunification of Elian and Juan Gonzalez [his father]," the resolution states.

Cong. Rangel was also sharply critical of a subpoena issued to the boy, ostensibly to testify at a Congressional hearing, by Cong. Dan Burton. The Indiana Congressman subsequently admitted that the purpose of the subpoena was to delay Elian's departure so actions could be filed in court to block INS's ruling that the boy should be reunited with his father. Cong. Rangel said issuance of the subpoena was in clear violation of House rules.

###

CBR/em

[DISCUSSION DRAFT]

JANUARY 21, 2000

106TH CONGRESS
2D SESSION**H. CON. RES. _____**

IN THE HOUSE OF REPRESENTATIVES

Mr. RANGEL submitted the following concurrent resolution: which was referred
to the Committee on _____

CONCURRENT RESOLUTION

Expressing the sense of Congress that Elián González should
be reunited with his father, Juan González of Cuba.

Whereas Elián González, a 6-year-old citizen of Cuba, lost his
mother in a tragic boat accident and floated alone for
days in treacherous conditions off the coast of Florida:

Whereas Elián González was found November 25, 1999, alive
but physically and emotionally drained, brought ashore
and examined at a hospital, and released temporarily by
the Immigration and Naturalization Service (INS) into
the care of his great-uncle and cousins in the Miami area
while it evaluated his case:



Whereas the natural father and sole surviving parent of Elián González, Juan González of Cuba, has repeatedly requested that the United States Government return his son to him immediately;

Whereas the President rightly determined that the fate of Elián González should be determined by United States statutes and regulations related to immigration cases involving children;

Whereas the INS, after interviewing Juan González twice in Cuba and carefully reviewing all relevant laws, rules, and evidence, correctly determined on January 5, 2000, that Juan González is a caring and involved father, that Elián González faces no credible threat of political persecution if returned to his father, and as a result, that Juan González possesses the sole authority of speaking for Elián González regarding his son's immigration status in the United States under Federal immigration law and universally accepted legal norms;

Whereas the INS resolved to return Elián to Cuba by January 14, 2000, to live with his father Juan González, in accordance with his father's request;

Whereas on January 12, 2000, the Attorney General fully supported the INS ruling, reaffirmed INS jurisdiction over the matter, and said that a decision by a Florida State court judge granting temporary custody of Elián González to his relatives in Miami, establishing a March 6, 2000, date for a hearing on permanent custody, and calling for the father's presence at that hearing had no force and effect;

Whereas only the Federal courts have the jurisdiction to review the Attorney General's decision:



Whereas what Elián González needs most at this time is to be with the father and both sets of grandparents who raised him so that he can begin the process of grieving for his mother, in peace;

Whereas despite the existence of important political disagreements between the Governments of the United States and Cuba, these differences should not interfere with the right to privacy of a 6-year-old child or his sacred bond with his father; and

Whereas any unusual or inappropriate changes to immigration law made by Congress to naturalize a minor without the parents' consent would have the effect of encouraging parents in other nations to risk the lives of their children under the false hope that they might receive special treatment outside standard channels for legal immigration; Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That it is the sense of the Congress that—*

3 (1) Congress should not interfere with normal immi-
4 gration proceedings by taking any unusual or inappro-
5 priate legislative measures designed to delay the reunifica-
6 tion of Elián and Juan González; and

7 (2) the Immigration and Naturalization Service
8 should proceed with its original decision to return Elián
9 González to his father, Juan González, in Cuba and take
10 all necessary steps to reunify Elián González with his fa-
11 ther as soon as possible.



FOX NEWS/OPINION DYNAMICS: Conducted 1/12-13/00; surveyed 902 registered voters; margin of error +/- 3% (release, 1/14).

Six-year-old Elian Gonzalez has been in the news over the last several weeks after his mother drowned during their escape from Cuba. Which of the following do you think should happen to Elian:

He should be returned to his father in Cuba	53%
He should be allowed to stay in US	32

Who do you think should decide where Elian grows up:

Father	61%
Courts	24

CNN/TIME: Conducted 1/12-13/00; surveyed 1,564 adults including 1,276 registered voters, 452 registered GOPers, and 614 registered Dems; margin of error +/- 2.5% for adults (release, 1/14).

As you may know, a 6-year old Cuban boy, Elian Gonzalez, was recently found alive off the coast of Florida after a shipwreck that killed his mother and others who were trying to escape from Cuba to the United States. Do you think Elian should live in Cuba with his father or live in the United States with his relatives?

In Cuba	48%
In United States	35

CNN/USA TODAY/GALLUP: Conducted 1/7-10/99; surveyed 1,633 adults including 1,396 of registered voters and 814 likely voters; margin of error +/- 3%; for likely voters +/-4% (release, 1/13).

Next we have a question about Elian Gonzalez, the 6-year old Cuban boy who is a survivor of a boat filled with Cuban immigrants which sank off the coast of Florida last November. As you may know, the U.S. government recently decided to send the boy back to Cuba to live with his father rather than have him remain with relatives in the United States. From what you know about this case, do you approve or disapprove of the decision to send the boy to Cuba to live with his father?

Approve	56%
Disapprove	36
No opinion	8

ABC NEWS.COM: Conducted 1/5-9/99; surveyed 1,016; margin of error +/- 3% (release, 1/11).

As you may know, The U.S immigration service has decided that a six-year-old Cuban boy whose mother drowned when their boat sank off Florida should be returned to his father in Cuba. Other relatives in Florida want the boy to stay with them. Do you think the boy should be returned to his father in Cuba, or remain with his relatives in the United States?

	All	Men	Wom	H.S.	SCol	CGrad	12/12
Returned	52%	56%	48%	47%	52%	61%	46%
Remain	36	34	38	42	35	26	33

CNN/TIME: Conducted 1/5-6/00 by Yankelovich Partners; surveyed 1,589 adults including 1,319 registered voters, 528 registered Republicans and 592 registered Democrats; margin of error +/- 2.5% (release, 1/9).

As you may know, a 6-year old Cuban boy was recently found alive off the coast of Florida after a shipwreck that killed his mother and others who were trying to escape from Cuba to the United States. Do you agree or disagree with US immigration officials' decision to return the boy to Cuba to live with his father, rather than have him live in the US with relatives?

(Asked on 1/6 Only, N=702, MoE +/-3.7%)

Agree with decision	56%
Disagree with decision	35
NS	9

Do you think the United States should open diplomatic relations with Cuba, or don't you feel that way? (Asked on 1/6 Only, N=702, MoE +/-3.7%) Tracking (Jan 00/Jan 98/March 97)

	All	GOP	Ind	Dem
Yes	53/42/42	48/39/40	57/43/43	54/46/45
No	36/43/47	38/48/47	34/40/47	37/40/46
NS	11/15/11	14/13/13	9/17/10	9/14/9

ABC NEWS.COM: Conducted 12/8-12/99; surveyed 1,013 adults, 899 registered voters; margin of error +/- 3% for adults, 4% for registered voters (release, 12/13).

As you may know, a six year old boy from Cuba was rescued at sea off the coast of Florida recently. His mother drowned and his father in Cuba wants the boy back. Do you think the boy should be returned to his father in Cuba or should remain with his relatives in the United States?

Returned	46%
Remain	33
Up to him	3

No opinion 17

CNN/USA TODAY/GALLUP: Conducted 12/9-12/99; surveyed 1,037 adults; margin of error +/-3% (release, 12/14).

As you may know, a 6-year old Cuban boy recently found off the Florida coast is the only survivor of a group of people, including his mother, who were escaping Cuba for the United States by raft. He is now in Florida where his custody is being disputed. How closely have you followed the news about this story?

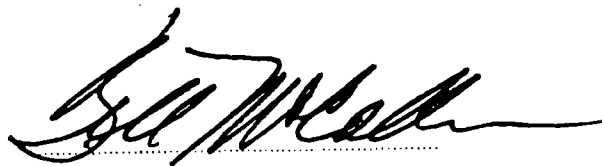
Very closely	23
Somewhat closely	45
Not too closely	18
Not at all	13

Which of the following solutions do you think would be in the best interests of the boy : for him to remain in the U.S. to live with relatives who have requested he stay here (or) For him to live with his father in Cuba, as his father has requested?

Remain in the US	45%
Live with his father in Cuba	45
Other	3
No opinion	7

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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 ELLAN 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

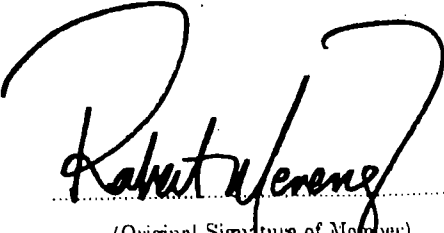


- 1 as of the date of the enactment of this Act and shall be
- 2 furnished by the Attorney General with a certificate of
- 3 naturalization.



F:\M6\MENEND\MENEND.027

H.L.C.


(Original Signature of Member)106TH CONGRESS
2D SESSION**H. R. _____**_____
IN THE HOUSE OF REPRESENTATIVESMr. 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 Representa-*
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



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.



CUBAN BOY
January 25, 2000

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

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

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

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

- It would be premature to comment on any specific bill, but as the President has said, we hope this issue will not be politicized, [and we strongly oppose legislation to confer citizenship on the child.]
- It would be premature to comment on any question of a veto.

[IF ASKED] Are you concerned that Cuban officials are controlling the grandmothers' actions based on their contact with them yesterday?

- All the officials from the Department of Justice and INS who have met with the grandmothers have been profoundly impressed by the genuineness of their desire to see Elian and to have him return to his home in Cuba.
- We believe that this case should not continue to be politicized, and we hope that the

family will be able to work together to resolve this matter as quickly as possible. It is routine, however, for consular officials to meet with their citizens abroad.

What's your reaction to the grandmothers' visit?

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

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

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

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

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

What about Dan Burton's subpoena?

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

Aren't we heading toward a dramatic confrontation in which INS will have to go in and take the child from his Miami relatives?

- Again, this matter is appropriately in the hands of the INS and the Department of Justice. The Attorney General continues to urge all parties to work together to resolve this matter as quickly as possible.

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

- White House officials did not seek to, nor did they, influence the outcome of this decision, which, let me reiterate, was made solely by the responsible authorities following the

law and INS rules and procedures.

Irene Bueno
01/27/2000 09:59:19 AM

Record Type: Record

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

cc: Marjorie Tarmey/WHO/EOP@EOP, Leslie Bernstein/WHO/EOP@EOP, Wendy L. Patten/NSC/EOP@EOP

Subject: Opposition growing to special citizenship bill; normal procedures will be followed

FYI - see CQ article below.

----- Forwarded by Irene Bueno/OPD/EOP on 01/27/2000 09:57 AM -----

From: Lisa J. Macecevic on 01/27/2000 09:19:51 AM

Record Type: Record

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

cc:

Subject: Opposition growing to special citizenship bill; normal procedures will be followed

CQ MONITOR NEWS

OPPOSITION GROWS TO SPECIAL CITIZENSHIP BILL FOR CUBAN BOY

By Elizabeth A. Palmer, CQ Staff Writer

Jan. 26, 2000 - Congressional support for granting U.S. citizenship to 6-year-old Cuban refugee Elian Gonzalez appeared to erode Wednesday even as the boy and his grandmothers were reunited briefly in Florida.

