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Allegations

"The Picture"

HOLDER: Well, one thing I think that people should focus on when you look at that gun, if you look at the right index finger of the officer, you will notice that it is not on the trigger. And that is something that they are not trained to do. And it shows to me a high degree of training. And a certain degree of care.

But beyond that, they were dealing with the fact that they had an unknown situation there. They were trying to get that boy out of there as quickly as they could with as little hurt to anybody in the house. And they successfully did that. The picture that America should focus on is the picture that shows Elian with his father, with his family, reunited and apparently very, very happy.

MEISSNER: This agent was not pointing the gun at the child.

If you look at that picture, the plain--the agent is standing here, the child and the fisherman are standing along the same line as the agent. The firearm is parallel and it is pointed down. That is particular position. It's called the search position for a weapon. And the trigger finger is straight ahead. It is not in the trigger chamber so that there is no possibility that with a jarring there could be a firing of the gun. It is standard law enforcement procedure for a search. [CBS FTN]

No Warrant?

DELAY: Well, Tim, when I saw what was going down, I was outraged. I was sickened. And afterwards, I was ashamed that the United States government, for the first time that I know of, has raided a private home without a court order and taken the case--the custody of a child away from the courts and put it into the executive branch.

RUSSERT: There was, in fact, a court order.

DELAY: There was no court order. There was no court order that gave them permission to raid a private home of American citizens.

RUSSERT: No search warrant?

DELAY: No search warrant, nothing. In fact, they claim that they didn't need one. Yet, they went to the 11th Circuit Court of Appeals and asked for one. If they didn't think they needed one, why did they ask the court for one? The court did not rule on that issue, yet they took it into their own hands to go into a private home of American citizens. I think that's outrageous and it's frightening. [NBCMTP]

DELAY: For the first time that we know of, a government agency has invaded a private citizen's home without a court warrant. That is outrageous, it is unconstitutional, and it reflects the world view of this administration. [NBCMTP]

HOLDER: Well, it seems to me that is Monday quarter-backing at it's worse. We faced a situation where we didn't know exactly what was going on in the house. We had intelligence reports that indicated that there were perhaps weapons in the house. We had the safety of a young boy to keep in mind. We had the safety of our agents to keep in mind. That raid was done professionally and it was done appropriately. They were in the

house approximately three minutes. No one in the house was hurt. Elian Gonzalez was removed from the house and reunited with his father. And he has suffered little trauma. Now it was a disturbing event for that young boy, and yet it seems from all the indications that I've had a chance to look at, that he's doing just fine. [ABCTW]

SCHIEFFER: What was your legal authority to go into that house, because some people are saying you didn't have any authority.

MEISSNER: We had a search warrant, which we got from a federal judge around 6:00 that evening. It was a perfectly legal, properly carried out operation.

SCHIEFFER: A search warrant for what?

MEISSNER: A search warrant to bring the child out of this house. [CBS FTN]

Performance of agents

HOLDER: Well, they did knock on the door. They waited ten seconds. They knocked on the door a second time, waited 20 seconds and at that time went into the house. We indicated all along that we wanted to negotiate our way through this. We never got an indication from the other side that they were ever going to do anything other than force us to do that which we did. And as I said, which we did a very good job of. You know, there were ways in which this thing could have been resolved short of using police action. But we were forced to do that given the intransigence of the people who were holding onto Elian Gonzalez and holding onto him illegally.

HOLDER: Eight people were in that house for a period of only three minutes. A minimum amount of damage was done to the house. Nobody was hurt in the house. Elian was safely removed. Elian has been reunited with his father. We've done things consistent with the law, consistent with the dictates of the attorney general, consistent with what a federal judge said should have happened in Miami a long time ago.

BORGER: So can you say definitively that they did not say "I'm going to blow your brains out?"

MEISSNER: They would not have said anything like that. Their use of force-- their use of firearms is only allowed in self-defense or to protect the lives of others. They don't use that kind of language. They are to speak very crisply. They have a very short period of time. They were in and out in three minutes. And their commands are: We are here, stand aside, don't interfere, we will not hurt you, we will not harm you.

In this particular case, the whole point was to pave the way for the female agent, who was not armed, to get the child and bring the child out. [CBS FTN]

SCHIEFFER: Senator Bob Smith raised a new issue this morning. He said that the agent hooded the child as it was brought out. Is that true?

MEISSNER: That is absolutely false. You saw the pictures. The child came out in the arms of a female agent. The effort was to encase the child in a blanket. That is done for the purpose of protecting the child so that an arm or leg doesn't get caught on a door jamb, something like that.

This was done very carefully from the standpoint of the conversation with the child. The female agent had a particular set of things that she talked to the child about.

It was done properly and safely. [CBS FTN]

SCHIEFFER: Commissioner, in these things where what is seen on television turns out to be so important, just the images that are burned into people's minds. In retrospect, would it have been better to have those agents in civilian clothing because secret service agents wear bulletproof vests. And they wear them under a suit and tie. These people looked very scary as they approached that house?

MEISSNER: There are all kinds of different ways in which law enforcement agents dress for particular operations. This one was a search of a house where we did not know they were not able to know how many people would be there and what the circumstances would be inside. There were demonstrators outside. There was a great deal of aggressive behavior on people surrounding the house. It was a situation in which a great deal of inflammatory language had been used over the weeks about what would be done. There always had been talk of standing aside and turning the child over. That has not been the behavior here and that was not what actually happened on the scene. [CBS FTN]

MEISSNER: Well, that told us that we had to be prepared for anything. It was not at all clear what the circumstances were. We asked for the family's cooperation when our agents came to the door. They announced that they had a search warrant, that they were here to take -- bring the child, that they were looking for people to cooperate, but that they needed to enter. [CNN Early Edition, 4/24/2000]

Photo doctored

COFFEY: Well, we're examining that issue, and we're going to do it carefully and responsibly before we take a position. Obviously the community's concern is, he had a very short haircut at the time he was taken. He seems to have a good bit more hair. And unless they were developing some hair product with the boy on the flight up to the north, then our community is very, very suspicious. [ABCTW]

CAMPBELL: Well, it was a very happy scene. I feel so sad when I hear Kendall Coffey question the picture. Elian had very short hair, I might say to him and did have that same T-shirt on. I think what we should be grateful to God for on this Easter day is the relationship that I saw between Elian and his father--between Elian and his little baby brother. There were many scenes that could be repeated. He had his arms around his father, there was real affection there that cannot be manufactured. It was affection born of many many years of caring and his love affair with his little brother is wonderful to watch. [ABCTW]

DONALDSON: I just want to pin this down. Is it possible that this was staged in some way or that Elian, who's only six years of age, could some how have been put upon to look happy when in fact he wasn't?

CAMPBELL: No, I think that's a tragedy to say that. I'm a grandmother of seven children and I saw this little boy with his father for over two and half hours. This is a very content, happy, mischievous, normal little boy and I can't quite understand why the relatives in

Miami and the rest of America are not very very happy this day that this reunion is going well. We don't need for this little boy to be tearful and sad. It's a wonderful thing to see him smiling.

Child Drugged

RUSSERT: There are rumors that Elian was given anti-anxiety medication. Can you talk about that?

