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MANUS COONEY, Chief Counsel and Staff Director
 BRUCE A. COHEN, Minority Chief Counsel

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

March 22, 2000

The Honorable Doris Meissner
 Commissioner
 Immigration and Naturalization Service
 425 Eye St. N.W.
 Washington, D.C. 20536

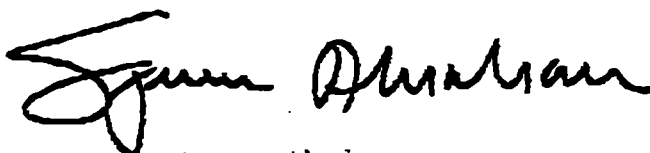
Dear Commissioner Meissner:

Enclosed are copies of S. 1999, private immigration legislation for the relief of Elian Gonzalez-Brotons.

The bill was introduced by Senator Connie Mack on January 24, 2000, and referred to the Senate Judiciary Committee. In order to ensure comprehensive consideration of S. 1999, I ask that you send to the Subcommittee a departmental report on the beneficiary.

Thank you for your attention to this request. Please forward the necessary information at your earliest convenience.

Sincerely,



Spencer Abraham
 Chairman
 Subcommittee on Immigration

ESA/mai
 Enclosures

CONNIE MACK
FLORIDA

United States Senate

WASHINGTON, DC 20510-0904

March 22, 2000

The Honorable Spencer Abraham
Senate Dirksen 329
Washington, D.C. 20510

Dear Spence:

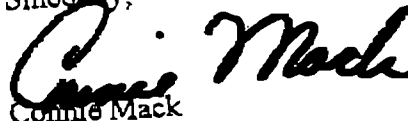
I have recently introduced S. 1999, a private relief bill for Elian Gonzalez-Brotons. I am writing to ask for your assistance to notify the INS immediately about the bill and ask for their report on the case.

As you are aware, Elian Gonzalez was found off the coast of Florida on Thanksgiving Day. The Coast Guard transported Elian to a local hospital. His mother along with 11 others, died during the voyage from Cuba to the United States. Soon after, the INS granted Elian a temporary deferral of his inspection and placed him in the care of his paternal great uncle, Lazzaro Gonzalez. Several asylum petitions were filed on behalf of Elian; however, the INS withdrew these applications stating that only Elian's father could file a petition on behalf of his son.

On January 19, 2000, Lazzaro Gonzalez filed a lawsuit in federal court alleging that the INS lacked the authority to reject the asylum applications and was required by federal statutes and regulations to accept and adjudicate those applications. On March 21, 2000, Judge Moore ruled that the determination to grant asylum is a matter within the discretion of the Attorney General, and that the Attorney General did not abuse her discretion in this case.

As you have requested, Elian's alien number is 77013761 and his current address is 2319 Northwest 2nd Street, Miami, FL 33128. Thank you very much for your assistance in this matter.

Sincerely,



Connie Mack

United States Senator

II

Calendar No. 427

106TH CONGRESS
2D SESSION**S. 1999**

For the relief of Elian Gonzalez-Brotons.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2000

Mr. MACK (for himself, Mr. TORRICELLI, Mr. HELMS, Mr. LOTT, and Mr. GRAHAM) introduced the following bill; which was read the first time

JANUARY 25, 2000

Read the second time and placed on the calendar

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,*

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-

2

- 1 nished by the Attorney General with a certificate of natu-
- 2 ralization.



Office of the Assistant Attorney General

Washington, D.C. 20530

FAX COVER SHEETDATE: 3/30

TO:

Frene
Mark / Joel

PHONE NO.

FAX NO.

456-5581 / 456-2604 / 456-6468

FROM:

PATTY FIRST

PHONE NO.:

202/514-4810

FAX NO.

202/514-9149

NO. OF PAGES:

2 (EXCLUDING COVER)

COMMENTS:

S.L.C.

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Bob Smith
3/29/00

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 ELLAN
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. 25/4
MAR 29 2000
Read the first time.

**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: Tren Berra

FAX: 456-~~6620~~
5581

PHONE: _____

FROM: _____ BRODERICK JOHNSON
_____ LISA KOUNToupES
☒ MARK MAGANA
_____ MARTY HOFFMANN

_____ JOSH ACKIL
_____ ERICA MORRIS
_____ BRIAN MASON
_____ TANEESHA JOHNSON

Comments: Erica 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*

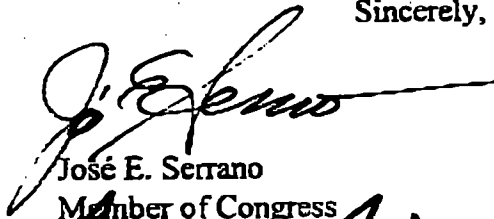
Dear Colleague:

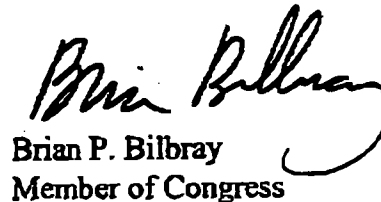
Attached please find a copy of a legal opinion, written by professors who teach constitutional, family, immigration, and human rights law at major law schools throughout the United States, about the issues raised by the Mack-McCollum bills to impose citizenship on Elián González. These arguments also apply to any effort to impose resident status.