As Senate Republicans emerged from their weekly luncheon, several said that the conference was deeply split over the issue, while Democrats said they were united against the bill (S 1999) introduced by Connie Mack, R-Fla.

"The boy should go back to his father. I'm not on Senator Mack's side. And I am a long way from being alone," said Slade Gorton, R-Wash., after the weekly GOP policy luncheon.

Senate Majority Leader Trent Lott, Miss., a cosponsor of the bill, did not to commit to any specific timetable for Senate action.

"It is not going to be acted on this week," he said. "Obviously it could come up next week. But there are a lot of people looking at this issue and there may be developments between now and then."

Both Lott and Judiciary Committee Chairman Orrin G. Hatch, R-Utah, said the Senate bill, if it comes up, would go directly to the floor, not through the Judiciary committee.

"My intent is to bring it up if Senator Mack and the supporters of the legislation conclude that that's the only way that this can be fairly considered in a custody court, not to be determined by the INS or Janet Reno," Lott added.

The Immigration and Naturalization Service (INS) has determined that Elian, who was rescued at sea off the coast of Miami last November, should be returned to Cuba to be with his father. Elian's mother died trying to reach the United States. The citizenship bill is designed to take the decision away from the INS and allow a Florida court to decide who will have custody of Elian.

"We ought to take into consideration the mother's desire," to live in the United States, said Mack, as well as the father's desire to have his son returned.

In addition to Gorton, Arlen Specter, R-Pa., and Chuck Hagel, R-Neb., said they opposed the Mack bill. With Minority Leader Tom Daschle, S.D., holding on to his Democrats, passage of the bill would be difficult.

Democrats announced on the Senate floor Wednesday that if forced to vote on the legislation, they will offer a non-binding resolution urging his return to his father.

In the House, Speaker J. Dennis Hastert, Ill., said, "The understanding is whatever we do, we need to make sure the welfare of the boy is the No. 1 priority." He also said he believes "the courts are the best arena to settle this ... especially the family courts."

Majority Whip Tom DeLay, Texas, plans to meet Thursday with the boy's uncles who have been caring for him in Miami since November.

But House leaders have decided that the private relief bill introduced by Bill McCollum, R-Fla., will not be considered outside normal procedures.

It will be referred to the Judiciary Subcommittee on Immigration and Claims which will ask INS for a report on the case. During that time, a source said, it is customary for the INS to halt deportation procedures, but it is also likely that the subcommittee will wait to act until the report is delivered.

When the bill reaches the full committee, according to a source, at least two Republicans on the full committee could vote against the bill. If Democrats are united in opposition, it would take just three GOP defections to kill it.

The GOP leadership would face a difficult quandary on the next step. If it continues under normal rules, the bill would be brought to the floor as a private relief measure, which means the objection of just one member would kill it. The only way around that problem is to send the measure to the Rules Committee for a protective rule, which would be a break with precedent.

Source: CQ Monitor News

(i've added the bolds myself)

Message Sent To:

Steven M. Mertens/OMB/EOP@EOP
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Mark D. Magana/WHO/EOP@EOP
Joel K. Wiginton/WHO/EOP@EOP
Brian A. Barreto/WHO/EOP@EOP

01/20/00 WED 10:00 FAX 202 450 0420
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.

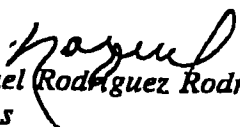
Podrá suponer usted que hacer este viaje ha significado un gran sacrificio para nuestra familia, que no se ha separado un solo instante desde el momento de la tragedia en que perdimos a una hija y hemos sido forzados a contemplar con infinito dolor el secuestro de nuestro nieto. En los últimos días los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

Private Meeting Is Planned For Boy and Grandmothers

Agency's Threat Paves Way for Reunion

By LIZETTE ALVAREZ

WASHINGTON, Jan. 25 — Threatened with an order from the Immigration and Naturalization Service, Elián González's Miami relatives agreed today to let 6-year-old Elián meet his Cuban grandmothers privately on Wednesday at a neutral place outside the family's house.

The decision came after immigration officials ratcheted up the pressure on the family, warning them in a letter that if they did not agree to a meeting on neutral ground the agency could revoke Elián's "parole," or his temporary permission to remain in this country.

The grandmothers will meet Elián at 4 p.m. at the home of Sister Jeanne O'Laughlin, the president of Barry University and a nun belonging to the Dominican order.

"We have reiterated that the grandmothers will not be able to take him with them at this time," said Carole Florman, a Justice Department spokeswoman. She added that the immigration agency's demand for a meeting was not negotiable.

Another Justice Department official said that the family "needed to understand the seriousness" of the meeting, which is why the agency's letter was sternly worded.

The administration's decisions on how to deal with the case have been made within the Justice Department by Attorney General Janet Reno and Doris Meissner, the immigration commissioner, officials said.

"It's been mostly those two," said a senior Justice Department official, asserting that the White House had not been involved directly in decision-making in the case. "We have kept them informed," said the official, speaking on condition of anonymity. "But we haven't sought or received any input from them."

On Capitol Hill, Elián's grandmothers delivered pleas today to sympathetic lawmakers, who vowed to block legislation in the House and Senate to make Elián an American citizen. Outraged Senate Democrats pledged to filibuster the Senate bill if it reached the floor, which could happen as early as next week.

President Clinton jumped into the fray, urging Congress to hold off on legislation until the legal challenge is complete. Mr. Clinton also held out the possibility that he would veto the citizenship measure if it clears Congress. "Plainly," Mr. Clinton said, "he would have more economic opportunity in this country, but all the evidence indicates that his father genuinely loved him."

Elián's great-uncle in Miami, Lázaro González, has sued the federal government to block the boy's return to his father, arguing that sending him back to Cuba is tantamount to child abuse. Elián's mother and 10 others died when their makeshift boat capsized. Elián was picked up as he drifted on an inner tube on Thanksgiving Day.

By making Elián a citizen, lawmakers said they hope to remove the immigration complications from the case, including the federal lawsuit, and focus it solely on the custody issue. A second bill that would make him a permanent resident is also expected to be taken up by the House.

But Mr. Clinton expressed concern today that Congress's action may set a hasty, complex precedent that has not been thoroughly analyzed. "I mean this sort of thing could happen again because you have so many people coming to our shores from all these different countries," he said.

Several sympathetic members of Congress, pledging to derail the legislation, traveled to Capitol Hill despite today's snowstorm and met

with Elián's grandmothers, who came bundled up in new winter coats and boots.

The grandmothers, who dabbed at their eyes with balled-up tissue, said they had been unable to see their grandson on Monday after their request for a neutral meeting place was declined by their Miami relatives. The women said Mr. González's home in the Little Havana neighborhood of Miami, which has been ringed by Cuban-American Castro foes day and night, would be too fiery a location.

"We asked to have a neutral gathering with just the child," said Mariela Quintana, the boy's paternal grandmother, following a meeting with Representative Sheila Jackson-Lee, a Texas Democrat who sits on the immigration subcommittee. "But they didn't accept that. They want to have this in their house, full of people, and with a party. I'm not up to a party. I just want to see my grandchild alone."

Raquel Rodríguez said she did not want to see Elián's Miami relatives. "They have offended me on the phone, they have offended me on television," she said.

Mr. González has said he invited the grandmothers to visit Elián in his home so the women could see where Elián lives and see that he is loved.

Senator Christopher J. Dodd, a

On Capitol Hill, wrangling over a Cuban boy's fate.

Connecticut Democrat and a long-time advocate for lifting the economic embargo against Cuba, decried the citizenship legislation, calling it "pathetic." And he, along with several other Democrats and one Republican, Senator Chuck Hagel, an influential Nebraska Republican, said they hope to convince lawmakers not to offer the bill.

"This boy ought to go home and be with his father," Mr. Dodd said. "It is shameful we're allowing it to become a national debate."

Mr. Hagel called the conversation with the grandmothers "revealing" and added that he would speak with Senator Trent Lott, the Republican majority leader from Mississippi, to convince him to abandon plans to bring the legislation to the floor.

"It's obvious to me that this was not a woman fleeing from a tyrannical regime that was oppressing her and her family and her 6-year-old boy," Mr. Hagel said, noting the grandmothers' earlier assertions that Elián's mother was forced to take the boat by Elián's stepfather.

Representatives Jose E. Serrano, a New York Democrat, and Jim McGovern, a Massachusetts Democrat, said they would ask Mr. Clinton to veto the bill.

Gauging support in Congress is difficult at this point, with lawmakers on both sides of the issue saying they expect a messy fight. "I don't have illusions that this is a slam dunk," said Representative Ileana Ros-Lehtinen, a Florida Republican who has introduced one of the bills.

Republicans in Congress and on the campaign trail have embraced the decision on Elián's future, turning the diplomatic tug-of-war into an opportunity to vilify Fidel Castro and communism. But some conservative Republicans said they object to dividing a father and son and are not expected to support the bill.

White House Talks Set in Dispute on Base

By ELIZABETH BECKER

WASHINGTON, Jan. 25 — The White House has agreed to a request by the governor of Puerto Rico to step in and accelerate negotiations with the Navy about resuming weapons training on its base on the island of Vieques.

After the governor rejected the Navy's latest proposal to hold a referendum on the issue, the White House agreed to the request last night and invited Puerto Rico's top negotiator to resume negotiations on Thursday in Washington. But White House officials voiced support for the Navy's proposal to leave a final decision on the base's future to the citizens of Vieques rather than to Gov. Pedro J. Rosselló.

The Navy proposed last week that a referendum be held in 3 to 18 months offering the citizens of Vieques a choice of allowing the armed forces to resume training with live ammunition and receive \$40 million in community aid in gratitude or closing the base within five years. There would be no testing on the island, where there is a moratorium on live-fire exercises through March 1, after the referendum, administration officials said.

"This proposal is worse than the last one," said Alfonso Aguilar, spokesman for the governor. "We've only got a few weeks left, and we know the Navy is pressuring the president for a decision before the moratorium ends in March."

The president suspended all military exercises on Vieques, a small island in the commonwealth of Puerto Rico, in April, when a civilian Puerto Rican guard was killed after

Marine jets dropped bombs that unintentionally hit an observation tower. That death touched off protests that have led to the occupation of the base by more than 100 people.

In December the president halted live-fire military exercises there and ordered an end to all exercises in five years. Governor Rosselló immediately rejected that as not a sufficient compromise, saying Puerto Rico

Puerto Ricans see a stalemate with the Navy over Vieques.

wanted a ban on bombing exercises on Vieques that could be legally binding.

Last Friday the Navy made its counterproposal, a referendum, which has the backing of the president, a senior administration official said.

"We're suggesting the referendum is the way to go to give the Navy a chance to present its plan and see what the will of the people of Vieques really is," a senior White House official said. "The Puerto Ricans need to understand that the president as commander in chief must push forward the readiness of the armed forces while weighing the concerns of the people of Vieques."