HOLDER: That is not true. He was taken out of the house, he was put in a van, he was taken to a helicopter and taken on a jet, a private jet, to Washington, D.C. where he was attended to by a child psychologist, as well as a medical person. But I have no knowledge that he was given any kind of drugs.

Weapons in the House?

WILL: Mr. Dellinger, however, if they had gone up and knocked in broad daylight in business suits, the suggestion is that it wouldn't have worked then because they were worried about the presence of weapons. There are weapons in 40 percent of America's homes. What is it about this family, which has been peaceful all through this, that justified this paramilitary action?

DELLINGER: Sam, I think what justified it is--I'm sorry, George--is the desire to avoid injury. You notice that one member of the crowd did rush in front of the door and had to be knocked aside by an agent, even without the presence of guns.

If you had sent unarmed agents in there and a standoff had ensued or a physical tug of war over this child, there could have been severe injury.

By sending in a sudden force, a sudden show of force, not a use of force, they were able to neutralize the situation, take command of it, get that child released from the arms of a strong man and into the hands of the special agent, Betty Mills, very quickly and get them out of there before there could a crowd through which they might have had to fight there way with a small child.

I think the nature of this operation by seizing control and displaying force, stunning everybody with that display of force, that's the way to avoid injury. That was the number one objective of this mission.

If I could add one word, Janet Reno, more than anyone else, wanted to avoid the trauma of a law enforcement operation. That's why she flew to Miami personally 10 days ago to plead with the family to make a voluntary transfer by flying them all to a retreat. And she failed at that, but she went the last mile to avoid this.

RUSSERT: The number of guns that were used in seizing the child, you said yesterday that you had some evidence that there were guns in the house. Based on what, and did you find any?

HOLDER: No, not that we had evidence that there were guns in the house, we had intelligence that the possibility existed that there were guns in the house. And given the fact of that intelligence, we had to make sure that our people were protected and that they were in a position to protect people within the house. I don't know if there were any guns in the house. I don't know if they found any guns. We had to deal, however, with the

intelligence that we had, that we got from local sources and make sure that everybody was adequately protected.

BORGER: Why did automatic weapons have to be used? This morning Marisleysis said, you know, "we told them there were no guns in the house."

MEISSNER: You never know when you have--when you need to enter a dwelling what you're going to find. It's extremely important to be prepared.

We had information, a great deal of information. Some of the information included the possibility that there might be guns. We didn't know.

But the paramount objective and concern in a law enforcement situation like that is safety. It's particularly important in this instance because of the child and the safety of the child.

But the overall objective is that it is done quickly, safely for the agents, for the bystanders, anybody involved, and that they get in and out and it's over with. And that's what was accomplished. The bottom line here is that it was successful. [CBS FTN]

MEISSNER: I think that we had to be prepared for anything, weapons are a possibility. There had been some information to the extent -- that extent. We do not have confirmed information. But in a situation where you enter a dwelling, you have to be prepared, it's very risky, and the paramount concern is safety. It's safety of the officers, for the occupants, and very much for the child; that was our paramount concern in this situation. [CNN Early Edition, 4/24/2000]

DORIS MEISSNER,

INS COMMISSIONER: The rules are very clear: They never use those weapons unless they are fired upon or somebody else is in danger. [CNN Early Edition,

4/24/00]

Child has been turned over to Cuban authorities

COFFEY: Well, the court has said that he can't be turned over or in any way subjected to removal from this country. The question is: If he's handed over to Cuban authorities in this country, does that in some sense violate the court order? And that's what we're examining at this hour. [ABCTW]

COFFEY: Because frankly, project number one is going to be working on Elian to get him to repudiate his desire to stay here. Because the one way the Justice Department can overcome the ruling of the court this past Wednesday--which strongly suggested that he has legal rights--is to get this kid to say he wants to go back to Cuba.

And I have no doubt in my mind that that's project number one for every one that's near him, especially any Cuban government functionaries that get near this child. [ABCTW]

Deal was about to be made

COFFEY: Well, we were on the phone. The government has raised a brand new issue, and we told them--we're talking to our client about it. We're all going to recommend it. And then I heard the door smashed down, I started to hear the noise, I started to hear Marisley's screaming that they didn't need to do anything, "don't hurt the boy," they weren't going to resist. [ABCTW]

GRAHAM: There was an insensitivity, a crudeness to this, to do this one of the most deeply religious periods of the year, to do it at a time when families are reflecting on spiritual values to do it in the middle of the night. To do it when honorable members of this community such as Kendall Coffey, Sister Jeanne O'Laughlin, Erin Pothurst (ph) and others had been negotiating in good faith and felt that they were very close to an agreement, had signatures on the bottom of pages to do it under all of those circumstances was absolutely intolerable, unnecessary, outrageous and has left a scare on this community and particularly a scare deep in the minds of this little boy and I suggest a lot of other children as to what can happen in the middle of the night.

HOLDER: Well, we were certainly negotiating but we were certainly not making progress. For five months we've done all that we possibly could. We've shown a great deal of restraint. We have tried every conceivable avenue to resolve this matter in a way other than we ultimately had to. It seems to me that the blame for what happened, if there is any blame to be assessed, is on the family that professed to love this boy. And yet put their own interests above his. And forced the federal government to do that which we did in getting him out of there. Again, we did it I think professionally and we did appropriately but it could have been done in a different way had they only moved an inch. They never were willing to do that. [ABCTW]

HOLDER: The attorney general had ended negotiations with the person that she was speaking to. They called back and asked to re-open negotiations and she said that she would give them an additional 10 minutes. That 10 minutes expired and at the conclusion of that 10 minutes, the raid began and at that point, the attorney general was still on the phone. But at that point the negotiations had ended. [NBC MTP]

CRAIG: Well, he didn't answer your question, Tim. And that was the problem with the negotiations. In fact, the negotiation was going the wrong way. Initially, some days ago, the transfer would have occurred and there would be a half-hour conversation. Then there was the transfer required with the entire family being present and a conversation, and then three hours of conversation.

The proposal that was discussed that night required a mutual co-habitation and joint custody arrangement that was going to last for eight, nine, 10 weeks, as long as the 8th circuit held the case--or considered the case. That was something that was not in the interest of Elian Gonzalez. It was a political ploy and had nothing to do with anything in the best interest of the boy. At no time was there a specific, unconditional, unambiguous commitment to transfer custody and Mr. Diaz's answer confirmed that.

There was a second point. We got a fax proposal that set forth a number of terms that we were told the other side had agreed to. One of the terms was that this cohabitation arrangement was going to take place at Early (ph) House. At 3:00 in the

morning, the government came back to us and said no Early House is no longer acceptable. So from our perspective, the negotiation was going precisely the other way and we were moving once again towards the other side and they were setting up new requirements and new roadblocks. [NBC MTP]

Greg Craig was in charge

COFFEY: Well, we had an agreement that Janet Reno said to the 24 foremost leaders of our community she would support. And that was done and documented by 5:00 on the evening of Good Friday. So either she was lying to us--which I have trouble believing--or she wasn't in charge. And if she wasn't in charge, that means that Greg Craig was in charge.