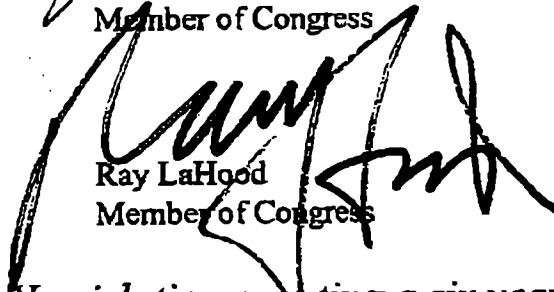
Before you vote on any citizenship or permanent residency legislation for Elián González, we urge you to carefully review these compelling legal arguments and the conclusion that the law requires early reunification of Elián with his father. The professors confirm constitutionally and legally what we all know is the right thing to do --- return Elián to his father.

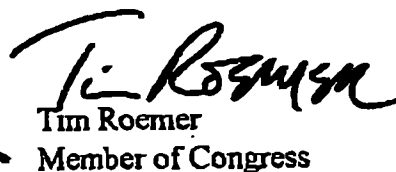
With thanks for your consideration and best wishes, we are

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.

Martin Guggenheim
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New York University
School of Law

Bruce A. Boyer
Clinical Professor
Northwestern University
School of Law

Sylvia Law
Professor
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Barbara Hines
Lecturer and Director of the
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Lynn Marcus
Director, Immigration Law
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Carolyn Patty Blum
Director, International
Human Rights Law Clinic
University Of California,
Berkeley

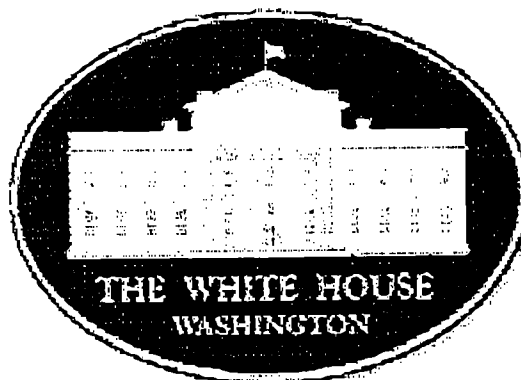
Christopher Kutz
Assistant Professor
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(Boalt Hall)

Joan Heifetz Hollinger
Visiting Professor, University
of California at Berkeley
School of Law (Boalt Hall)

Mark Wojcik
Assistant Professor
John Marshall Law School

Alberto Bernabe
Associate Professor
John Marshall Law School

**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: - Irene Brown -
FAX: 65581 PHONE: _____

FROM: _____ BRODERICK JOHNSON _____ JOSH ACKIL
_____ LISA KOUNToupES _____ ERICA MORRIS
☒ MARK MAGANA _____ BRIAN MASON
_____ MARTY HOFFMANN _____ TANEESHA JOHNSON

Comments: _____

PAGE ONE OF _____

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

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

COMMITTEE ON SCIENCE
SUBCOMMITTEE ON SPACE AND AERONAUTICS

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

WASHINGTON OFFICE:
470 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20516
202-225-3816

DISTRICT OFFICE:
1919 SMITH STREET, SUITE 1180
THE GEORGE "MICKY" LELAND FEDERAL BUILDING
HOUSTON, TX 77002
713-655-0060

January 25, 2000

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

VIA FAX AND HAND
DELIVERED

Dear President Clinton:

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

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

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

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

2

Thank you for your time and consideration.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Sheila Jackson Lee'.

Sheila Jackson Lee
Member of Congress

SJL:lcb

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

EXECUTIVE OFFICE OF THE PRESIDENT
Office of Management and Budget
Legislative Reference Division
7218 New Executive Office Building
725 17th Street, NW
Washington, DC 20503-0001

January 28, 2000

TO:	AGENCY:	FAX Phone	Recipient's Phone
Irene Bueno Wendy Patten		6-5581 6-9140	

FROM: Lisa J. Macecevic

PHONE: (202) 395-1092 FAX: (202) 395-3109 Internet: Lisa.Macecevic@omb.eop.gov

Comments: Hi,
Attached are texts from senate proceedings
concerning Elian Gonzales, just FYI.
-Lisa

CQ.com On Congress

CONGRESSIONAL RECORD
SENATE
PAGE S3
Jan. 24, 2000

ELIAN GONZALEZ

Mr. MACK. Mr. President, I rise today to introduce a bill granting Elian Gonzalez American citizenship.

What it means is that the most important decision in this young boy's life will not be made by a political bureaucracy-but by a family court.