Since World War II, the Navy and Marines have used the 900-acre range on Vieques for their only comprehensive live-fire exercises on the

East Coast, involving amphibious landings, aerial bombardments and naval gunfire. While the Navy calls the range its "crown jewel" because these joint exercises are necessary to prepare the battle groups for deployment, the citizens of Vieques have called the base unacceptable.

Governor Rosselló has said the bombardment of Vieques over more than 50 years has led to high unemployment, high rates of cancer and severe damage to the island's wildlife and its fragile coral reef.

The Navy has admitted that it mishandled relations with the people of Vieques and has asked for another chance. But the citizens of Puerto Rico have put Vieques on the political agenda in the presidential campaign and in New York State, which has a large Puerto Rican population.

Vice President Al Gore sides with Puerto Rico in the debate, as does Hillary Rodham Clinton, who is running for the Senate from New York.

Republicans in Congress have backed the Navy and have scheduled hearings in the House and Senate on legislation that would the Roosevelt Roads naval station in Puerto Rico, a \$3 billion entity, if the commonwealth refuses to allow the resumption of live-fire training.

Puerto Rico officials derided that proposal as scare tactics and have asked that the Navy be excluded from the talks on Thursday.

"We don't want to talk to the Navy anymore," Mr. Aguilar said.

On Thursday, Angel Morey, Puerto Rico's secretary of state, will meet with John D. Podesta, the White House chief of staff, and a Defense Department representative.

The Law on Campaign Money

The Supreme Court performed a valuable public service on Monday by demolishing one of the main arguments brandished by Congressional foes of campaign finance reform. In a decisive 6-to-3 ruling, the court reaffirmed the constitutionality of campaign contribution limits and exposed the emptiness of claims that the First Amendment presents an insurmountable bar to meaningful action by lawmakers to restrict the corrupting flow of money into campaigns.

The case involved a test of Missouri's \$1,075 limit on an individual's donations to a statewide candidate. A lower appeals court had struck down the limit on free-speech grounds, in essence overruling the portion of the Supreme Court's 1976 decision in *Buckley v. Valeo* that upheld the \$1,000 contribution limit for federal candidates as a permissible precaution against corruption.

In rejecting this invitation to reconsider its approval of the cap in light of 24 years of inflation, the court put due emphasis on the corruptive nature of large campaign gifts. It also turned aside arguments that such limits amount to suppression of speech, lacking any concrete proof that candidates are prevented from raising sufficient funds to get their voices heard. "Leave the perception of impropriety unanswered, and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic government," wrote Justice David Souter in the majority opinion signed by five of his colleagues,

including Chief Justice William Rehnquist.

Senator Mitch McConnell, the Kentucky Republican who is the leading Congressional opponent of campaign finance reform, says the opinion is inconsequential to the ongoing battle over banning the unregulated contributions to political parties known as soft money. Yet one immediate effect of the decision is to render laughable Mr. McConnell's attempt to portray himself as a First Amendment champion for opposing a soft-money ban. The majority opinion did not address soft money directly. But its endorsement of contribution limits to protect the integrity of the political process strongly suggests that legislative steps to prevent candidates from evading those limits by raising and spending soft money would also pass muster.

Indeed, as the two concurring opinions by Justices John Paul Stevens and Stephen Breyer underscored, a number of justices are deeply concerned about the dominant role of big money in politics. They also seemed concerned about the court's own role in helping to accelerate the money chase by ruling, in another, highly lamentable part of the *Buckley* decision, that limits on campaign spending violate the First Amendment. In future rulings, the court needs to allow limits on both contributions and spending of personal funds by wealthy candidates.

In reaffirming contribution limits, the court decided that those limits do not harm anyone's rights to free speech. No one is prevented from speaking, just from buying undue influence.

Elián González and Congress

As the case of Elián González enters its third month with no end in sight, it is becoming more and more evident why the fate of this 6-year-old Cuban boy belongs in a federal court rather than in the streets of Miami or Havana — or in the halls of Congress. Congressional moves this week to have Elián declared an American citizen have added a new level of exploitation to this unseemly saga.

Two members of Congress from Florida, Senator Connie Mack and Representative Bill McCollum, have introduced bills to grant the boy citizenship or permanent residency. Their avowed purpose is to remove jurisdiction over his status from the federal Immigration and Naturalization Service, where it properly belongs, and hand it over to a Florida family court as a child-custody dispute. This is an unacceptable misuse of a citizenship process to manipulate the venue of a court case.

It is especially troubling when the object of the dispute is 6 years old. There is in fact no basis in law for a custody dispute. To this day no one has presented evidence suggesting that Elián's divorced father, Juan Miguel González, is an unfit parent. After Elián was rescued at sea following an accident that killed his mother, Mr. González was interviewed extensively by I.N.S. officials in Ha-

vana, and satisfied them that he had a close and involved relationship with his son. In a country like Cuba, no one can truly know if a man is speaking freely. But his credibility has been strengthened this past week by Elián's two grandmothers, who have traveled to the United States in hopes of retrieving Elián and returning home with him. Both grandmothers have spoken of their love for Elián and there is no evidence of coercion.

Holding Elián in this country only plays into Fidel Castro's hands. His opponents in Miami and their backers in Washington are subverting uncontested family ties in the interest of an all-consuming political agenda. They assume that the nature of one's government is the only criterion in the quality of his life. In so doing they emulate the totalitarian ideal that they correctly abhor.

President Clinton was right yesterday when he reiterated that Elián's case should play out in court. As a matter of law, the I.N.S. has authority to determine this boy's lawful guardian, and the agency has justly found that his father has the right to decide that his son should be returned to Cuba. Elián's relatives in Miami have appealed in federal Court, and that — not Congress in an election year — is where this case should be resolved.

Danger Within Pakistan

The mountains, deserts and valleys stretching from Afghanistan to Pakistan and the disputed Indian state of Kashmir have long been a hiding place used by Islamic militants. Now the United States has stepped up the pressure on Pakistan to expel one of the most militant of these groups, which Washington believes was responsible for the hijacking of an Indian Airlines jet last month. Gen. Pervez Musharraf, who seized power in Islamabad last October, may find it politically difficult to crack down on these radicals, but it is in his own interest to oust them. If the extremists operating within Pakistani territory are not brought under control, their next target could be Pakistan itself.

After the hijackers of the Indian Airlines jet released their passengers, India charged that Pakistan was behind the episode. No evidence was cited but there was speculation in New Delhi that it included intercepts of communications between Pakistani intelligence operatives and the group known as Harkat ul-Mujahideen. This group, which used to be known as Harkat ul-Ansar, is on the State Department's list of terrorist groups. It is believed to

be behind the bloody insurgency in Kashmir, India's only Muslim-dominated state.

In their recent conflicts, India has exercised laudable restraint with Pakistan. When Pakistan-backed militants infiltrated into Indian territory last spring, India did not retaliate by invading Pakistan territory. Since the hijacking, India has tried to crack down on Islamic radicals in Kashmir but has been careful not to escalate clashes on the Pakistan-India border. It is now Pakistan's turn to exercise restraint, recognizing that any support for groups threatening India militarily is risky. The world cannot afford to allow the region's two nuclear-armed nations to increase their tensions.

President Clinton is planning to visit India in the spring. His earlier plan to stop also in Pakistan is said to be on hold, pending Islamabad's response to the request that it rein in the militants, ease tensions with India and move toward restoring a democratic government. The administration should use as much leverage as possible to get General Musharraf's government to expel those groups whose only interest is to fan hostilities.

Return of the White Stuff

Something about a sudden heavy snow of the kind that fell yesterday carries New York right back to the end of the 19th century and to a vision of urban winter caught by Alfred Stieglitz. In 1893 he photographed a horse team plodding through deep gray slush along Fifth Avenue on a similar day of driving snow, diminished sightlines, rapid accumulation. Yesterday, of course, it was taxis, not horses, slithering gingerly through intersections. Buses slipped their wheels on the barely perceptible grade up West 42nd Street toward the library. During the thickest snowfall the city seemed almost depopulated. Pedestrians became studies in gray and white. The skyline withdrew into a pale monochrome, and yet the fallen snow sharpened the horizontal lines of every building in sight, just as it did for Stieglitz.

A month ago winter seemed more than improbable, no matter what the calendar said. Even far north of the city there was no frost in the ground, and the snow that fell vanished on contact with the

warm earth. So naturally this storm and the week of cold weather leading up to it feel like retribution for an unnatural December, payback for all those elevator chats about the upside of global warming. Winter is never easy — and for some the past few days have been a genuine trial — but it is hard not to enjoy the disarray a snow squall creates. It occasions a day of subtle misrule. Fashion — like alternate-side parking — is suspended. Promptness is relaxed, as is a certain amount of neatness around the pants cuffs. An inordinate amount of attention goes into making the next step count.

The only recourse is to take pleasure in pure seasonality. Spring has its defining moments, as do summer and fall. We had almost forgotten that this is how winter defines itself — the crunch of artificial salt underfoot, the rasp of snow shovels on concrete, a day with all the color of a seagull's plumage, the sting of wind-blown snow in the ear, a growing, drifting silence as night sets in.

Elían to Meet With His Grandmothers Today

Agreement Comes After INS Threatens 6-Year-Old's Status

By KAREN DEYOUNG
and JULIET EILPERIN
Washington Post Staff Writers

Florida relatives of 6-year-old Elián Gonzalez agreed last night to bring the boy to a meeting with his Cuban grandmothers in a "neutral location" in Miami today, after the federal government threatened Elián's immigration status in this country.



Elián Gonzalez, 6, is scheduled to meet today with his grandmothers at the home of the president of a Catholic college in Florida.

Justice Department officials said that grandmothers Raquel Rodriguez and Mariela Gonzalez, who spent yesterday in Washington, would return to Miami for the 4 p.m. meeting. Under the agreement, they will visit with Elián alone, with no time restriction, at the home of the president of Barry University, a local Catholic college.

Relatives in Miami, who have refused to send Elián home to his Cuban father despite an Immigration

and Naturalization Service ruling early this month, received reassurances that "no Cuban officials" would be present and that the grandmothers understood "it was only a visit and Elián would not be leaving with them," according to U.S. government officials. Officials also told the relatives that after the meeting Elián he would return to the house in Miami's Little Havana where he has been staying.

Although an INS letter to attorneys representing the Miami relatives had set a 3:30 p.m. deadline yesterday for them to respond, it was not until evening that the agreement was struck.

While they waited, the grandmothers visited sympathetic legislators on Capitol Hill and urged Congress not to force citizenship on Elián. President Clinton said he would not rule out a veto of a citizenship bill, saying that "at a minimum, I would like to see this court case played out before the Congress takes action."

Political momentum on the Elián controversy was slowed somewhat yesterday

by the snowstorm that kept much of Washington home from work. The Justice Department put off for at least a day asking the U.S. District Court in Miami for expedited consideration of a federal lawsuit filed by the Florida relatives.

In Congress, meetings in which lawmakers planned to devise strategies to support or oppose citizenship bills were delayed. But an informal survey of some members in the House and Senate indicated that opinion on the matter was divided, despite strong support from the leadership in both chambers. Sponsors of bills introduced Monday said their goal was to take the case out of the hands of the INS and allow it to be decided by a Florida family court.