And there ought to be some congressional analysis of why the attorney general can't make and honor the deal that she enters into with the community. And if Greg Craig is really calling the shots here, it's high time that we got to bottom of that. [ABCTW]

GRAHAM: What I think has happened is that the Department of Justice has delegated its governmental responsibility to a private attorney when the Department of Justice says its...

ROBERTS: By this you mean Greg Craig?

GRAHAM: Greg Craig. When the Department of Justice says its negotiating, it's not negotiating, it can't reach an agreement. It can indicate verbally or even sign a document as to what the government's position is, but unless Greg Craig agrees not to exercise his veto, nothing happens and in this case he did and what we saw happen at 5:15 yesterday is the result.

Castro in charge

HOLDER: Well, I'm certainly never happy to be in a situation where I'm on the same side of an issue with Fidel Castro, but that really is kind of irrelevant. The fact that Castro liked what the government did there doesn't disturb me. What we did, looking in isolation, was correct. All that Fidel Castro stands for is abhorrent to me.

The decision, quite frankly, that Juan Miguel Gonzalez is making is a different one than I would make, I suspect, for my child. But it is his right to raise his boy where he wants to. And that is all we were trying to do. Again, consistent with the INS regulations and consistent with what a federal judge in Miami said should happen.

BORGER: Now the family says you're going to work to get him to repudiate his position, little Elian, that he wants asylum. Can you tell them you won't?

MEISSNER: His father speaks for him. He is with his father. The reports that have from the people that were in and out of the house yesterday are that he has been playing happily, that he is... I've seen the setting. They can be together, walk around pathways, reconnect as a family. And we believe they will do that. The father speaks for this child and we've created the reunification now that we've been seeking to create. [CBS FTN]

The President Promised

GRAHAM: Because I stood in the Oval Office with the president of the United States and I said, Mr. President, this is a very sensitive issue that's happening in my community, one of the things that has made it so tense is that people feel insecure 24 hours a day. There needs to be some commitment by the federal government that they will not attempt to take this child in the night time so that there can be an relaxation of that tension. The president of the United States made that commitment to me that there would be no taking of this child at night, I felt that my--the promise had been made to me had been abrogated. I don't know if the president knew that the decision was being made by lower echelons within his administration, but it was a clear commitment which was violated.

MR. LOCKHART: I haven't talked directly to the President yet. I'm not aware that there were any specific commitments made, but I'll double check. [4/24/00]

Timing

RUSSERT: "The New York Times," lead editorial today, a precipitous raid and it asked, why didn't the Justice Department go to a federal court, get a court order ordering the Miami relatives to turn the boy over, and if they didn't, they would be held in contempt of court and liable for prosecution?

HOLDER: A precipitous raid. We waited four, five months, the attorney general herself went down and tried to negotiate a deal. We had a direct order from the director of INS. We had a federal judge in Miami who said that the government was acting appropriately. I'm not sure what much more the federal government could have been expected to do. We were forced into the action that we took by the intransigence of that family in Miami.

11th Circuit told them they couldn't do it

DELAY: That's very simple. I would have done exactly what I have been involved in with my wife in child abuses cases and custody cases that sometimes take over 18 months. You deal with the family, you put it in court, let an impartial judge make a decision, not some attorney general on her own.

And frankly, it is still out there and still to be determined whether they acted within the law or not. The 11th Circuit Court of Appeals said that Janet Reno was wrong. And they stated that they were wrong...

State Judge

HOLDER: Well, as I said, I was asking the congressman before he said this was a custody matter, and I said, well, there was a state judge who had the ability to rule on that and said that this was a matter to be determined by the federal government acting under the administrative authority that it has with regard to immigration law.

I'll give him the opportunity: Was that state judge wrong?

Facts on the Reunion of Elian Gonzalez and His Father

April 24, 2000

Federal officials had a valid search warrant to remove Elian Gonzalez

CLAIM: The operation was executed without a warrant.

→ REP. TOM DELAY: *"For the first time that we know of, a government agency has invaded a private citizen's home without a court warrant. That is outrageous, it is unconstitutional, and it reflects the world view of this administration."* [NBC Meet the Press, 4/23/2000]

FACTS: The operation was executed with a warrant obtained from a federal magistrate around 6:00 PM on April 21. The warrant allowed the INS to remove the child from the house. Lazaro Gonzalez' lawful custody was revoked on April 13. He had refused to comply with a lawful order to return Elian to his family.

→ BOB SCHIEFFER, CBS: *What was your legal authority to go into that house, because some people are saying you didn't have any authority.*
INS COMMISSIONER DORIS MEISSNER: *We had a search warrant, which we got from a federal judge around 6:00 that evening. It was a perfectly legal, properly carried out operation.*
SCHIEFFER: *A search warrant for what?*
MEISSNER: *A search warrant to bring the child out of this house.*
[CBS Face the Nation, 4/23/2000]

"On Monday, the Justice Department released previously sealed court papers saying U.S. immigration officials had probable cause to believe that the boy was 'being unlawfully restrained' at the Gonzalez family residence in Miami. The affidavit supporting the request for a search warrant asks permission from a federal magistrate to execute the search warrant at night 'in order to meet the least amount of resistance from any crowd gathered outside the home, ensure the safety of Elian Gonzalez and protect the officers executing the warrant.'" [Associated Press, 4/25/00]

The INS was legally justified in removing Elian

CLAIM: The Justice Department acted precipitously in raiding the house to reach Elian, and should have obtained a court order ordering the family to surrender custody.

→ New York Times: *"Few actions in recent times have so powerfully drawn the attention of Americans to the exercise of authority by the federal government, a fundamental issue in the governance of a democracy. The Justice Department acted rashly and unwisely in ordering the raid, and its decisions now require the most careful evaluation by Congress and the American people."* [Editorial, 4/24/00]

FACTS: The Justice Department has patiently tried to negotiate a peaceful reunion for months. The INS would not have been forced to remove Elian in this manner if the Miami relatives had followed the rule of law. The family's custody of Elian was revoked April 13 and the Miami relatives had been violating an INS order to surrender custody since that time, refusing to surrender custody. For weeks and the family showed no signs of compromising on the basic issue of turning the boy over to his father, even after Juan Miguel Gonzalez' arrival in the United States.

The timeline for court appeals is as follows:

- January 12 - Attorney General Janet Reno upheld Juan Miguel Gonzalez' right to custody of his son.
- January 19 - Lazaro Gonzalez filed lawsuit appealing that decision by the INS.
- March 21 - Lazaro Gonzalez' federal lawsuit dismissed by U.S. district court judge, Miami relatives appeal ruling to federal appeals court.
- April 13 - While the appeal was pending, the INS instructed the Miami relatives to deliver Elian to Miami's Opa Locka airport at 2:00 on April 13. The relatives defied that order, and the INS revoked their custody of Elian and transferred parole care back to the INS.
- April 13 - That same day, the Miami-Dade County court threw out Lazaro Gonzalez' custody action, upholding the INS' decision.
- April 14 - Justice Department asks federal court to order Lazaro Gonzalez to obey government order and surrender custody.
- April 19 - The 11th Circuit Court of Appeals issued an injunction stating that Elian could not leave the country pending its decision on the Miami relative's appeal of the district court's decision. The Circuit Court did **not** rule on who should have custody while waiting for that appeal. Elian' s father, who arrived in Washington April 6, has indicated that he will stay in the country with Elian until the final ruling. The Attorney General determined that nothing in the order precluded her from reuniting Elian with his father.