Mr. President, neither the President of the United States, his Attorney General, nor the dictator ruling Cuba is qualified to decide the fate of this little boy. The United States is a country of laws, and we zealously believe in the rule of law. Elian deserves access to the legal protections of our family courts. These courts are in the business of considering family cases day after day. And they would consider "what is in the boy's best interest." Today, the only concern of the INS is "who speaks for the boy," not about his future.

The primary purpose of this legislation is to ensure Elian has access to America's family courts: a court that will consider the choice that his mother made when she gave her life for freedom.

Mr. President, we will continue this debate sometime later in the week and make no mistake, I believe that Elian should remain here in the United States where he can live in freedom. But it is not my purpose to make that decision; that is the function of a family court.

This bill is intended to allow a family court to settle this dispute based upon the best interests of Elian Gonzalez.

I yield the floor.

The PRESIDING OFFICER. Who seeks time? The minority leader.

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By Mr. DODD (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. LEAHY):

S. Con. Res. 79. A concurrent resolution expressing the sense of Congress that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba; to the Committee on the Judiciary.

CONGRESSIONAL RECORD
SENATE
PAGE S93
Jan. 26, 2000

SENATE CONCURRENT RESOLUTION 79- EXPRESSING THE SENSE OF CONGRESS THAT ELIAN GONZALEZ SHOULD BE REUNITED WITH HIS FATHER, JUAN GONZALEZ OF CUBA

Mr. DODD (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Whereas Elián González, a 6-year citizen of Cuba, lost his mother in a tragic boat accident and floating 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

Resolved by the Senate (the House of Representatives concurring). That it is the sense of the Congress that-

(1) Congress should not interfere with normal immigration proceedings by taking any unusual or inappropriate legislative measures designed to delay the reunification of Elián and Juan González; and

(2) the Immigration and Naturalization Service should proceed with its original decision to return Elián González to his father, Juan González, in Cuba and take all necessary steps to reunify Elián González with his father as soon as possible.

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CONGRESSIONAL RECORD
SENATE
PAGE S99
Jan. 26, 2000

EXPRESSING THE SENSE OF CONGRESS THAT ELIAN GONZALEZ SHOULD BE REUNITED WITH HIS FATHER, JUAN GONZALEZ OF CUBA

Mr. DODD. Mr. President, I rise to introduce a resolution on behalf of myself and my colleagues Senator BOXER, Senator FEINSTEIN, and Senator DURBIN. Because I have not solicited cosponsors of this resolution, others may wish to add their names at a later time.

This resolution is virtually identical to a resolution that has been introduced in the other body by Congressman RANGEL of New York, along with a number of other Members of the House. I am told that support for that resolution is bipartisan in nature.

I am going to read the resolution into the RECORD. That is not a normal event, but I think the wording of it is so significant that it deserves to be read into the RECORD. The resolution deals with the case of 6-year-old Cuban boy, Elian Gonzalez, who we all know tragically lost his mother in that dreadful boating incident, an accident as they left Cuba and sought to come to the United States. Young Elian spent some time in the water alone and survived that tragedy. Today, after weeks of this going on, this matter has attracted national and international attention.

Yesterday, together with Senators LEAHY, BOXER, DURBIN, and HAGEL, I met for about an hour with the two grandmothers of this 6-year-old boy. I was convinced before the meeting-and even more so afterwards-that this is a matter which ought to be resolved immediately by reuniting this young boy with his father in Cuba.

I am terribly upset and worried that this matter may end up as a subject of debate in the Senate. I have no intention whatsoever of pursuing the resolution that I introduce today. In fact, it is my strong desire not to pursue it-unless the Senate is forced to address legislation that would extend citizenship or permanent resident status to this young boy. Should such legislation come to the Floor of the Senate, then I will offer this resolution as an alternative.

My sincere hope is that the leadership of the Senate and of the House will think again before deciding to make this child a focal point in a debate about the current regime in Cuba. He really should not be, in my view. The Senate of the United States and the House of Representatives ought not to utilize this child as a way of advancing the debate on Cuba. This would be a great travesty, in my view. Conferring, by special legislation, citizenship or permanent resident status on this boy would, I believe, set a dangerous precedent. It would violate longstanding legal processes. Furthermore, it would violate a cherished principle ingrained in the Constitution and laws of our country, and embraced by all of us here-namely, that the best interests of a child is normally served by that child being with his or her parents.

Tragically, this young boy lost his mother. His father, we are told, was a good father-

and is a good father. This boy ought to be returned to his dad and be home with him, and the quicker the better. So I hope the matter will not come before the Senate.

I have great respect for our majority leader. Most of my colleagues know this. We have our disagreements, but the Senator from Mississippi, the majority leader, and I are good friends, and I cherish that friendship. I urge him to think again about this before deciding to ask this body to cast votes on extending citizenship to an infant. I do not think it is a wise move. I think it is wrong for the Senate to do so, and I hope a different decision will be reached and this matter is left to be resolved in the courts where it is now. That is the best way, in my view, to expedite this process so this boy can be returned to his father and cease to be a pawn in a larger geopolitical debate.

Let me, if I can, read the wording of this resolution because I think it might enlighten some Members who are not necessarily familiar with all the facts and details.