Yesterday's INS ultimatum, sent in a letter to attorneys for the Miami relatives, came after a tense standoff Monday between the relatives and grandmothers, who had traveled to Miami hoping to meet with Elián.

Lazaro Gonzalez, the boy's paternal great-uncle with whom he has been living since he was rescued from a Thanksgiving week shipwreck in which his mother drowned, said the meeting could take place only in his Little Havana home, where dozens of relatives had gathered and hundreds were demonstrating in the streets.

The grandmothers insisted on a neutral location—at one point suggesting the home of another great-uncle. The Miami family rejected that offer, and Lazaro Gonzalez told the women by cell phone that "this is Elián's new home now," sources said.

After a five-hour wait, the women left, flying back to Washington aboard a plane chartered by their U.S. sponsors, the National Council of Churches.

The sharply worded INS letter recounted the events of Monday and said the INS was "obliged to direct Lazaro Gonzalez to make Elián available for a

visit with his grandmothers" at 4 p.m. Wednesday at the Miami Beach home of Dominican Sister Jeanne O'Laughlin.

The letter noted that Elián had been "temporarily paroled into the United States," pending an inspection interview with the child by INS authorities, which must take place before INS can enforce its Jan. 4 order that he be reunited with his father. It also said that regulations authorized the government to "place conditions" on that parole. Failure to respond, the INS said, "will be construed as a refusal to make Elián available for the meeting and as a breach of Elián's parole."

U.S. officials said that they had been prepared to ask for an emergency federal court order to force the hearing if the relatives did not agree.

While a small minority of politicians have been outspoken in their support for keeping Elián in the United States, both Republicans and Democrats are deeply divided on the subject.

Rep. Brian Bilbray (R-Calif.), who represents a swing district in San Diego, criticized his party's leadership for being quick to support congressional intervention in Elián's case.

"I think a lot of people in this country know he would live a more prosperous and freer life in the United States, but I think part of this family values is the father," Bilbray said. "There's a whole lot of my colleagues who want to pander on this issue."

Several conservative Republicans, such as Steve Largent (Okla.) and Robert W. Goodlatte (Va.), also support returning the boy to Cuba on the basis of parental rights.

But John Feehery, spokesman for House Speaker J. Dennis Hastert (R-Ill.), said, "We support what's doing the best thing for this child, which is getting it to the courtroom so it can be completed with due process."

Though polls indicate a majority of Americans support sending Elián back to his father, Republicans said lawmakers who oppose it feel strongly enough that they would not bow to public opinion.

If they became law, the bills introduced in the Senate by Connie Mack and in the House by Bill McCollum, both Florida Republicans, would mark the first time an individual had been naturalized by act of Congress. A separate bill, introduced by House Democratic Caucus Vice Chair Robert Menendez (N.J.), would give Elián permanent residency. Menendez said he hoped his bill could attract "a broader base of support" than the citizenship legislation.

But other Democrats are fiercely opposed to both bills. Rep. Charles B. Rangel (D-N.Y.), who yesterday introduced a sense of Congress resolution that Elián should be reunited with his father, said lawmakers who vote for the two citizenship measures "would want to show they're against communism, dictatorship and Castro, and the kid would still be a pawn."

Sen. Christopher J. Dodd (Conn.), one of several Democrats who hosted the grandmothers in bipartisan meetings yesterday, said that the Republican leadership "is elevating this thing to a pathetic level."

"Whatever one feels about Fidel Castro," Dodd said, supporters of keeping Elián in this country "are allowing their hatred for an old man in Cuba to interfere with the love of a father and a son."

Staff writer Sue Anne Pressley contributed to this report from Miami.

Energy Chief Touts Security Upgrades at Nuclear Labs

By VERNON LOEB
Washington Post Staff Writer

Energy Secretary Bill Richardson said yesterday that his department has dramatically improved security and counterintelligence at nuclear weapons laboratories over nine months, investing heavily in counterintelligence and training more than 700 computer systems administrators in the latest cyber-security techniques.

"There's no mission that's more important to me than taking actions necessary to ensure that America's

nuclear secrets are well guarded," Richardson said at a news conference, releasing three internal audits that claim steady gains in security.

Edward J. Curran, a top FBI counterintelligence official assigned to DOE since May 1998, added that the department's spending on counterintelligence has grown from less than \$5 million in 1997 to \$38.2 million in the current fiscal year—with a \$45.2 million budget proposed for fiscal 2001.

"In my opinion, DOE's counterintelligence program is equal to all the other [counterintelligence] programs

in the federal government—and exceeds most of them," Curran said.

Retired Air Force Gen. Eugene E. Habiger, who was named DOE security "czar" in June after Richardson consolidated all of the department's security functions, said it is now virtually impossible for employees to transfer nuclear secrets from classified to unclassified computer networks—as the Taiwanese American physicist Wen Ho Lee allegedly did at Los Alamos National Laboratory.

These buoyant assessments come almost a year after an investigation of alleged Chinese espionage at Los Ala-

mos triggered intense concern in Washington over nuclear security.

In response, Congress last year created a semiautonomous agency at DOE to oversee the nation's nuclear weapons complex. It also placed a moratorium on all visits to the weapons laboratories by scientists from sensitive countries.

Richardson said he is committed to establishing the new National Nuclear Security Administration by March 1, as required by Congress. But he stressed that even with the naming of a new undersecretary to run the agency, he and his security

team would retain ultimate responsibility for operations at the weapons laboratories.

Habiger said cyber-security was so lax a year ago that the weapons laboratories did not even have a uniform policy governing the use of computer passwords. Many employees used their last names or initials, and some simply typed "password" when logging onto classified networks, he said.

Now, Habiger added, "we have a password policy that I would put up against any in industry and academia."

JUDY MANN

Cuban Exiles' Obsession Is Catching

Whatever moral authority the Cuban exile community had, it has squandered in the space of a couple of months of insanity over the future of 6-year-old Elian Gonzalez.

The child has been turned into an international pawn in the bitter-end fight of Cubans who fled to Miami after Fidel Castro's takeover. Now we have members of the Florida congressional delegation introducing legislation to grant citizenship to the child, a crude ploy to get him out of the jurisdiction of the Immigration and Naturalization Service, which has ruled that the boy should be returned to his father in Cuba.

What is happening is nothing short of kidnapping.

And the irony is that it's the law-and-order Republicans who are leading the charge. These include Rep. Bill McCollum (Fla.), who will always be remembered as one of the most obnoxiously sanctimonious impeachment managers. On the Senate side, legislation to thrust citizenship on little Elian is being sponsored by Connie Mack (Fla.), who ought to know better than to get involved with wrapping up a child in the American flag and then stealing him. These busybodies keep yammering about how much better off Elian would be if he could grow up in the United States, but as far as I can tell, Elian's welfare has not been a priority.

One of the mantras of the exile community has been that Elian's mother, Elizabet, gave her life so the child could be raised in freedom. The fact is nobody really knows what her motives were. The fact is also that she left Cuba with her boyfriend and put her 6-year-old at risk in a boat that was not seaworthy. It is unlikely that she told her former husband, Juan Miguel, of her plans to flee with her boyfriend and son. So in effect she was also severing the boy's ties with his father.

Elian's two grandmothers traveled here last weekend and made an impassioned plea to Attorney General Janet Reno to free the child to return with them to Cuba. Here, at least, are two people who sound like they know what's important to a 6-year-old. They, for example, have not lost sight of the fact that this child's mother drowned. "The retention of Elian in the United States adds to the tragedy of the family over the loss" of Elian's mother, they said in a statement they gave to Reno. "For us, the significance of returning Elian to his family will honor his mother's memory, return the family to normality and, more importantly, return Elian to the normality of life with his father, brother, family, friends at school, his toys, dog and parrot."

The two women, Mariela Quintana and Raquel Rodriguez, also asked Reno to return Elian "to his immediate family and not to his distant family, where [there] had not been a previous relationship."

Whether the boy wants to stay here or return to Cuba is not material. He is only 6 years short of being able to give informed consent to anything.

The INS was right to rule he should be returned to his father. But as far as Elian's great uncle, Lazaro Gonzalez, is concerned, it was the wrong decision. He filed a federal lawsuit last week seeking an asylum hearing for the boy.

Reno, who has backed the INS, promised the grandmothers she would seek a quick resolution of the matter in federal court. So we could end up with the bizarre situation of a federal court upholding the INS, while Congress is busily passing legislation to make Elian a citizen or a permanent resident, effectively ending his ties with the family he knows best.

His distant family has shown very little understanding of a child's basic need to be with his family, particularly having just lost his mother. They may be smothering him with toys and electronic gadgets, but that can't possibly compensate for the trauma of being separated from the family he loves and trusts. Atop that, they've exposed Elian to a media frenzy that would intimidate a movie star. The ruling principle in resolving disputes about children has been to make the best interests of the child—not of the adults—paramount. Parents prevail in custody disputes unless they are shown to be unfit. These same principles are embedded in the Convention on the Rights of the Child, to which the United States is a signatory.

Elian is hardly the first child to be sent back to his own country. According to the INS, 585 minors were deported in fiscal 1999. (The agency provided voluntary departure for an additional 628 minors that year.) One was deported to China, one to Vietnam, one to Haiti, 150 to Guatemala, 168 to Mexico and 169 to Honduras.

During the year, the agency detained 4,607 juveniles from countries ranging from Afghanistan to Zambia. The group included 648 youngsters from the Chinese mainland. Many detained children are released on voluntary recognizance, usually when the agency finds someone to take care of them so they can stay in the United States.

No one has raised a fuss about these children and their futures. Obviously, they and their families fled conditions that were less than optimum, choosing to enter this country illegally to try to better their lives. But they did not catch the attention of the Cuban American community, which has been poisoning American-Cuban relations every since Castro took over. That they are now using a 6-year-old to do this shows that they will stop at nothing to prevent a long-overdue rapprochement between the two countries.

Kidnapping is against the law. For the Cubans in Miami who never met Elian to lay claim to him when his father wants him returned is outrageous. But what is even more outrageous is to see members of Congress rushing into this madness and trying to cloak kidnapping in respectability. What they're showing the world is that American arrogance knows no bounds.

The Washington Post

WEDNESDAY, JANUARY 26, 2000

David Ignatius

The Great Game Gets Rough

The Clinton administration continues to make happy talk about how well it is playing the new "Great Game" of energy politics in the Caspian region. Meanwhile, the centerpiece of that strategy—a set of pipelines that would transport oil and gas to Turkey—appears to be sagging.

President Clinton's aides had touted his "diplomatic victory" after a European summit meeting last November in Istanbul, where they won pledges from Turkey, Georgia, Azerbaijan and Turkmenistan to support the American pipeline plan. Administration officials were patting themselves on the back for outsmarting the Russians, who wanted to control the pipeline trade themselves.

But the Istanbul proclamation, like much else in Clinton's foreign policy, turns out to have been partly a public relations exercise. The Russians have played the pipeline game harder than the administration expected—all the way to fighting a bloody war in Chechnya, in part to secure access routes for their pipelines. And America's friends in Ankara, Baku and Ashgabad may have been paying lip service to U.S. diplomacy—telling our visiting president what he wanted to hear and then making side deals with Moscow.