- DEPUTY ATTORNEY GENERAL ERIC HOLDER: *"We waited four, five months, the attorney general herself went down and tried to negotiate a deal. We had a direct order from the director of INS. We had a federal judge in Miami who said that the government was acting appropriately. I'm not sure what much more the federal government could have been expected to do. We were forced into the action that we took by the intransigence of that family in Miami."* [NBC Meet the Press, 4/23/00]
- ATTORNEY GENERAL JANET RENO: *"Every time we thought we had achieved what they wanted, it wasn't enough.... We were told when he [Juan Miguel Gonzalez] came to this country he could have the boy; that didn't happen. We were told if they could just meet with Juan Miguel Gonzalez, then they would consider turning over the boy. We made the arrangements for them to meet prior to the boy being turned over; that wasn't enough. And it was just one step after another in which they moved the goal post."* [Associated Press, 4/22/00]

The Miami relatives refused to surrender custody

CLAIM: The Miami relatives and the Justice Department were minutes away from agreement when agents burst into the house.

- AARON PODHURST, who negotiated with Miami relatives: *"I believe a deal was within minutes or an hour away. I was shocked, I was disappointed, I couldn't believe what I was looking at on TV."* [Associated Press, 4/24/00]

FACTS: The Miami relatives had defied a government order to reunite Elian with his father and had been in violation of the law since April 13. During the last-minute negotiations, the Justice Department proposed a neutral transfer site in near Warrenton, Virginia. The relatives continued to refuse to travel to Washington to transfer custody. Throughout the months of negotiations, the Miami relatives continually imposed new conditions as excuses to postpone the custody transfer.

- TIM RUSSERT, NBC: *"What wouldn't the Miami relatives agree to that prevented a negotiate a settlement?"*
DEPUTY ATTORNEY GENERAL ERIC HOLDER: *"They would agree to nothing. I mean, the fundamental thing that they would not agree to was that they would turn the boy over to his father. And then beyond that, they always set a series of conditions that were impossible to meet. Among them, that Juan Miguel had to come to Miami, and a variety of other things. They never seemed to us to be negotiating in good faith, though we tried over the course of some four or five months to find a way in which we could get through the frustration that we were feeling and come up with a solution that they could find acceptable and that would be acceptable to Juan Miguel, as well."* [NBC Meet the Press, 4/23/00]

The operation was carried out in a responsible, efficient manner

CLAIM: **The government used excessive force in carrying out the raid. They did not need the guns, they did not need to bang in the door, they did not need to sweep him out of the house.**

- JOSE GARCIA-PEDROSA, Attorney for the Miami relatives: *"Well, the whole world has seen that photograph of a submachine gun, assault rifle, pointed at the boy and the fisherman. Isn't life ironic? The very fisherman who rescued him out of the Atlantic Ocean on Thanksgiving Day was the one that in the end was holding him, protecting him, as the boy was screaming, "help me, help me." And the attorney general, I must say, wants the American people to believe that's OK. "* [FOX News Sunday, 4/23/00]

MARISLEYSIS GONZALEZ: *"We had no warning that the marshals were coming. We were on the phone with them negotiating. They put us on hold and while we were hold they banged on the door. They broke everything in. They came in with guns, and Elian saw all of this."* [Press Conference, 4/ 22/00]

FACTS: **The federal government had unconfirmed information that there may have been guns in the house. However, the paramount objective in this and all law enforcement operations was safety. The paramount concern was the safety of the officers, the occupants, and especially the child.**

Agents did not know how many people would be in the house, or what the circumstances would be inside. There were demonstrators outside. There was a great deal of aggressive behavior on people surrounding the house.

The operation was done responsibly and carefully. Agents knocked on the door. They waited ten seconds. They knocked on the door a second time, waited 20 seconds and at that time went into the house. Eight people were in the house for a period of only three minutes. A minimum amount of damage was done to the house. Nobody was hurt in the house. Elian was safely removed. Elian has been reunited with his father.

This morning, the Miami Herald reported that a security guard for the Cuban American National Foundation had frequently been seen at the house with a gun strapped to his ankle. [Miami Herald, 4/24/00]

- CAROL LIN, CNN: *"In other words, you were afraid that the family might have weapons inside the house by her statements?"*

INS COMMISSIONER DORIS MEISSNER: *"I think that we had to be prepared for anything, weapons are a possibility. There had been some information to the extent -- that extent. We do not have confirmed information. But in a situation where you enter a dwelling, you have to be prepared, it's very risky, and the paramount concern is safety. It's safety of the officers, for the occupants, and very much for the child; that was our paramount concern in this situation."* [CNN Early Edition, 4/24/00]

Elian was happy to be reunited with his father

CLAIM: **The photo released by Elian's father on Saturday was either not Elian or was doctored.**

→ KENDALL COFFEY, ATTORNEY FOR MIAMI RELATIVES: *"[Elian] had a very short haircut at the time he was taken. He seems to have a good bit more hair. And unless they were developing some hair product with the boy on the flight up to the north, then our community is very, very suspicious."* [ABC This Week, 4/23/00]

FACTS: **This is a ridiculous and irresponsible assertion that can only inflame the situation further. A number of reports have described a tearful, happy reunion between Elian and his father, including the psychiatrist traveling with Elian to Washington and Rev. Joan Brown Campbell. And the Associated Press has released several photos taken by the family and their attorneys at Andrews Air Force Base showing a happy and relaxed Elian cuddling with his father and playing with his baby brother.**

→ SAN DONALDSON, ABC: *"I just want to pin this down. Is it possible that this was staged in some way or that Elian, who's only six years of age, could some how have been put upon to look happy when in fact he wasn't?"*

REV. JOAN BROWN CAMPBELL: *"No, I think that's a tragedy to say that. I'm a grandmother of seven children and I saw this little boy with his father for over two and half hours. This is a very content, happy, mischievous, normal little boy and I can't quite understand why the relatives in Miami and the rest of America are not very very happy this day that this reunion is going well. We don't need for this little boy to be tearful and sad. It's a wonderful thing to see him smiling."* [ABC This Week, 4/23/00]

→ DR. GUSTAVO CADAVID, psychiatrist on flight to Washington with Elian: *"The child -- [the plane was] coming to a stop, looked at me several times, kind of saying: Well, where is my father? Suddenly, one of the doors open, and comes out of his father. You should see the transformation of his face. Smile, started waving at his father....By this time, his father had come into the airplane, and he turned around the father said "Elian." This was a most beautiful moment how the child rushes to get his father. Father to grab his son. Both started to cry, very, very emotional, very emotion moment."* [CNN Morning News, 4/24/00]

Elian has not been mistreated in any way

CLAIM: **Elian had a bag placed over his head during the operation and has been drugged as the first step in Fidel Castro's deprogramming. He was manhandled and traumatized by the agents who took him from the house.**

→ SENATOR BOB SMITH: He was hooded and dragged from his home at rifle point, not knowing what happened to the family that they yanked him away from at 5:00 in the morning. [Press Conference 4/23/00]

→ REP. LINCOLN DIAZ-BALART: They had an AP photographer, not like the photographer that took the picture later, where you can see the child already with a band-aid, because the drugging has begun in the Air Force Base. There was an AP there who took the photograph. [CNN Evans, Novak, Hunt & Shields, 4/22/00]

FACTS: This is more overheated rhetoric. Elian's safety was the number one priority throughout the operation, and he was well taken care of on the plane trip to Washington. Elian's face is clearly visible in photos of the INS agent carrying him out of the house. Elian is staying with his family at Andrews' Air Force Base where his father is keeping him out of the public eye and trying to return a sense of normalcy to his life.