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The resolution reads as follows:

S. CON. RES. 79

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

*Resolved * * **

The resolve clause basically says Elian Gonzalez ought to be returned to his father.

I send this resolution to the desk.

The PRESIDING OFFICER. It is received and appropriately referred.

Mr. DODD. I appreciate that.

I stated the facts in that resolution.

Mr. President, let me state, again, this boy ought to be home with his father. We have a significant disagreement with the Government of Fidel Castro. Those disagreements are not going to be resolved by this case. But good families exist in countries with bad governments. The idea that the family of Elian Gonzalez, because he lives under a repressive regime in Cuba, cannot be a good family is, on its face, false. There are plenty of good families all over this globe who live under governments that we do not approve of.

In this case, I believe-based on the examination by the <Immigration> and Naturalization Service of Elian Gonzalez' father, and based on all that is known about his grandparents and other family members-that such a family exists in Cuba. The evidence suggests that his father is not only fit as a parent, but caring and involved, as well. Despite the fact that he was divorced from Elian's mother, the evidence suggests that he shared with her the responsibility of raising this young boy. Therefore, I think it is in the interests of this child that he be returned to that family as quickly as possible.

That really ought to settle this matter. Based on what we know today, his father loves him, and wants him back. That is a desire that every American parent can understand and share.

But what has happened here, apparently, is that the hatred on the part of some for an old man in Cuba-Fidel Castro-is interfering with the love of a father and a son. If there is a debate-and there is between our two Governments-let that debate be conducted by adults.

Let us debate the embargo. Let us debate the issue of food and medicine. I note, as I stand here, the Presiding Officer has been an enlightened and thoughtful participant in that discussion, as we are trying to work our way through what is the best way for us to try to repair this relationship between the Governments of Cuba and the United States that has gone on for 40 years, to bring about the kind of change in Cuba that would bring freedom to the people of Cuba.

We have said repeatedly that our argument is with Fidel Castro and his government, not with the Cuban people. Yet, unfortunately, in this discussion, it appears that for some the debate is with the Cuban people if Elian Gonzalez is denied the opportunity to return to Cuba to be with his father.

I hope, again, as I said a few moments ago, that this matter will not come to the floor of the Senate for debate, that the leadership, in its wisdom, will decide to move on to other matters-the bankruptcy bill, the budget matters that we need to discuss, the Elementary and Secondary Education Act, a Patients' Bill of Rights, and a minimum wage increase, to name just a few. There is a long list of issues for us to debate and discuss. But we ought not to debate the custody status of a 6-year-old child who, in the opinion of all who have taken a look at this issue from a neutral and responsible position, have concluded that Elian Gonzalez ought to be home with his father in Cuba. We ought to instead allow the current legal process to work so that a decision on this boy's fate can be rendered expeditiously and, hopefully, in favor of reuniting him with his father.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I say at the outset, I agree completely with the Senator from Connecticut. I ask unanimous consent that if my name is not shown as a cosponsor--

Mr. DODD. It is.

Mr. DURBIN. Thank you.

I am proud to be a cosponsor of Senator DODD's resolution.

What a curious footnote in the history of this world that this Senate Chamber would focus its debate and the attention of the media in this country on a little 6-year-old boy from Cuba.

But if you scan history, you will find similar cases where one person being caught in the vortex of controversy becomes the focal point. In this case, the focal point is a 6-year-old boy named Elian Gonzalez, and at issue is the foreign policy between the United States of America and the Nation of Cuba.

Yesterday, Senator DODD was kind enough to invite me, as well as three other Senators, to meet with the grandmothers of Elian Gonzalez. I sat and listened for an hour as they explained their family circumstances and answered our questions. It really brought me back to that moment in time many years ago when I was a practicing lawyer in Springfield, IL, and spent many days involved in family law. It was not the most enjoyable part of my legal practice.

In fact, many times those cases, involving divorce and child custody and child support, unfortunately, brought out the very worst in people. Those battles over children became proxy battles over a failed marriage. It saddened me, as I am sure it saddens many who are involved in this.

As I listened yesterday, I understood that these two grandmothers were basically making the case that they had a good family to offer in Cuba, a good family for Elian Gonzalez. I thought they made their case convincingly. The fact that this young boy, after his parents were divorced, was the subject of joint custody is, in and of itself, a telling fact. It is rare. There are people who fight in court for years and spend thousands of dollars over the question of joint custody.

In this case, Elian Gonzalez' mother decided that she could trust her former husband, the father of Elian, so much so that she left him with his father 5 out of 7 days each week. That simple fact told me a great deal about whether or not Elian Gonzalez' father was a fit parent. In the eyes of Elian's mother, the former wife of Elian's father, he certainly was a fit parent.

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But then I have to tell you that some of the things said to me by these grandmothers were so touching. Consider Elian's maternal grandmother who came to the United States. Think about what she has been through. In just a few short weeks, she saw an effort by her daughter and Elian, along with a man, to come to the United States. I am not sure how much she knew of this in advance. In fact, she indicated to us she did not know that they were going to take off for the United States.