A sign that Clinton's pipeline strategy is in trouble came Monday, when the Turkish energy ministry announced that it had failed to reach agreement with Azerbaijan and Georgia over terms for the so-called Baku-Ceyhan oil pipeline. That's the U.S.-backed plan to link Azerbaijan's capital of Baku, on the Caspian, with the Turkish Mediterranean port of Ceyhan.

The Baku-Ceyhan plan "is collapsing of its own weight, because the oil isn't there for the pipeline," explains Julia Nanay, an analyst with the Petroleum Finance Co., a Washington consulting firm. She notes that on current projections, the Baku-Ceyhan line would have far less than the million-barrel-per-day throughput needed to make it work commercially.

The other leg of the administration's pipeline strategy, the Trans-Caspian Gas Pipeline, is also wobbly. The consortium planning to build the line—which includes powerhouses Bechtel, GE Capital and Shell—insists that "we believe it's commercial and a good investment," says a spokesman.

But the Caspian route faces strong competition from two alternative gas pipelines to Turkey backed by America's rivals for regional influence, Russia and Iran.

The Russian gas project is known as "Blue Stream." The Russian giant Gazprom proposes to build this pipeline under the Black Sea. That's quite a technological feat, and the Russians and their Italian partner have encountered some delays in financing the project. But even administration officials now expect that it will go forward this year.

The Turks, despite their pledges to support the Clinton administration's plans, have been quite enthusiastic about Blue Stream. One explanation for this Turkish support, notes one administration official, may be the "persistent rumors" in the Turkish press that key Turkish politicians have been bribed to back Blue Stream.

Meanwhile, the Iranians have completed their own gas pipeline to Turkey. Construction of the Turkish side of the pipeline has been slowed, and the Turks and Iranians just agreed to delay the "take-or-pay" start of gas deliveries until September 2001. But Nanay and other industry analysts predict that the Iranian-Turkish line will indeed meet that revised schedule.

So, will the market support a third, U.S.-backed Caspian pipeline? That's the practical business question—with the Russians planning to send Turkey 16 billion cubic meters of gas annually via Blue Stream, and the Iranians planning to send 10 billion cubic meters through their line. The Trans-Caspian line would add another 16 billion cubic meters, and that's a whole lot of gas, even for a fast-growing Turkish economy.

Even the consortium that would build the Trans-Caspian line notes that the field may be getting crowded. "If Blue Stream goes forward, we'd re-examine our design and capital plans to fit what would be a slower ramp-up," says Ed Smith, president of PSG International, a partnership between Bechtel and GE Capital that will own 50 percent of the Trans-Caspian line.

But the administration, with its eye on the Great Game, continues to insist that its pipeline projects will work out fine. "We still think we've maneuvered all sides into this agreement rather skillfully," says Energy Secretary Bill Richardson. "I'll stand by what I said, that it's a foreign policy victory."

If only victories were so easy. While we write position papers and framework agreements, Russian tanks have been leveling Grozny—and lobbing shells or dropping bombs on our pipeline pals, the Georgians and the Azeris. For the Russians, notes Bulent Aliriza at the Center for Strategic and International Studies, maintaining control over energy deliveries to Turkey is a deadly serious business.

Russia has put some potent chips on the table in this game of pipeline poker. Our friends in Turkey and neighboring states might reasonably ask whether the United States really intends to match Russia's escalation—or whether we're just making a loud but ineffectual bluff.

The Iowa Results

MONDAY'S IOWA caucuses produced two mild surprises. The Democratic front-runner, Al Gore, got twice as many votes as his challenger, Bill Bradley—a bigger victory than generally expected. Meanwhile, on the Republican side, something approaching the opposite took place. Although the front-runner, George Bush, won an impressive 41 percent of the vote in a six-candidate field, the news was that Steve Forbes managed 30 percent. The upshot is that the Democratic field appears to have changed from a two-person to a 1½-person contest, whereas the Republican primaries have gone from two candidates to possibly three—Mr. Bush, Mr. Forbes and John McCain, a strong contender in New Hampshire.

But now New Hampshire speaks, and it would be a mistake to read too much into Iowa's poll. Those who did well tried to claim vindication for their ideas, but ideas were not

the main currency of the caucuses. Mr. Forbes did well primarily because he had the money to pay for a large staff of organizers in the state and abundant free food at each campaign stop. Mr. Bush wielded millions too. Mr. Gore relied upon union organizers, some from out of state, and the backing of Iowa's Democratic establishment. In a low-turnout race, and in a process that requires citizens to give up an evening to vote, determined political machines made all the difference. They may prove less telling in New Hampshire, where high turnout traditionally makes life easier for challengers.

In fact, it is not even clear whether a strong performance in Iowa helps or hinders candidates at their next hurdle: Victory brings a publicity boost, but New Hampshire folk seem to take pleasure in rejecting Iowa's choices. The outcome of both nomination fights remains mysterious. Savor the uncertainty while it lasts.

Red Light on Racial Profiling

WE PRINT TODAY a letter from George W. Crawford, interim head of the D.C. Taxicab Commission, responding to taxi commissioner Sandra Seegars's recent suggestions that cabdrivers should refuse to pick up "dangerous-looking" black passengers and avoid taking fares to "dangerous neighborhoods." He points out that her advice runs counter to both D.C. law and taxicab commission policy.

Ms. Seegars is new to the commission. But the language she uses to make her point is as old as this country's unpleasant racial history. She would approve of discrimination against an entire segment of passengers based solely on race and appearance. "Late at night, if I saw young black men dressed in a slovenly way, I wouldn't pick them up, either. And during the day, I'd think twice about it," she wrote in an Outlook piece last Sunday. That was after an interview in which she warned D.C. cab drivers against picking up passengers who were "dangerous-looking," which she defined as a "young black guy . . . with his hat on backwards, shirttail hanging down longer than his coat, baggy pants down below his underwear

and unlaced tennis shoes."

Ms. Seegars believes her stance is warranted by the number of crimes committed against taxi drivers in the District. But Mr. Crawford, no less concerned about crime, was right to denounce them, as was Mayor Williams, who called them "inexcusable." Some people have noted that Ms. Seegars is black. That makes her remarks no less distasteful. It's sad that Ms. Seegars, who has lived in Southeast Washington for more than 30 years, finds all young black men not neatly dressed to be threatening. It's beyond sad when a public official brands all black young men attired in so-called "thug-life" dress as dangerous and deserving of discriminatory treatment.

The safety of taxicab drivers is a major public safety concern. City leaders, police and taxicab commissioners must aggressively pursue steps to reduce the risks of hacking. Rules already permit drivers to refuse service if they have cause to fear harm to themselves or their cabs. Obviously, they need more effective safety measures. But the rules do not allow racial profiling or the redlining of neighborhoods. Nor should they.

A Flimsy Student Aid Proposal

THE PRESIDENT threatens to confirm the Republican caricature of his final budget as a mail-order catalogue in which the strong proposals are lost among too many flimsy ones whose principal purpose is to score political points in an election year. An example is the proposal trotted out the other day to provide a further \$30 billion over 10 years in increased college student aid.

Most of the money would be in the form of a tax break that would do little to increase access to higher education among those too poor to afford it. Rather, in what remains a tight budget era, the proposals would mainly defray the costs of middle- and upper-middle-income students who would likely attend college anyway. It would come on top of a 1997 Clinton initiative, also in the form of tax breaks, that constituted about a 50 percent increase in federal aid to higher education. Much of that money also went to the middle class, though over time the colleges are likely to be the major beneficiaries, in that they will feel freer than otherwise to raise their rates.

Obviously, this further conversion of the cost of college into an implied entitlement

would be popular. But higher education already is heavily subsidized, at the state even more than at the federal level. Access to higher education is a great equalizer, but most Americans who want a higher education now can get it; nor is the administration proposal tilted toward those who continue to be denied. There are better uses for \$30 billion over 10 years; even within the field of education, better to spend it on the early years when so many children are left behind.

Aides say that, because other aspects of the president's budget are heavily tilted toward the poor, this should be given a bye. They argue that the president's proposal is more progressive than the congressional one on which it is based, and that his budget, whatever its weaknesses, remains preferable to those that Republicans are proposing. Can that really be the standard he wants to be judged by?

Part of his purpose is also said to be defensive. If the Republicans are bound to grant a tax cut, he would hope to capture some of the proceeds for his own favored purposes, as he did in 1997. But that's too acquiescent a position, and too weak a justification for a bad idea.

Elian's Protectors

IT SHOULDN'T have been too much to hope that after all Elian Gonzalez had been through—a shipwreck, the drowning of his mother, the hours adrift at sea—someone would act selflessly and apolitically in his interests. In the past few days, however, the grown-ups purporting to speak for the 6-year-old have sounded depressingly like 6-year-olds themselves.

When his grandmothers flew in from Cuba, they and the Miami family members with whom he is staying were unable even to arrange a meeting; yesterday the Immigration and Naturalization Service had to order that one take place on neutral ground. The Cuban government and Miami exile community both have been milking the issue for political points while piously accusing the other of doing the same. Congress now would compound the irresponsibility by seeking to confer citizenship upon the boy. All profess to be acting on Elian's behalf while adding to a political tangle that cannot be helpful to him.

The issue should have been settled with the arrival of the grandmothers. The idea of sending anyone back into a dictatorship is painful. But a child is better off with a loving father,

even in a tyranny, than parentless in a democracy. Part of the concern with returning Elian had been the possibility that his father, Juan Miguel Gonzalez, was not speaking his mind when he insisted that he wanted Elian back. Having the grandmothers come in his place is an imperfect solution; they may still not be free to say what the family really wishes. But there is no evidence of that. This is as good a procedure as it is going to be possible to find.

A citizenship bill, if passed, would turn an immigration dispute into a custody fight, effectively denying the administration the ability to deal quickly and under the broad discretion the immigration laws afford. But a protracted custody battle in Florida courts will do Elian no good. President Clinton should make clear that he will veto any legislation intended to thwart the normal process.

In the meantime, everyone ought to step back and remember what is at stake. This is not about Fidel Castro, the embargo, the evils of dictatorship or the inequities of immigration law. It is about one small child who has already been through too much. The weight of Cuban-American tensions is too much to place on his back.

Miami kin told to bring Elian to 'neutral' visit

By Kathy Kiely
USA TODAY

WASHINGTON — The Immigration and Naturalization Service intervened Tuesday to arrange a meeting between Elian Gonzalez and his grandmothers as the two women made a tearful public appeal for the boy's return to Cuba.

After lengthy negotiations, the grandmothers will see Elian privately Wednesday at 4 p.m. ET at a neutral site. The boy's Florida relatives will be nearby in the house at the time, Justice Department spokeswoman Carole Florman said.

Meanwhile, one day after leaving Miami without seeing Elian because of a disagreement with relatives there, the two grandmothers battled their way through a blizzard to visit Capitol Hill. Lawmakers introduced legislation Monday to make Elian, 6, a U.S. citizen. That would effectively eliminate any jurisdiction that the INS, which favors the boy's return to his father in Cuba, has over the international custody case.