→ INS COMMISSIONER DORIS MEISSNER: *"The child has been our paramount concern in this operation.... We had Spanish-speaking female agents--agent responsible for bringing the child from the home. We had worked out with our team of experts in advance the kind of conversation that the agent responsible for the child could and should use, in order to be reassuring...the flight has Elian accompanied by a child psychiatrist and a flight surgeon, both of whom are bilingual. There is a play pack of Play-Doh, other things, food, to amuse him. One of the things we learned from our experts was that the squeezing of Play-Doh is the best thing that you can do for a child who might be experiencing stress."* [Associated Press, 4/22/00]

→ BOB SCHIEFFER, CBS: *Senator Bob Smith raised a new issue this morning. He said that the agent hooded the child as it was brought out. Is that true?*
INS COMMISSIONER DORIS MEISSNER: *That is absolutely false. You saw the pictures. The child came out in the arms of a female agent. The effort was to encase the child in a blanket. That is done for the purpose of protecting the child so that an arm or leg doesn't get caught on a door jamb, something like that. This was done very carefully from the standpoint of the conversation with the child. The female agent had a particular set of things that she talked to the child about. It was done properly and safely.* [CBS Face the Nation, 4/23/2000]

→ DARYN KAGAN, CNN: *"Did you know of any medication given to Elian Gonzalez to keep him calm during that transfer?"*

DR. GUSTAVO CADAVID: *"Absolutely not. There was no medications given. I'm a psychiatrist, I'm a physician, I did not give him absolutely no medications, as far as I know, nobody did that."* [CNN Morning News, 4/24/00]

Tensions Rise in Miami Crowds

➤ **Miami Cuban Americans on "High Alert"**

Orlando Salinas, Fox News: "Tensions here in Little Havana almost at full throttle. Word now that U.S. marshals may be coming into this small area and taking Elian Gonzalez by force certainly has Miami Cubans here all over on high alert.... Word that federal agents are working on a plan, possibly going after different scenarios on the safest way to take Elian from his Miami relatives. Those discussions have energized Miami Cubans here in Little Havana.... Cuban-American leaders say that they are still pushing for peaceful demonstrations, but some people have different ideas."

Unidentified Protestor: "I may lay down on my knees and pray, or I may jump on somebody because when that kid asks for help, I'm going to jump and help."

Unidentified Protestor: "They have to come and then destroy us peaceful, but they have to come over our bodies to get in the house and take the boy by force!" [Fox Special Report with Brit Hume, 4/21/00]

➤ **Cuban American Leaders Say Thousands Will Converge at House If Necessary**

Tony Snow: "How many people do you think you could get to the site? If you had -- if you started calling and getting people out, how many do you think you could deliver?"

Ramon Saul Sanchez, anti-Castro Democracy Movement: "Many thousands.... As you have seen in the past, when the leadership of the Cuban-American community has called out for the people to convene on a site, we have had thousands and thousands of them, anywhere between 15,000 to 30,000 people in a matter of hours." [Fox Special Report with Brit Hume, 4/21/00]

➤ **Demonstrators Chant "War!"**

In the crowd of demonstrators, several people said they had shown Ms. Reno and Mr. Clinton that they simply would not be allowed to have Elián. Some even chanted: "War! War! War!" [New York Times, 4/14/00]

➤ **No Way to Pick Up Boy Without Confronting Crowd**

Brit Hume: "Orlando, tell me a little bit about the crowd. How close are they to the house, and is there any way in and out of there that the boy could be picked up and taken without confronting the crowd?"

Orlando Salinas: "Not going to happen at all, Brit. You got thousands of people out here. At every street corner police have blocked this place off. This crowd here says no matter what, they are here. And also, they say, 'You know what? The road to Cuba has to pass through Little Havana first.'" [Fox Special Report with Brit Hume, 4/13/00]

➤ **Cuban Activist Threatens "Another Waco"**

Supporters of Elian's Miami relatives vowed there would be trouble if the government tries to remove the boy from Little Havana. "If Elian is taken out of the house by federal agents, it's going to be another Waco here," said activist Arnold Lorenzo. [New York Daily News, 4/6/00]

➤ **"Volatile" Crowds Outside Miami House**

Brit Hume: *"The situation on the street outside the boy's Miami house continued to be volatile."*

Orlando Salinas: *"Yes, the crowds here in Little Havana continue to get bigger and bigger by the hour.... But the real action took place several hours earlier. Miami police were definitely not ready when some 100 or so people crashed through the police barricades in Little Havana, dashed away to Elian's home, locked arms and dared police to remove them. It was the most direct confrontation in months between Elian's fans and police. Cops say a rumor that INS agents were nearby prompted the crowd to rush the home."* [Fox Special Report with Brit Hume, 4/4/00]

➤ **Demonstrators Say They Won't Allow Elian to be Removed from the Home**

"But it is highly unlikely that any transfer would be quick and easy, as about 100 demonstrators again gathered outside the boy's house in Little Havana -- thousands more are on call to join them at a moment's notice -- all swearing that they will never allow the boy to be taken from the home." [Bragg, New York Times, 4/4/00]

➤ **Protestors Ready to Surround the House**

"Convinced that immigration authorities will swoop in to take Elián away, the family's supporters are holding round-the-clock vigils at the uncle's Little Havana home and have compiled phone lists to mobilize people at all hours of the night. The supporters have vowed to form a human chain around the house to block the authorities and said they would risk arrest....On Thursday, groups of supporters rehearsed for the face-off as they linked arms and surged forward in unison. And they banded together, hurling obscenities, to frighten away a group of community college students who showed up to call for Elián's return to Cuba." [New York Times, 3/31/00]

➤ **Mayor Predicts Civil Unrest**

Mayor Alex Penelas, Miami Dade County: *"If their continued provocation in the form of unjustified threats to revoke the boy's parole leads to civil unrest and violence, we are holding the federal government responsible, and specifically Janet Reno and the president of the United States."* [Fox News Network, Hannity & Colmes, 3/30/00]

➤ **Cuban Exiles Plan to "Protect Elian"**

Brit Hume: *"Some Cuban exiles are calling for measures to protect Elian Gonzalez. They want a human chain formed protectively around the Miami house where the little boy is staying in case the government exerts its relatives are appealing the decision to deport him."*