Then she was told her daughter was involved in a ship sinking, that her daughter drowned at sea, that this little 6-year-old boy watched his mother drowning at sea, that he grabbed on to a life preserver and hung on, some say for days, before he was rescued, and then was swept up into the caring arms of those who rescued him, brought to the United States, and given to a great uncle, who I am sure cares for him very much.

But since he arrived in the United States, this little boy, no more than a first grader, has been the focus of such attention. They have heaped gifts on him, puppies and gifts and trips to Disney World. The cameras swirl around him as he walks across the backyard and plays with a ball or pets his little puppy.

I remember things similar to that in my practice of law. We used to call it Disneyland daddy. If you are only going to get this little boy for a weekend, you will give him the world. You will take him to the ice cream shop as often as he wants to go, buy some toys, take him on a nice vacation, create an atmosphere in his mind that is idyllic. That is what has happened to Elian Gonzalez. In an effort to show love and caring, he has had all these gifts heaped upon him by his great uncle and his family. Yet I believe, as the grandmothers do, that the most basic thing Elian Gonzalez needs is his last surviving parent. He needs his father's loving arms more than he needs a trip to Disney World.

I think with his father and the rest of his family in Cuba, they could start to try to reconstruct this little boy's life and to say to him that though you have seen more tragedies in your few years than many people do in a lifetime, we will stand by you. We will give you the support to make your life whole again. That should be what this debate is all about.

I think the <Immigration> and Naturalization Service has it right. They asked the first

question: Who will speak for this boy's interest? They concluded it would be his natural father. Then they asked the second important question: Is this natural father a fit parent? They interviewed him twice, went to Cuba to do it. They asked a lot of people about his background and came back and said, yes, he is a fit parent. He had joint custody of the little boy. The mother entrusted the boy to his father many, many times.

They concluded, and properly so, that Elian Gonzalez should be allowed to return home to Cuba, but unfortunately that is not the end of the story because this little boy is caught up in a foreign policy debate that has been going on for more than 40 years in America. During my time in college, I lived with a Cuban American expatriate who explained to me what it was like to be forced out of Cuba, to be forced out of your home, to give up everything, by the Castro regime, by this Communist leader who refused to recognize the most basic human rights. I heard firsthand from this roommate of mine in college what his family went through, the sacrifice, the deprivation, the loss of things they would never see again.

I always understood the feelings as best I could, not having lived them personally, of that generation of Cuban Americans who escaped to America's shores to finally get away from Castro and to have a chance at their own life and democracy. I have seen what they have created in south Florida and many other places around the United States. I am very proud that this group of immigrants to this country has made such a valuable contribution to our Nation, but like most immigrants, they never forget their homeland. That is not to say they don't love the United States, but they never forget their homeland of Cuba. They stay intensely involved in the foreign policy debate in Washington about the future of Cuba. They have become quite a political force in Florida, perhaps in national politics.

They feel-and I share their feeling-that the people of Cuba deserve better than Fidel Castro. They deserve a democracy. They deserve an opportunity to live in freedom. They remind us of that frequently. I share their belief. I think they are right. But I have to say I believe they have taken the wrong tack when it comes to Elian Gonzalez. It is much more compelling to most American families that this little boy be reunited with his family than it is that he be in the midst of a foreign policy debate. Some Members of the Senate have suggested that next week we will stop the business of the Senate and we will focus the attention of this deliberative body on a 6-year-old Cuban boy named Elian Gonzalez. They have proposed, in one of the rare instances in American political history, that this little boy will have conferred upon him American citizenship-frankly, citizenship without even asking.

We presume in most courts of law that a 6-year-old boy can hardly make a big decision about his life. He is too easily swayed by emotions and doesn't have the maturity to decide. They want to make the decision for him. They want to decide that he is an American citizen.

I am reminded of an experience I had not long ago in Chicago. I went to a Mexican restaurant. After I finished my meal, a fellow came up to me from the kitchen. He was wearing a cook's clothes. He said: Can I talk to you for a minute, Senator? I said: Of course. He said: I am almost 65 years old. I was born in Mexico. My dream, for as long as I have lived, is to be a citizen of the United States of America. Here is my application form for naturalization.

He had taken it and encased it in plastic; it meant so much to him. He said: This means so much to me, but the Immigration and Naturalization Service system is so slow and so bureaucratic and the new laws coming out of Washington make it so difficult, it has been over 2 years, and I am waiting for my chance to raise my hand and swear my

loyalty to the United States of America. He said: Senator, I am afraid I will die before that happens. That would break my heart and the hearts of my family.

I think about him, and I think of hundreds of thousands like him who have come to this country and followed the orderly process to become citizens. They have had to wait. They have had to go through a tangle of bureaucracy. They are hoping they will get the chance to raise their hands and become naturalized citizens.

My mother was one of those. She was an immigrant to this country from Lithuania. In her 20s, after being married, she became a naturalized citizen. I have her naturalization certificate above my desk here in Washington. I am very proud of that.