Clutching damp tissues and bundled in borrowed winter clothes, the two women, who have never been out of Cuba and have never seen snow, begged lawmakers not to delay the boy's return to what they described as his true home.

"Es Cubano," said Mariela Quintana de Gonzalez, her hands trembling and her eyes glistening as she faced a dozen TV cameras and more than 25 reporters on Capitol Hill. "He's Cuban."

Raquel Rodriguez lost her only child when Elian's mother drowned with 10 others while trying to sail to the USA. Weeping, she asked, "How can I continue? I have no one else."

The grandmothers told reporters here that they had refused a meeting in Miami because Elian's great-uncle, Lazaro Gonzalez, who has custody of the boy, insisted that it be at his Miami home with a number of other people present.

The two women insisted on meeting their grandson alone.

On Tuesday, the INS sent a letter to lawyers for the Miami relatives ordering Gonzalez to make the boy available for a meeting at a "neutral site." It's the Miami Beach home of Jeanne O'Laughlin, a Dominican nun who heads Barry University and is a good friend of Attorney General Janet Reno. The meeting "is only a visit" and does not change the boy's status, said the letter signed by Michael Pearson, executive associate immigration commissioner for field operations.

"I have everybody's word that the child will not be taken away," O'Laughlin told the Associated Press. "I wouldn't participate if that was the case."

The Justice Department said Tuesday that the Miami relatives had agreed to the meeting. Florman said the government assured the relatives that the meeting would not result in the boy being taken away. Attorneys representing the Miami relatives could not be reached late Tuesday.

In Washington, President Clinton urged lawmakers to consider "what is right for the child" and to delay action on a citizenship bill until the



By Ron Edmonds AP

At Capitol: Rep. Sheila Jackson Lee, right, guides Mariela Quintana, left, and Raquel Rodriguez.

courts have acted in the case. The earliest the bill could come up in the House of Representatives and Senate is next week.

Asked whether he would veto such a bill, Clinton said, "I have not decided what to do." He added, "I would not rule that out."

Senate Majority Leader Trent Lott, R-Miss., said Tuesday that the aim of the bill is to ensure that the boy is handled fairly: "What we're trying to do is find the best way to have an impartial, non-political decision made for the young boy."

However, lawmakers who met with Elian's grandmothers were adamant that he be returned to Cuba.

"We're basically holding a child hostage from his grandparents and his father," said Sen. Patrick Leahy, D-Vt. "It's immoral."

Sen. Chuck Hagel, R-Neb., said the grandmothers' answers to a number of "pointed questions" convinced him that there is "a very strong, loving and real relationship between the boy and his father."

Proponents of the citizenship measure argue that it would not necessarily prevent Elian's return to Cuba, but that it would put his case in the hands of family court judges experienced in handling custody cases.

Rep. James McGovern, D-Mass., said Congress should not deny Elian's grandmothers "the basic right of reunification with their family."

"They have suffered enough," he said. "What is going on here is wrong. We should not allow this to go on and on."

Contributing: Kevin Johnson and wire services

WASHINGTON

Budget office raises surplus projections

The federal government will have \$23 billion surplus this fiscal year plus \$153 billion in excess cash from Social Security, the non-partisan Congressional Budget Office projected Tuesday. That is a sharp change from December, when the CBO said the budget would consume the entire surplus and then drain Social Security reserves of \$17 billion.

The total surplus for fiscal 2000, which began Oct. 1, should reach \$176 billion, up from \$124 billion last year. In fiscal 2001, the CBO estimates a \$235 billion surplus: \$166 billion from Social Security and \$69 billion from the general budget. If spending caps that Congress and President Clinton agreed to in 1997 are exceeded, then CBO estimates the 2001 surplus would be \$177 billion: \$166 from Social Security and \$11 billion elsewhere.

The new projections will fuel an intense debate in Congress on how to allocate the extra cash: debt reduction, tax cuts or additional spending. **(Eliminating the debt, 1A)**

CHINA-U.S. TALKS: Despite a snowstorm that closed the government, senior U.S. and Chinese defense officials met at the Pentagon to discuss ways to improve military ties. The delegation led by Lt. Gen. Xiong Guangkai skipped the usual VIP motorcade because of icy roads. The group took the subway at a cost of \$1.10 per person. It was the first meeting since U.S. jets mistakenly bombed the China Embassy in Belgrade during the Balkan war.

FOSTER-CARE OVERSIGHT: The federal government will closely monitor state child-welfare agencies for the first time, holding them accountable if children are abused or neglected in foster care and making sure per-

manent foster homes are found quickly. New rules in March will give the Department of Health and Human Services (HHS) much broader monitoring responsibility. HHS can withhold up to 14% of a state's federal funds each year if agencies are doing a poor job.

AID TO COLOMBIA: President Clinton predicted bipartisan support for his \$1.6 billion aid package for Colombia, where he says guerrilla groups and drug traffickers threaten the democratic government. He said Colombia is an example of what could be a common problem in the 21st century: "enemies of nation-states forming networks of support across national borders." Among the potential enemies worldwide, Clinton said, are drug traffickers, organized criminals, political terrorists and weapons dealers. The president's plan appears to have substantial congressional support, especially among Republicans.

GREENSPAN NOMINATION: Sen. Harry Reid, D-Nev., said he is trying to persuade colleagues to oppose confirming Alan Greenspan to a fourth term as chairman of the Federal Reserve. Reid says the Fed operates too secretly, and he doesn't buy the idea that Greenspan is responsible for the nation's booming economy. Greenspan is expected to win confirmation easily.

CUBA EMBARGO: Rep. Dave Minge, D-Minn., just back from a one-day trip to Cuba, said he will push for an agricultural trade mission to Cuba with an eye toward lifting the U.S. trade embargo against the communist island nation. "The Cold War is over," he said. He said the embargo is counterproductive.

CURTIS OBITUARY: Carl Curtis, a Nebraska Republican who retired in 1978 after 40 years in Congress, died Monday in Lincoln at age 94. Curtis, an ardent conservative, opposed President Roosevelt's New Deal program and never wavered in support of President Nixon during the Watergate scandal.

By Paul Leavitt with staff and wire reports.

LETTERS

Lawyers dead wrong on death-penalty use in Texas

One would have to look far and wide to find attorneys less knowledgeable of the appellate process than Bill Moffitt, president of the National Association of Criminal Defense Lawyers, and Jay Jacobson, executive director of the American Civil Liberties Union of Texas ("Texas starts year at record pace of executions," News, Friday). Or perhaps both are intentionally misleading on the death penalty in Texas.

Moffitt suggests that "Texas judges seem all too willing to ignore defendants' rights and short-circuit the sometimes lengthy appeals process." Really?

The average time spent on death row in

Texas in 1999 was 13 years, or three years longer than the national average.

Texas judicial decisions are all evaluated through three separate levels of federal appellate courts, often involving dozens of separate reviews through dozens of federal judges. If Texas judges were, as Moffitt puts it, "all too willing to ignore defendants' rights," possibly such would be noticed by the federal courts.

Nationally, the average for overturning death penalty cases is 33%. In Houston (Harris County) that number is 11%. Houston is the most prolific jurisdiction in the country for sentencing murderers to death

and having them executed, although Delaware and Virginia have a higher rate of executing murderers.

Rhetorically, Jacobson asks "whether the law means it's OK to execute people who killed when they were juveniles or have mental problems." The answer is: absolutely — within constitutional guidelines. Unequivocally, the U.S. Supreme Court permits the execution of 16- and 17-year-old capital murderers.

All of Moffitt's allegations are, thus, provably false.

Dudley Sharp
Houston, Texas

Prayers for and thanks to actor Michael J. Fox

Although I will miss the popular TV show *Spin City*, I am glad its star, actor Michael J. Fox, is putting his health before the show ("Fox says he'll quit 'Spin City' at end of season: Cites Parkinson's, time with family," Life, Jan. 19).

Over the years, Michael's talents have made the audience feel like a friend, not a fan, and as a friend, I care about this young man. In the world of instant fame, he has handled his celebrity beautifully.

Years ago I sent Michael letters on a weekly basis, when he was on the TV show *Family Ties*. Even at the height of his popularity, he always would find time to reply.

Ten years ago I had a letter printed in the *TV Guide* magazine saying that Michael was as likable and durable as Mickey Mouse and would be around for a long time. I am glad I was right. I hope researchers find a cure for Parkinson's disease quickly so I can see Michael J. Fox grow up on screen.

Until then, I'm glad Michael is taking good care of himself so he can see his children grow up in the real world.

My prayers are with you, Michael. Stay strong in spirit.

Chuck Pleasants
Rockville, Md.

Inconsistent to grant citizenship to Elian

This week Congress will push the "Elian Bill," which would give instant U.S. citizenship to the famous boy from Cuba, Elian Gonzalez ("Back in Cuba, a different story emerges," Cover Story, News, Monday).

This concerns and confuses me.

Elian came to this country illegally, and his father wants him returned home to Cuba. Nevertheless, some of our elected leaders are attempting to undermine federal law by both rewarding criminal activity and keeping a child from his legal guardian.

Where is the logic here? Could it be that these politicians are simply pandering to the ever-increasing Hispanic vote?

That would make sense considering the inconsistent manner in which our immigration policy is enforced. If people run across the border or swim to our shores, they might be allowed to stay. Maybe, maybe not. If the person is a cute little boy from Cuba, he'll receive a hero's welcome from exiles. If Haitian, he'll probably be sent packing. If Chinese ... one never knows.

That's why we have our little Elian problem: consistency, or a lack thereof.

We cannot solve this problem by making Elian a citizen. That would be shortsighted and prejudicial. It also would set a precedent for future lawsuits. If we grant citizenship to one child, we must do the same for all other poor children who come from countries with repressive governments.

What makes Elian better than a 6-year-old from Africa?

And since when do the wishes of a great uncle override those of a father?

I would urge our members of Congress to use their common sense when analyzing this situation. Please remember that we have laws in this country that should be enforced consistently, without regard to race, ethnicity or political pressures.

I also ask the members of Congress



By Kathy Williams, AP

Custody battle: Elian Gonzalez's grandmothers seek his return to life in Cuba

not to embarrass us — the world is watching.

Jeff Clauser
Atlanta, Ga.

Change USA's Cuba policy

Elian Gonzalez has become a pawn of international politics. A 6-year-old child from any other country in a similar situation would have been returned to his only surviving parent by now.

Elian appeared to be very healthy when he arrived in the U.S. Was Cuba that terrible of a place for him to be? Does the U.S. have the right to deny a father the custody of his child based on what political system he lives under? Would that be any different from denying a parent custody for what religion he or she practices?

The issue that everyone seems to be ignoring is the total and absolute failure of the U.S. government's 40-year-old policy toward Cuba. It is time to change that policy.

Claude D. Oberholtzer Jr.
Magnolia, N.J.