➤ **Protestors Indicate They're Ready to Take Extreme Measures**

Jorge Gonzalez, Elian supporter (through translator): *"Many of us, if not all of us, are ready to give up our own lives so Elian stays here."* [Fox Special Report with Brit Hume, 3/24/00]

➤ **Elian a "Martyr in the Making"**

"Here, in the streets of Little Havana and beyond, where demonstrators this week have been hauled away in handcuffs trying to keep United States immigration officials from sending the boy back to his father in Cuba, Elián is a martyr in the making, a child who lost his mother at sea as they fled Cuba." [New York Times, 1/9/00]

➤ **Hundreds of Protestors Begin Gathering in Little Havana**

"The boy's relatives in Miami, who have resisted sending him back to Cuba, today repeated their intentions to try to keep him in the United States as several hundred anti-Castro Cuban-Americans demonstrated in Miami to protest the ruling." [New York Times, 1/5/00]

Support for Operation Reunion

April 25, 2000

The INS and Justice Department under the leadership of Attorney General Janet Reno have worked tirelessly and patiently for over three months for a solution that would peacefully reunite Elian Gonzalez with his father, Juan Miguel Gonzalez. Unfortunately, on April 22, it became clear that Elian's Miami relatives had no intention of obeying the lawful order to reunite Elian with his father. INS agents with a warrant removed Elian from the Miami relatives' home. Since then, law enforcement experts have praised the manner in which the INS carried out the operation, and the action has been praised as a tough decision that was in Elian's best interests. Here are some examples of praise for the operation.

Support for Law Enforcement Tactics

- **William Bratton, former New York and Boston police commissioner: *INS acted appropriately***
"By and large the federal government acted appropriately and decisively Saturday to uphold the law. The tragedy of this incident is that it required such an assertive action and show of force to enforce the law. For days, Elian's Little Havana relatives, no matter how emotionally involved, had kept the government at arm's length. Meanwhile, their "advisers" and political activists had shamelessly exploited Elian's tragic situation for their own political purposes by encouraging the family to flout the law and its intention to reunite Elian with his father." [ABPNews.com, 4/24/00]
- **Sen. Arlen Specter: *Law enforcement had to protect themselves***
"Well, I think once they went in, absolutely they had to be able to protect themselves. And regrettably in this case, Judy, you had everybody saying just about everything." [Sen. Arlen Specter, CNN Inside Politics, 4/24/00]
- **Richard Gallo, President, Federal Law Enforcement Officers Assn: *INS used necessary force***
"You don't wear tutus and carry feather-dusters. Intelligence showed there were people around the house with lawfully obtained concealed weapon permits." Gallo said heavily armed agents batter down doors every day executing warrants, but it is rare that they are captured from behind the scenes or broadcast on national television like this one was. [ABPNews.com, 4/24/00]
- **Stephen Davis, Former NYPD: *Accomplished objectives without incident***
"The bottom line is it worked and nobody got hurt... Their objective is to free the subject and try to minimize injury. And in that regard, they accomplished both. ... 'You're preparing for the worst-case scenario, you want to go in as quickly as possible.'" [Daily News, 4/24/00]
- **John P. Julian, former Miami police officer: *INS had to be prepared for guns***
"Florida is a place where most people have a right to carry a concealed firearm. If the agents had been unarmed -- and one had been shot -- the public would have asked, 'Why weren't they armed?'" [New York Times, 4/24/00]

- **Kurt Wurzberger, Security and Intelligence Specialist: *Photo shows proper procedure***
"Well, I see proper procedure. I see the agent coming through the door, identifying where Elian is. He--his weapon is not pointed directly at him. It--it's at the ready, which is tactically correct. His finger is not on the trigger. ... He was identifying Elian and, of course, as you noticed the armed personnel did not bring him out of that house. They had other people bring him out that were in soft uniforms and were not armed." [CBS News, 4/24/00]
- **Woody Johnson, Former FBI Agent: *Necessary defense***
"What if somebody in that house had been armed, and they had -- either with a knife or a gun -- and they had attacked one of the officers? I mean, he may have to defend himself with that. ... So you can't guarantee to the attorney general or anyone else in authority that it's going to be clean and nobody is going to get hurt and we're going to be out of there." [CNN/TIME, 4/23/00]
- **Steve Kiraly, former Miami detective: *Elian was never in danger***
 Kiraly acknowledged that the photograph of an agent pointing the gun near Elian was jarring, saying the image made it easy for people to second-guess the wisdom of the operation. But he added: *"Let's be serious. The kid was never in danger. The only reason they had guns is they were told there were guns stockpiled in the neighborhood or the house. They did the proper thing."* [New York Times, 4/24/00]

Medical professionals support reuniting Elian Gonzalez with his father

- **Dr. Elissa Benedek, Clinical Psychologist: *Elian will recover***
"As a psychiatrist who's seen youngsters who've had a similar, although not an exact experience like this, kids are pretty resilient. And I would expect that for the first few minutes, it was traumatic for Elian, but he'll get over this. He may have a nightmare or two but he's now reunited with his father, which is probably the--the paramount issue to consider." [CBS News, 4/24/00]
- **Dr. Gustavo Cadavid, U.S. Public Health Service: *Elian is very happy***
"Yes, he was scared, but he is very resilient. And it was demonstrated during the trip . . . The child who was sad initially, gets off the airplane three hours later happy, moving, talking, hugging his father." [MSNBC, 4/24/00]
- **Dr. Frank Farley, former President, American Psychological Assn: *Things look good for Elian***
"One of the most important things Elian needs is time with his family, time to spend in their own way, not directed by officials or by 'experts' like myself, . . . And there should be no TV coverage ... "I am really impressed by this boy He had those 48 hours in the water, with the boat sinking and his mother dying. You can't get more traumatic than that. The three minutes (when agents raided Lazaro Gonzalez's house) pales by comparison. So far, things look very good for him. Now he and his father need some quietude, some respite." [USA Today, 4/24/00]
- **Dr. Paul Buitendijk, Harvard child psychiatrist: *Returning Elian to his father was important***
"I think the swiftness and the act of getting him back to his father quickly were very important." [Boston Herald, 4/23/00]