But you won't hear any efforts on the floor of the Senate for the hundreds of thousands of people who are longing for this chance to become Americans, waiting for the naturalization process to be completed. No, we will focus on one 6-year-old boy from Cuba. Why? Because he makes an important foreign policy point. I don't believe it is fair to him, only 6 years of age. Nor is it fair to the hundreds of thousands who are waiting patiently for us to say that he will move to the front of the line and become a citizen without even asking for it. That doesn't speak well for this country and our respect for the law.

I have compassion for this little boy and what he has been through. Do I believe he could live in the United States and enjoy freedom in this country? Certainly. But as Senator DODD and others have said, there are many good families living in countries with bad governments. Though Elian Gonzalez, by the matter of fate, was born in Cuba under a repressive regime, I don't doubt for a minute that he has a loving family who can give him so much in his life as he grows up. If we are going to have compassion for children and particularly immigrant children, let me tell you, the Senate has a full agenda. I returned 2 weeks ago from Africa where there are literally over 20 million AIDS orphans. These kids need the same compassion and concern.

The PRESIDING OFFICER (Mr. SESSIONS). The time of the Senator has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

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The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair.

There are many millions of children around the world who deserve our concern and our compassion. I hope those who are expressing this feeling about Elian Gonzalez will not stop at that, will decide that we can do more to help many others in small ways and large ways combined. I hope next week the leadership of the Senate does not bring this matter before us. I will oppose it. I will support the resolution from the Senator from Connecticut. I think it is sensible. It answers the basic question with the most basic family value. Where should Elian Gonzalez be? He should be with his father, his last surviving parent. The trauma that he has been through I think, I hope he can endure. I hope he will be a strong little boy. I hope he will grow up and reflect on his experience in the United States, remembering that there were people who loved him in this country as well, and there certainly are.

Let me close by saying that I hope Cuban Americans will consider this for a moment. I don't believe the action they have taken relative to Elian Gonzalez has increased the

popularity of their cause at all. Many people are confused and bewildered that they would fight a foreign policy battle on the back of a 6-year-old boy.

I think we should learn a lesson from history. There was a time when Eastern Europe was under Soviet domination.

There was a time when we considered them to be victims of a Communist regime. We decided in the latter part of the last century that the best way to change that government and that mindset in Eastern Europe was to open the doors wide, let them see the rest of the world, let them trade with the United States and Europe, and let them understand what democracy was all about, let them see what freedom meant in their daily lives, and, you know, it worked.

We saw the Berlin Wall come down. We saw countries such as Poland, under Soviet domination for 40 years, emerge into a democracy and an economy that is an inspiration to all. Can't we learn the same lesson when it comes to Cuba? If we open the doors and allow Cubans to come to the United States to visit, to work, to trade, to engage in cultural and educational exchanges, is there anyone who can doubt that will lead to a new Cuba? Is there anyone who doubts that kind of exchange, instead of this isolationism, will force the political change we have been waiting for for over four decades?

I don't think that change will come about by granting citizenship to Elian Gonzalez. That one little boy will become just a tragic footnote in history. He has endured enough in his short life. I hope this Senate doesn't add to the burden he now has to carry-the memory of seeing his mother drown at sea. I hope the leadership of the Senate will think twice before they allow us to become party to what has become a sad chapter in the history of this country.

I yield the floor.

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CONGRESSIONAL RECORD
SENATE
PAGE S105
Jan. 26, 2000

ELIAN GONZALEZ

Mrs. FEINSTEIN. Mr. President, as a grandmother, and as a member of the Senate **Immigration** Subcommittee, I want to say a few words about the case of Elian Gonzalez, and particularly to indicate my strong support for the concurrent resolution Congressman RANGEL has introduced in the House. Senator DODD has just submitted a similar resolution in the Senate this afternoon, of which I am a cosponsor.

As you know, this resolution expresses the sense of the Senate that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba. I have been in California, but nonetheless I have been following, as closely as anyone could over the television, the events surrounding this youngster—the very tragic events.

Based on my understanding of the situation, Elian has enjoyed a very close and loving relationship with his father and his grandparents in Cuba. As a grandmother, this has a lot of meaning to me. Those who know Juan Gonzalez have described him as an "ideal father" who spent as much time as he could with his son.

Elian has been living in his father's home, where his grandparents also play a role in raising him. Although Elian's mother and father shared joint custody of the child, he actually spent 5 out of every 7 days of the week in his father's home. It is my understanding that his father can support him, that he can provide a good home for him, and, above all, he is a good and loving father. Both he and Elian's mother had joint custody of the youngster.

To the best of my knowledge, there is no evidence that Juan Gonzalez was either neglectful or abusive in his relationship with his son. After all, a strong parental bond should be the overwhelming test for reunification—that and the fact that the touchstone of U.S. **immigration** policy has been to protect and reunite the family.

Elian's maternal grandparents also took part in raising their grandchild, often keeping him when either parent was working. Despite the divorce of Elian's mother and father, both parents and their respective families maintained, warm relations and continued to play an active role in the youngster's life.