Riots raise new tensions in Indonesia

But most Muslims say nation won't abandon its moderate traditions

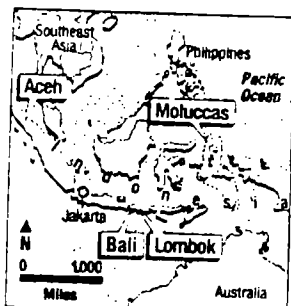
By Julie Schmit
and Joe Leahy
USA TODAY

JAKARTA, Indonesia - The scene was terrifying. Mobs of young Muslim men scribbled obscene graffiti on the walls of the Protestant church and smashed its 36 stained-glass windows. They burned or ransacked 11 other churches and dozens of Christian-owned shops and homes. They painted "Muslim Revolution" on buildings. Thousands of Christians fled, by boat and airplane, to the nearby island of Bali.

The three days of riots last week on the tourist island of Lombok heightened fears that religious violence will engulf Indonesia, which is the world's largest Muslim country with 185 million Muslims, about 87% of the population.

The Lombok riots followed 14 months of fighting between Christians and Muslims in the Moluccas Islands. An estimated 2,000 people have died. At least 25 more were killed Sunday on the eve of Tuesday's visit by Indonesian Vice President Megawati Sukarnoputri. At the same time, President Abdurrahman Wahid visited Aceh, a predominantly Muslim province that is pressing for independence.

But while Indonesia's religious tensions have escalated and some Muslims have intensified the radical rhetoric with calls for a "holy war," most Muslims say Indonesia is not abandoning its moderate traditions in favor of a more fundamental Islam. "It is impossible," says Ahmad Sumargono, a radical Muslim politician. "The Indonesian people are not prepared to follow strict Islamic values."



Wahid, Indonesia's new and first democratically elected president. Also suspected of fueling trouble: cronies of former president Suharto, who was forced to resign in 1998 after a 32-year authoritarian reign.

Even Christians left homeless by Lombok's riots don't blame religious differences. "The Muslims here do not hate the Christians," says Sukini, a Christian woman who, like many Indonesians, uses only one name. She fled her home to take refuge with hundreds of others at a local police station.

Instead, Sukini and many religious leaders blame religious extremists and military officials for instigating the violence in a bid to undermine

The popular thinking is that if Wahid, a Muslim cleric, cannot control his country, the military, with Suharto's allies, will have to reclaim power. "What they want is for this violence to jump from (the Moluccas) to Lombok to Sulawesi to Jakarta," says Agus Wirawan, 29, a Lombok Muslim. "This is not about religion. It is about people who want power."

Thus far, the allegations are just that. But they may not be as far-fetched as they sound. After Lombok's riots closed food markets, the price of sugar, rice and cigarettes doubled. That prompted some villagers to complain that the Suharto days were better because food was cheaper and the military kept the peace. "The uneducated people think like this," says Adi Suhadi, 29, the son of a rice farmer.

Wahid has ordered investigations into reports that some military and government officials instigated the Lombok riots. The unrest started Jan. 17 when a Muslim rally to show support for Moluccan Muslims turned violent after speakers exaggerated claims that thousands of Moluccan Muslims had been slaughtered. Some rioters also may have been paid, local officials say.

By last Thursday, Lombok was quiet. On Saturday, Indonesia's religious leaders renewed calls for peace. But Indonesian experts say the prospect for violence remains high, and ripe for exploitation.

Among the reasons:

► **The Moluccas.** Wahid, a moderate Muslim, has been criticized for failing to curb the violence, which stepped up around the New Year. "With the latest escalation (of fighting), the Islamic community became deeply offended and radicalized," says Fitra Asril, head of a Muslim student group. It was then that calls for a holy war arose.

► **Past repression.** Suharto repressed Islam so much that Muslim activists were jailed in the 1980s. With Suharto's fall, the new freedoms of speech and assembly made it easier for Muslims to organize. Recently, hard-line Muslims persuaded the government to close nightclubs during the Muslim holy month of Ramadan.

► **Economic and social tension.** The migration of Muslims into heavily Christian areas and the aggressive Protestant evangelism in Muslim areas have created resentments. Millions of Indonesians, victims of the Asian economic crisis, lack jobs. Many are young, angry and easy to mobilize, says Malik Fajar, chairman of Muhammadiyah, Indonesia's second-largest Islamic organization. "They have lost hope," he says.

On Lombok, there is a growing gap between the ethnic-Chinese, who tend to be Christian, and the Muslim masses. The Chinese have been crucial to Lombok's tourism industry, which has spawned the growth of new homes and cars on Lombok's western shore. At the same time, Muslims on the eastern shore, where tourism is less developed, scratch out a living on rice farms. There, horses and carts dominate the roads. "We are all poor Muslim people," shouted one rioter as he targeted a home owned by what he called a "wealthy Chinese Christian."

Now, Lombok is even poorer. Not only do goods cost more, but the tourists, who are key for the economy, have left - frightened by the unrest. Most of Lombok's hotels closed last week. No one knows whether the tourists will return.

"What will I do?" asked Dewa Made Kaniwan, 28, a hotel worker who expects to lose his job if they don't. "This is my life."

Relatives told to bring Elian to grandmothers

By Tom Carter
THE WASHINGTON TIMES

A

The family of 6-year-old shipwreck survivor Elian Gonzalez complied with a Justice Department order and agreed to a meeting today between the boy and his two grandmothers, who are visiting the United States from Cuba.

"The meeting will take place at the time and site selected by the Immigration Service," Justice spokeswoman Carole Florman said last night.

The small breakthrough in an international tug of war over the fate of the boy followed a miserable day in Washington — where the child's paternal and maternal grandmothers slogged through the snow on Capitol Hill to make a tearful plea for the boy's return.

The Immigration and Naturalization Service (INS) instructed the Miami relatives in a letter yesterday to make the child available at the Miami Beach home of Jeanne O'Laughlin, a Dominican nun and president of Barry University in Miami.

The home, in a gated area where security can be assured, "is an appropriate neutral location that would permit a private meeting," said the letter signed by Michael A. Pearson, executive associate immigration commissioner for field operations.

The grandmothers flew to Miami on Monday but left after five hours without taking up an invitation to visit the house where Elian is staying, objecting to a crowd of about 200 neighbors and reporters outside the house.

Mr. Pearson's letter to lawyers for the Miami family emphasized that the 4 p.m. meeting today "is only a visit and will not change Elian's present placement in the care of Lazaro Gonzalez."

However, the letter made clear that noncompliance with the order would be construed as "a breach" of Elian's immigration status in the United States.

The grandmothers yesterday made the rounds on Capitol Hill, walking through the first snow they had ever seen in hopes of persuading congressmen to block a bill that would give U.S. citizenship or permanent residence to Elian.

"I ask you to stop the possibility of granting citizenship to the child. It will only cause more lingering pain for us," said Raquel Rodriguez, whose daughter, Elisabet Broton, died trying to bring Elian to America in November when a small boat capsized in the Florida Straits.

"He belongs in Cuba," added Mariela Quintana, mother of Juan Miguel Gonzalez, the boy's father, who remains in his hometown of Cardenas, Cuba. "He was born in Cuba, and he's a Cuban citizen."

Rep. Jim McGovern, Massachusetts Democrat, said he would urge President Clinton to veto any legislation that made Elian a citizen.

Mr. Clinton told reporters yesterday he was considering his options. "I have not decided what to do, and I would not rule [a veto] out," he said.

Among those who met the grandmothers were Democratic Reps. Jose E. Serrano of New York and Sheila Jackson-Lee of Texas, both of whom oppose the bill to make him an American.

Attempts to bring the grandmothers together with Elian failed Monday when the women refused an invitation to visit the Gonzalez home in little Havana, where the family had prepared a meal and Elian had prepared gifts for the two.

The Miami family refused to bring the boy to a neutral meeting place.

"They had planned a party. I wasn't up for a party. I only wanted to see my grandson," Mrs. Rodriguez said through a translator.

Asked why she would not endure difficult conditions to see her grandson, she became angry.

"How many times do I have to answer this? I am not afraid of anything. I have been offended [by the family] on the telephone and television. I will never go to that house," she said vehemently.

The INS letter said the agency ordered the meeting when it became evident the Miami family would not accommodate the grandmothers.

"In light of the rift in the family that the recent events have caused,

as well as security and publicity concerns, the grandmothers have clearly stated that they would not be comfortable visiting with their grandson in Lazaro Gonzalez's home," Mr. Pearson wrote.

The Miami relatives, who had planned to fly to Washington yesterday to do their own lobbying in Congress, were prevented by the snowstorm from leaving.

Spencer Eig, the lawyer representing Elian's great-uncle Lazaro Gonzalez, told NBC News that before complying with the INS order his clients would seek guarantees of the boy's security during the meeting.

Meanwhile, Amnesty International called for governments to protest the sentencing to six months in jail of Victor Rolando Arroyo, a reporter in Pina del Rio, Cuba, who was convicted of "hoarding" because of distributing Christmas toys to poor children.

He had distributed more than 100 toys and had another 140 in his home. They had been purchased with donations from Cuba-Americans in Miami.

Amnesty considers him a "prisoner of conscience," one of some 260 arrested in Cuba since November's Ibero-American summit.

"It is unbelievable that we'd send a child back to a place where it is against the law to give away Christmas toys to children," said Frank Calzon of the Center for a Free Cuba.

Mrs. Jackson Lee refused to comment on the Arroyo sentencing.

Minus Hatch, candidates seek to take New Hampshire primary by storm

By Bill Sammon
and Sean Scully
THE WASHINGTON TIMES

A1

MANCHESTER, N.H. — Vice President Al Gore, energized by his win over former New Jersey Sen. Bill Bradley in Iowa's caucuses Monday, roared into New Hampshire yesterday with almost as much force as the nor'easter howling at his heels.

The snowstorm left Republican candidate Alan Keyes stranded in Detroit yesterday. And a last-place finish in the GOP caucuses sent Utah Sen. Orrin G. Hatch back to Washington to quit the race today.

But the other four Republican candidates and both Democrats plunged into New Hampshire's ice and wind with a gusto not seen before in this presidential race.

Publisher Steve Forbes told The Washington Times last night that he would "take on both [Arizona Sen. John McCain and Texas Gov. George W. Bush] by contrasting our stand on taxes — to get rid of the codes and the IRS — with their wanting to keep the codes and trim taxes at the edges."

He said his campaign began airing a new ad last night that capitalizes on his strong Iowa showing and his tie with Mr. Bush in a straw poll of Alaska caucus attendees.

The new ad's message, he said, is that "Iowa and Alaska prove that principle triumphs over politics as usual and that ideas matter."

But Mr. Bush said he did not expect Mr. Forbes' Iowa showing to alter the dynamics in New Hampshire. He also suggested that Mr. Forbes antagonized New Hampshire voters four years ago with his "scorched-earth" criticism of Bob Dole, who went on to win the 1996 Republican nomination but was hurt by the attacks.

"I think the people of New Hampshire are going to reject ugly politics," Mr. Bush said.

Mr. Bush rejected the notion

that Mr. Forbes is a threat and said he would focus on Mr. McCain.

"Obviously, the race in New Hampshire is with John McCain," Mr. Bush told reporters.