Comments on critics of Operation Reunion

- **Ft Lauderdale Sun- Sentinel: *Rep. Tom "DeLay's Comment was Negligent at Best"***
U.S. House Majority Whip Tom DeLay of Texas as gone so far as to accuse the federal government of conducting the Saturday morning raid without court authorization. In fact, federal agents had a warrant and were operating completely within the law. DeLay's comment was negligent at best. At worst, it contained carefully calculated disinformation made for political gain. U.S. Rep. Lincoln Diaz-Balart, R-Miami, has made statements bordering on the irrational. Soon after a photo of a smiling Elian in his father's arms appeared in newspapers and on TV, people were insisting it was a fake. Then they began claiming Elian looked so joyful because he had been drugged and brainwashed, an idea endorsed by Diaz-Balart. [Editorial, Ft Lauderdale Sun-Sentinel, 4/25/00]
- **Jacksonville Florida Times-Union: *Applauds effort to reunite Elian and his father***
The raid was carried out to reunite father with son, and published photographs indicate the boy is delighted to be back in the care of his only surviving parent. [Editorial, Jacksonville Florida Times-Union, 4/25/00]
- **St. Petersburg Times: *"Federal Agents Had Every Right To Be Prepared"***
It is outrageous to suggest, as some elected officials have, that federal agents would aim a gun at the child they were there to reunite with his father. It would have been irresponsible for Reno to have sent unarmed federal agents into the house not knowing what they might face. [Editorial, St. Petersburg Times, 4/25/00]
- **Orlando Sentinel: *Raid could not be avoided***
The agents were in and out of the house in less than five minutes. No one fired any shots. Elian was not harmed, and injuries to bystanders were not serious. But could such a raid have been avoided? Absolutely -- not by the Justice Department but by people so consumed by their hatred for Cuban President Fidel Castro that they would subject a small boy to such trauma rather than let him return to his father. They allowed that political issue to overshadow a very special and far more important aspect of this case -- the bond between a father and his beloved son. [Editorial, Orlando Sentinel, 4/25/00]
- **Los Angeles Times: *"Reno Made a Hard Decision and Made it Stick"***
Elián González is with his father today, as he should have been long ago. Attorney General Janet Reno made a difficult decision in ordering him removed from his Miami relatives' home by armed agents, but she had been properly cautious - even overly cautious - in moving ahead on the legal front and in the police action that took place Saturday morning. Now her office should act promptly in court to settle the issue of the child's status. [Editorial, Los Angeles Times, 4/23/00]
- **St. Louis Post Dispatch: *"Outlandish Tales of Conspiracies and Jack-Booted Terror"***
Unfortunately, Elian's happiness at seeing his father has so enflamed anti-Castro -- and anti-Clinton -- partisans that they're spinning outlandish tales of conspiracies and jack-booted terror. Republican leaders, such as Rep. Tom DeLay of Texas, should be ashamed of themselves. [Editorial, St. Louis Post Dispatch, 4/25/00]

- **Chicago Tribune: *Republican's "Gross Overreaction ... Suggests Terrible Judgment"***
 Reasonable people can differ on precisely how the government should have restored the 6-year-old Cuban boy to his father--who by every legal precedent has the right to custody of his son and full authority to make decisions about the boy's future. But the gross overreaction of many important Republicans suggests terrible judgment, out-of-control hatred of Bill Clinton, or shameless pandering to their most right-wing supporters--if not all three. [Editorial, Chicago Tribune, 4/25/00]
- **Boston Globe: *"A Model of Efficient Law Enforcement, Guided by Due Process"***
 A few miles from his temporary home at Andrews Air Force Base, Senator Bob Smith of New Hampshire, Representative Tom DeLay of Texas, both Republicans, and the relatives were treating the raid to return Elian as though it were a Nazi SS operation. Yet federal agents had a warrant, were enforcing US law, and entered the house with the proper force to ensure minimal resistance and injury. It was a model of efficient law enforcement, guided by due process. The raid was necessary because the Gonzalez relatives in Miami, refusing to return the boy, made him into a symbol of resistance to Fidel Castro. Elian printed his name on an application for asylum and was put in front of a video camera to say that he did not want to go back to Cuba. The relatives treated the boy like a political prop. [Editorial, Boston Globe, 4/25/00]
- **Baltimore Sun: *Raid Carried Out "Speedily" with "Professional Skill"***
 Though the raid on Lazaro Gonzalez's Miami house is being criticized, there is no dispute about the professional skill with which it was carried out - successfully and speedily. Nor is there disagreement that it followed legal form, including a search warrant. ... A show of force was necessary. Hardheads in the Cuban-American community had organized mob behavior to obstruct the law and keep Elian imprisoned in a goldfish bowl. The Miami family was negotiating in bad faith. [Editorial, Baltimore Sun, 4/25/00]
- **Charlotte Observer: *"The raid was concluded swiftly, decisively and without harm"***
 The raid was concluded swiftly, decisively and without harm. Eight agents entered and left the house within three minutes, carrying the youngster in a blanket. Imagine the outcry if decisions and events had gone otherwise - if ill-equipped agents had been overcome or even wounded by armed opponents. The possibility of forcible resistance was made plausible by the behavior of the Miami relatives who've been keeping the boy since his rescue. [Editorial, Charlotte Observer, 4/25/00]
- **Christian Science Monitor: *US Government "nurturing parental love"***
 The federal raid to rescue Elian Gonzalez was an unfortunate but necessary action to show where the United States stands on the supreme social importance of nurturing parental love. With the father's backing, Attorney General Janet Reno made the correct legal call to prevent the relatives from using the boy for their own interests and to order a rescue. [Editorial, Christian Science Monitor, 4/24/00]
- **Denver Post: *"Agents were Right to Come Prepared for Violent Resistance"***
 In three dramatic pre-dawn minutes last weekend, federal agents rescued Elian Gonzalez from an increasingly tense and traumatic situation and sent him on the way to be reunited with his loving father. Though Elian's Miami relatives could have ended this confrontation any time in the previous 15 days simply by obeying the law, they are now denouncing Attorney General Janet Reno for having sent armed agents to retrieve the boy. But the agents were right to come prepared for violent resistance. [Editorial, Denver Post, 4/25/00]

- **Fort Worth Star-Telegram: *Tom Delay “disgraced himself”***
 DeLay in particular disgraced himself when he erroneously said that the Immigration and Naturalization Service had no warrant when agents entered the house to take the boy. There may have been miscalls in this, the most over-covered story of the year, but to think for one minute that law enforcement officials would forgo the most basic requirement in such an operation is ludicrous. [Editorial, Fort Worth Star-Telegram, 4/25/00]
- **Minneapolis Star Tribune: “*Elían Gonzalez Deserved to be Reunited with His Father*”**
 The great majority of Americans understand that Elían Gonzalez deserved to be reunited with his father as quickly and safely as possible. Reno, with Clinton's support, has done just that. [Editorial, Minneapolis Star Tribune, 4/25/00]
- **Sacramento Bee: *Excessive Force “Claims are Questionable”***
 Yet the action was justified. Attorney General Janet Reno moved only after exhausting efforts to resolve the matter without incident, a full month after a federal judge ordered the Miami relatives to relinquish custody. Now, they claim that federal marshals and immigration agents were unduly aggressive inside the house; but those claims are questionable, and in any case the agents had reason for concern about possible violent resistance. [Editorial, Sacramento Bee, 4/25/00]
- **San Antonio Express-News: *Operation Reunions was “Only Option Left”***
 But in the end, this was the only option left to Attorney General Janet Reno and the federal government. . . . Fortunately, the raid was swift, without shots fired. No one was seriously injured. [Editorial, San Antonio Express-News, 4/24/00]
- **Seattle Times: *Overwhelming Strength to Protect the Boy, the Officers and the Crowd***
 What the raid had going for it was overwhelming strength to protect the boy, the officers and the crowd, and swiftly and safely accomplish the mission. [Editorial, Seattle Times, 4/25/00]
- **Providence Journal-Bulletin: “*U.S. Atty. Gen. Janet Reno Acted Appropriately*”**
 U.S. Atty. Gen. Janet Reno acted appropriately in ordering federal agents to take Elían. Miss Reno was simply enforcing the law. Given the fear that Lazaro Gonzn's great-uncle, and/or other members of the family had guns, and the incendiary atmosphere in Miami's Little Havana, the attorney general had little recourse but to act suddenly and decisively. [Editorial, Providence Journal-Bulletin, 4/24/00]
- **Norfolk Virginian-Pilot: *Raid Maximized Surprise while Minimizing Violence***
 To argue in effect that political policy should override both the rule of law and the sanctity of family is to show far more affinity with tyranny than Attorney General Janet Reno did in maintaining restraint for weeks and making persistent efforts to negotiate a voluntary solution that she clearly preferred over the use of force. Yes, the raid was traumatic and unfortunate. But it was carried off in a way that maximized the element of surprise while minimizing the possibility of violence. [Editorial, Norfolk Virginian-Pilot, 4/24/00]

JUSTICE Q&A

TIMING OF OPERATION

Why did operation have to occur at that particular time? Wasn't there a Saturday to Monday window?