We cannot know of the mother's true motivations or intentions when she and Elian left Cuba. Elian's father has maintained, however, that Elian's mother, Elizabet Broton, took their son without his knowledge or consent.

Elian's fate should not be subject, I believe, to the politics of any one party or political ideology. I urge all of us—in Florida, in Cuba, and in the Halls of Congress—to cool the rhetoric, to set aside any political views, and commit ourselves to seeing this process to a rightful conclusion.

The central issue in this case should not be America's policy toward Cuba but, rather,

the sanctity of the family bond between a parent and his child. Without evidence of abuse or neglect on the father's part, no government has the authority to disrupt that bond, no matter if the bond is in the United States or Cuba, or any other place. The father is the father and should have lawful custody.

In addition to my concerns about the negative impact of legislation to grant citizenship to Elian on him and his family, and what that does to the pending court case, I also have deep concerns about the impact this would have on our own immigration policy. It would certainly, at the very least, reflect an uneven application of immigration policy by the United States. It would be, I believe, a case of major political first impression and set a precedent all across this land in virtually every case from anywhere. It could also create a precarious situation for an American child abroad.

The INS continues, to this day, to send back children to their home countries, even those with repressive regimes. Several months ago, two Haitian children were sent back to Haiti while their mother remained in the United States to file for asylum. Here you have a mother in the United States filing for asylum, and during that period the children were sent back to Haiti. It is true that, after protests and several weeks of separation from their mother, Federal authorities did permit the children to reenter the United States. Or you can look at the case of a 15-year-old Chinese girl who today is being held in juvenile detention and has been held in juvenile detention for 7 months. At her asylum hearing, the young girl could not wipe away her tears because her hands were chained to her waist. According to her lawyer, her only crime was that her parents had put her on a boat so she could get a better life over here. She remains in detention to this day.

I think that is a terrible wrong. Here is a youngster who was put on a boat by her parents, who is now in a jail on the west coast of the United States and goes to a hearing chained like a common criminal. In cases such as these, I believe we should review and perhaps even change immigration laws as they relate to minors in certain situations.

I am in the process of writing a letter to the chairman of my subcommittee, the Senator from Michigan, asking that he hold hearings on some of these cases as well as on whether immigration law with respect to children should, in fact, be changed in certain circumstances.

I believe our immigration policy must be consistent and fair. In any given year, the INS handles more than 4,000 unaccompanied minors, and the vast majority are sent back to their families. Others are detained.

I have received scores of phone calls from citizens in California who say, if this child were Salvadoran, if he were a Mexican child, if he were a child from China, the child would be sent back to his country. Why is this child different? Because political organizations in a couple of States want to make a point with this child's situation?

I think the point is, granting American citizenship in this manner will affect every other situation. We might as well know what we are doing when we do this. I think the only way to look at it is to take a look at all of our immigration laws, as they affect children, in an orderly way over a period of time. But in the meantime, current law should be followed with respect to this youngster.

I think granting U.S. citizenship in this manner, which is really without any precedent, would be a very far-reaching action. It would also play out negatively for U.S. children who might be taken to foreign countries without the consent of the U.S. citizen parent. I have actually tried to help in a case involving a child in Saudi Arabia and found it most difficult. Once we begin to violate that law, what does it say for other American children

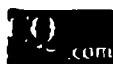
who might find themselves in a similar circumstance in a foreign country? As a grandmother, I must say, I shudder to think how I would feel in this same situation.

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In conclusion, I don't believe our role as a national legislature is to interpose ourselves in a decision that should rightfully be made by a father.

I thank the Chair and yield the floor.

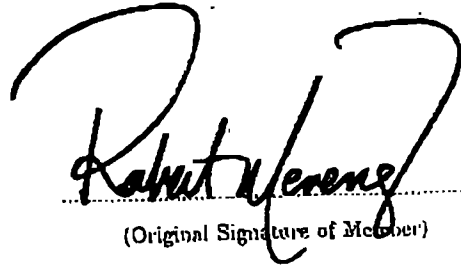
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H.L.C.


(Original Signature of Member)

106TH CONGRESS
2D SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

For the relief of Elian Gonzalez.

1 *Be it enacted by the Senate and House of 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



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H.L.C.

2

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



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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 ELIAN GONZALEZ-**
4 **BROTONS.**

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



H.L.C.

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2

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



NEWS RELEASE

CONGRESSMAN CHARLES B. RANGEL

U.S. House of Representatives
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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.

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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.