Mr. Gore pulled an all-nighter after his Iowa victory, flying to Manchester in the wee hours of the morning and pumping hands in a Hudson diner before dawn. He conducted seven TV interviews in the morning, headlined a high school pep rally in the afternoon and spent the evening boning up for tonight's crucial debate with Mr. Bradley.

"It may be snowing outside, but the Gore campaign is on fire in New Hampshire," said New Hampshire Gov. Jeanne Shaheen as she introduced the vice president at Manchester High School West.

Mr. Gore then launched into an attack on two leading Republican candidates — Mr. Bush and Mr. Forbes — while barely mentioning his primary challenger, Mr. Bradley.

"Do you believe that we should defend a woman's right to choose?" Mr. Gore rhetorically asked the high school students, most of whom responded with cheers.

The vice president also warned that Mr. Bush would be bad for the environment and the economy. "You remember what it was like in New Hampshire during the Reagan-Bush years," he intoned.

The only time Mr. Gore invoked his Democratic rival was to throw one of Mr. Bradley's best debate lines back in his face.

"Senator Bradley asked the question in Iowa: 'Are you better off than you were seven years ago?'" the vice president said defiantly. "The answer to that question is yes."

Meanwhile, Mr. Bradley refused to change his tactics to match the vice president's combative campaign style. Mr. Bradley won just 35 percent of the vote in Monday's Iowa caucuses, compared with Mr. Gore's 64 percent.

"I think you can join the battle when you're fighting for people," Mr. Bradley told a TV interviewer. "I want to save my outrage for the conditions that are in this country. I want to save my ingenuity for how I make things happen in this country. I want to save my strength for the convictions that I have that guide me in public life."

While Mr. Gore has been widely hailed for having successfully "re-invented" his image in recent

months, Mr. Bradley made it clear he will not try that strategy.

Mr. Bradley added: "If you lead by misrepresentation and scare tactics, then what kind of presidency are you going to have?"

The Republican national front-runner, Mr. Bush, sounded like an underdog when he arrived in New Hampshire yesterday.

"I'm comfortable with whatever the outcome," he told a group of high-tech workers in Bedford. "I've never entered a race I didn't think I could win, but I recognize that sometimes elections are out of my hands. I'm just going to give it my best shot."

The Bush campaign has been careful to downplay expectations in New Hampshire to minimize damage if Mr. McCain wins here. Mr. McCain skipped the Iowa campaign, choosing to campaign vigorously in New Hampshire.

In his remarks to the high-tech workers, Mr. Bush once more touted his tax-cut plan, taking an implicit swipe at Mr. McCain's smaller plan.

"The surest way to make sure the federal government remains

lean and focused is not to leave money sitting around in Washington, D.C. — it will get appropriated," he said.

Mr. McCain, meanwhile, sounded confident. He drew loud applause from a crowd at Londonderry High School, when he announced the results of a poll showing him up 45 percent to 33 percent over Mr. Bush in New Hampshire.

He credited his relentless campaigning with his strong performance in the state, despite his poor showing nationwide and his next-to-last finish in Iowa.

"I am the only candidate you will see who has been to Dixville Notch twice," he said, referring to a well-known town in the state's remote north. "Not once, but twice, seeking those 29 votes."

Mr. McCain appealed to military and foreign policy issues, saying the United States needs "a steady hand on the tiller" and that the Clinton administration cravenly follows opinion polls.

"I will never take a poll on a foreign policy issue," he said.

• Ralph Z. Hallow contributed to this report.

LINDA BOWLES

Now that my brain has overtaken my emotions, it is my belief little Elian Gonzalez should be granted asylum in America.

My first impulse was to agree with those who wanted him returned to Cuba. After all, that is where the little 6-year-old boy was born and where his natural father and grandmothers live. What right does anyone have to deny them custody, now that the mother is dead?

It is my view we not only have a right to keep Elian, we have a moral obligation to keep him. I am totally unimpressed with the grandmothers who, upon arrival in New York City, made scripted entreaties that Elian be returned to Cuba so that his deceased mother could "rest in peace."

Considering that Elian's mother risked and gave her life escaping with her son from Cuba, it is not convincing to assert she is unhappy in the afterlife because he is in America with relatives who adore him. She was seeking sanctuary from tyranny. It should be given to the child, the only survivor of a desperate flight to freedom.

It is clear that many of those who think Elian should be with his natural father in Cuba have not, for whatever reasons, given enough weight to what it means to be raised and educated in a communist country. In part, this is a lack of knowledge of what communism is; and sadly, in part, it reflects the sappy inclination of the liberal elite in America to have a benign and sym-

Fulfilling an obligation to Elian



pathetic opinion of communist countries and the brutes who rule them.

To return Elian to Cuba is to put him into the hands of those who

bear a direct responsibility for his mother's death. Cuba is a prison island. It is the only country in the Western Hemisphere that will use

whatever force is necessary, even lethal force, to prevent a citizen from leaving. The flight from Cuba was a desperate effort to escape

imprisonment. It ended in a tragedy, which delivered a small child to America on an inner tube.

In the world as it should be, the child belongs to his father. But the reality is that in a communist country, everything belongs to the government: every business, every plot of land, every resource, including and even especially, the children. The state owns their minds, their bodies and their souls. It is to the arms of Fidel Castro that the child would be delivered.

There are many Cubans who would not think of leaving their country. They have been educated and conditioned to accept the communist creed, the secular dehumanism, the equal distribution of misery and the twisted beliefs and contorted values that resonate with the totalitarian state. It is the worst form of slavery: being a slave, and not knowing you are one.

Perhaps, Elian's experiences in America have planted seeds within him that will survive the brainwashing of his communist masters. If he is returned, we can hope that at some time in the future, the seeds will bear fruit, and he will become the man his mother wanted him to be.

However, the communist thugs are experts at mind control. They will do a thorough job of cleansing his mind and reprogramming his thoughts. They will make him a living symbol of communist despotism, and parade him before the world.

Whatever the fate of Elian, there is a lesson and a warning to be

found in the debate about what to do with him. At the heart of the issue is the question of who is responsible for the children. Is it the government, or the parents?

No one posed the issue more forthrightly than did Isabel Patterson in her book "The God of the Machine," written in 1943: "There can be no greater stretch of arbitrary power than is required to seize children from their parents, teach them whatever the authorities decree they shall be taught, and expropriate from the parents the funds to pay for the procedure." She declared that "every politically controlled education system will inculcate the doctrine of state supremacy, sooner or later. . . . A tax-supported compulsory educational system is the complete model of the totalitarian state."

Patterson wasn't talking about Cuba, she was talking about America. Her words are prophetic. It is plain to see, for anyone who wishes to see, that the government of the United States has begun the process of usurping parental rights, and dictating what our children may and may not know, believe, think and value.

The time is overdue for a wall of separation between state and education. If we delay much longer, the dispute over Elian will be seen in retrospect as a dispute over which government would own him.

Linda Bowles is a nationally syndicated columnist.

CAL THOMAS

ODES MOINES, Iowa
ne year ago I spent an
hour with Texas Gov.
George W. Bush on the
eve of his second Inau-
gural. Then, he
seemed a little puzzled
that he was already being spoken of
as the "leader" who could retake the
White House for Republicans. His
answers to questions were cautious,
and he seemed more comfortable in
his shoes than his skin.

Last Sunday, on the eve of the
Iowa primary, I saw a different
George Bush. He is confident with-
out being cocky. He is more spon-
taneous, as when he goes forward at
the First Assembly of God service,
joining scores of men desiring to be
better fathers and husbands.

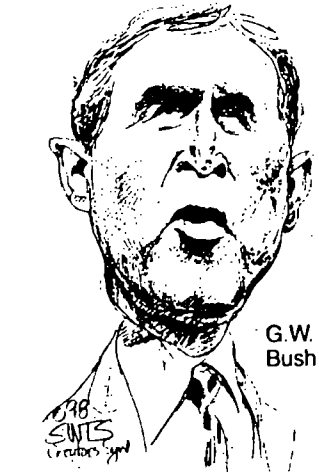
I ask Mr. Bush the cause of the
nation's moral decline. It isn't sole-
ly, or even mainly, President Clin-
ton's fault, he tells me. "I think the
current embarrassment over the
president's behavior undermined
in the short run a cultural shift
[back to basics]. But renewing the

Front-runner ready for prime time

culture is a job that takes more than
a president. Parents need to recom-
mit to their families. This will
require millions of individual deci-
sions, including decisions about
what movies and TV to watch. The
president doesn't cause bad father-
ing or out-of-wedlock births, but a
president can help usher in a new
culture."

Mr. Bush pledges "the most eth-
ical administration in history." Did-
n't President Clinton promise the
same thing? "Yes, but he fell 41
presidents short," says Mr. Bush.

Mr. Bush is a realist when it
comes to divisive issues such as
abortion. A president can't lead
where the people don't want to go,
but he says a president can begin to
speak and act in ways that promote
a life ethic: "I will do my best to lead
the country to appreciate life. Until
the people understand and appre-



G.W.
Bush

ciate life, it is hard to affect legisla-
tion." He thinks his visible support
of centers that assist women with

unplanned pregnancies and his
emphasis on adoption and absti-
nence until marriage will help
move more of the public in his
direction.

Is he ready for political combat
from the Democrats? He says he is
but believes the people are "fed-up
with ugly politics," and he intends,
if nominated, to run a positive cam-
paign. But he isn't naive: "I'll
defend myself if I have to should the
opposition resort to the same old
slash-and-burn tactics. Politics is
like judo, and I intend to use my
opponent's punch to my advantage."

Mr. Bush thinks it is to his advan-
tage that his skills are underesti-
mated: "So were Reagan's, who was
derided because of his acting back-
ground. But he became one of our
greatest presidents."

And what about the concerns
over his supposed lack of depth that

I heard raised by some Iowans
attending a Steve Forbes rally? "I
understand there are stages to a
campaign," he says. "After all, I wit-
nessed a great man (his father)
called a 'wimp' in 1988. The pundit-
ry loves to label people, so my first
stage was, 'he doesn't believe in any-
thing; he doesn't stand for anything;
he never answers a question; he
won't give a speech with meaning.'
That stage has evaporated because I
have been making major policy
addresses with substantial back-up.
I haven't needed to change my tax
and defense plans because these
were thought out from the beginning,
and it is the foundation from which
I am going to lead." He says he has
no doubt he can handle the job.

Priorities? First, honesty. Then,
reforming the military (he says
he'll ask the generals to tell him
what is good and what needs fixing,

including whether imposed civilian
social policies are helping or hurt-
ing its primary objectives of "[win-
ning] wars and defend[ing] the
peace to lessen the chance of wars."

Next, tax cuts and a streamlining
of government agencies. "I won't
back away from these," he again
pledges. He promises "some inter-
esting executive orders" without
saying what they would be. He
wants to improve trade, which he
thinks is a key to freedom, includ-
ing in China.

"I look forward to leading our
country and lifting the spirit of
America. Our great strength lies in
the hearts and souls of our citizens,
not in the halls of government."

It sounds like a line from his
stump speech. But in a van on the
way to the airport, he delivers it
with conviction and a smile. His
confidence is growing. Maybe it's
the judo lessons.

*Cal Thomas is a nationally syn-
dicated columnist.*