Irene Bueno

01/24/2000 04:04:49 PM

Record Type: Record

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

FYI

FOR IMMEDIATE RELEASE

Monday, January 24, 2000

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

Let the Court Decide Elian's Future

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

Mack said:

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

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

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

LESLIE

**LESLIE
BERNSTEIN**

01/24/2000 12:38:20 PM



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GPO's PDF version of this bill	References to this bill in the Congressional Record	Link to the Bill Summary & Status file.	Full Display - 1,556 bytes. [Help]
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For the relief of Elian Gonzalez-Brotons. (Placed on the Calendar in the Senate)

S 1999 PCS

Calendar No. 427

106th CONGRESS

2d Session

S. 1999For the relief of **Elian Gonzalez** -Brotons.**IN THE SENATE OF THE UNITED STATES****January 24, 2000**

Mr. MACK (for himself, Mr. TORRICELLI, Mr. HELMS, Mr. LOTT, and Mr. GRAHAM) introduced the following bill; which was read the first time

January 25, 2000

Read the second time and placed on the calendar

A BILLFor the relief of **Elian Gonzalez** -Brotons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATURALIZATION OF ELIAN GONZALEZ .

Notwithstanding section 337(a) or any other provision of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), **Elian Gonzalez** -Brotons shall be considered to be a naturalized citizen of the United States as of the date of enactment of this Act and shall be furnished by the Attorney General with a certificate of naturalization.

Calendar No. 427

106th CONGRESS

2d Session

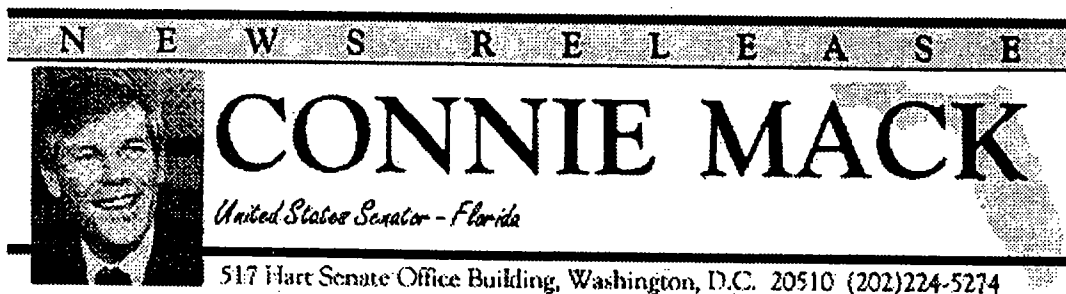
S. 1999

BILL

For the relief of **Elian Gonzalez** -Brotons.

January 25, 2000

Read the second time and placed on the calendar



FOR IMMEDIATE RELEASE
Monday December 20, 1999

SENATE LEADERSHIP CONSIDERS GRANTING U.S. CITIZENSHIP TO ELIAN GONZALEZ

Washington- U.S. Senator Connie Mack (R-FL) and members of the Senate Republican leadership will seek to grant U.S. citizenship to Elian Gonzalez in January 2000. The Senators sent a letter to President Clinton stating the initiative to preserve the young boy's freedom to choose, with his family and the courts, where he will live.

Mack said:

"This young boy's mother gave her life in the pursuit of freedom for her son. She desperately sought to escape the chains of Castro's communism and begin a new life with her son on America's shores of freedom. In the spirit of the season, there can be no greater gift given, than the gift of freedom. The decision about where the boy lives should not be a political one, but one for the courts, based on what is best for the child. This is why we must consider granting U.S. citizenship to Elian Gonzalez when Congress convenes in January."

The text of the letter follows:

December 20, 1999

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

Dear Mr. President:

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

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

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

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

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

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

Sincerely,

Connie Mack
United States Senator

Trent Lott
United States Senator

Don Nickels
United States Senator

Paul Coverdell
United States Senator

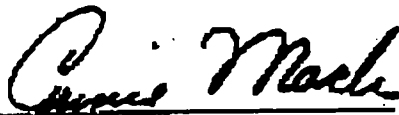
Larry Craig
United States Senator

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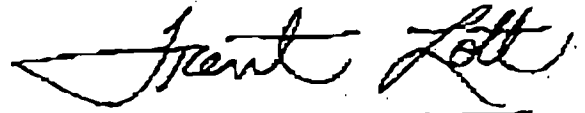
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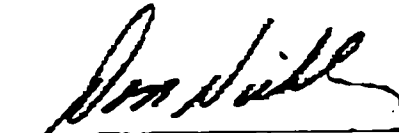
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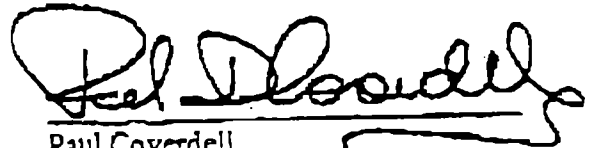
Connie Mack
United States Senator



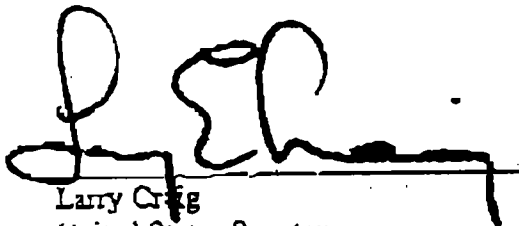
Trent Lott
United States Senator



Don Nickles
United States Senator



Paul Coverdell
United States Senator



Larry Craig
United States Senator