We waited as long as we possibly could, until it became clear that the family would not agree to a peaceful transfer of custody. The operation was timed so as to minimize the chance of a violent confrontation with a crowd that had gathered outside the house.

Mediators and representatives for the relatives say that a deal was close

A deal was not close because the Miami relatives would not agree to transfer immediate custody, which was required by the INS order, and would not agree to meet outside the Miami area, where Juan Miguel believed he would be in danger.

The exact quote from the document said "We understand that you have transferred temporary custody of Elian to his father." The relatives made no commitment to reunite the two.

Negotiations were broken off at 4:00 AM. At that time, mediator Aaron Pothurst knew that the operation was underway. The operation was put on hold for five minutes between 4:21 and 4:26 AM.

NOTE: According to CARLOS SALADRIGAS, the relatives had met the government's terms at 8 o'clock on April 21 that she had indicated to us a day earlier that she thought were reasonable and acceptable. And the family had signed those deals. However, they say that the Attorney General made significant last minute changes: One, was that the location of the safe house where the two families were going to meet was changed from Miami, Dade County, to Washington, D.C. And the second one was the length of tenure at the safe house. According the Saladrigas, it was contemplated that the families would be there until the pendency of the appeal, and then that time limit had--that time had been limited to one week. He says the family agreed to both just as agents were coming through the door.

Didn't the President promise not to go in at night?

Senator Graham now says that the President made this commitment as a way to disperse the crowds and provide quiet around the house at night.

MANNER

Didn't the operation put the child at risk?

Every effort was made to guarantee Elian's safety. Unfortunately, the family placed Elian at risk by refusing to agree to a peaceful reunion with his father. Lazaro himself announced that we would have to come into the house and take him.

Weren't the tactics excessive?

Its important to note that while there was a show of force, there was not a great use of force. We had credible reports of guns in the crowd and possibly in the house. The family also had made veiled threats that there would be guns.

In circumstances like this is always better to be cautious. People who go into the house must be appropriately trained, appropriately prepared and appropriately equipped. The operation was completed quickly and safely. Elian is finally enjoying quiet time with his father, stepmother and baby brother.

Agents who went into the house said that they had never encountered the level of resistance they met with at the house. The INS agent who eventually carried Elian out of the house was knocked to the ground on the way in. The family pushed a couch against the door to stop the agents from entering.

According to the Miami Herald, "an hour after the raid, [Lazaro] emerged in his front yard and with a megaphone: *'To everyone who is here, if we would have had weapons, this would not have happened.'*" [Miami Herald, 4/23/00]

What other options were considered, why were they rejected

A full range of options were considered. The Attorney General even considered going to the house herself. However, the crowd outside the house made it clear that they would intervene to prevent Elian from being removed.

From the beginning, our first choice was to have a negotiated peaceful transfer of custody between the Miami relatives and Elian's father. Right up until the last moment, however, the Miami relatives refused to agree to let Juan Miguel go with Elian.

Given the hostile crowd, threats from the Miami relatives and the potential of weapons around or in the house, we believe that we acted in a measured, effective manner. And we believe that the outcome supports this.

Why didn't you move the crowd back as Sen. Specter suggested?

I respect Senator Specter's experience, but it is doubtful whether this would make any difference at all in the outcome of the operation. While most of the crowd merely was exercising its right to demonstrate peacefully, there were elements in the crowd that

promised to go to any lengths necessary to stop us from carrying out our lawful order to reunite Elian and his father.

As the Miami relatives repeatedly reminded us, at some point we would have to confront this crowd. And community leaders bragged that they could assemble a crowd of 15,000. In part because of the timing and execution of the operation, the incidents were not more serious.

The Miami Police placed barricades 100 feet from the house. Miami Lt. William Schwartz said the distance reflects the department's trust that the community will demonstrate peacefully. [Miami Herald, 4/22/00]

Were there really guns in home? Sen. Mack says that the Miami police concluded on Friday that there were not?

We did have reports of persons with guns not only inside the house, but also around the house. In these circumstances, it is better to be cautious.

What warning was given? Was the warrant presented to the family?

For security reasons, neither the family nor the negotiators were told a raid was underway. The deadline of 4:00 AM came and went without an agreement.

At 4:21 the Attorney General told Podhurst that the relatives had only five minutes to reach a settlement. The operation was on hold during this period. At 5:00 AM, Reno told Podhurst to make Elian available immediately. At 5:15 AM agents knocked at the door and announced that they had a warrant and that they were there to recover Elian.

LEGAL ISSUES

11th Circuit says Elian has the right to apply for asylum?

In granting an order for Elian to remain in the United States, the Court of Appeals cited this as one possible outcome. Holding that a six-year old child understands and can prevail in an asylum request against the wishes of his father is a novel reading of the law that was already rejected by the Federal District Court and the INS in its administrative proceeding. The parties involved will have a chance to make their case in front of the federal appeals court next month.

Hasn't the government lost in court every time?

No. In fact, three key court decisions have gone in favor of the INS and the Justice Department. The Miami relatives were the ones acting without any legal authorization in holding Elian.

On March 21, the federal district court had dismissed the family's lawsuit challenging the INS commissioner's January 5th ruling.

On April 13th, a Miami-Dade family court judge ruled against the family in holding that the state court has no jurisdiction.

And the federal appeals court declined to issue an order allowing Elian to remain with the Miami relatives after the INS removed parole on April 13. The federal court did rule that Elian must stay in the country for the duration of the appeal, which Elian and his father have agreed to do.

Specifically, what law was the family breaking?

The family was holding Elian in violation of a lawful INS order issued on April 12th to reunite him with his father. The family had lost its legal attempts to prolong their custody and the INS and Justice Department had made repeated requests and engaged in prolonged negotiations to peacefully reunite Elian and his father. On April 21, the INS received a search warrant from a federal magistrate allowing them to remove Elian from the house pursuant to Federal Rule of Criminal Procedure 41(b), which allows warrants to be issued for persons who are "illegally detained."

Shouldn't Elian have independent legal representation since he has been arrested and his interests may be significantly different than his father's?

What forum will decide what is in the best interest of Elian

FUTURE

When can Lazaro & Marisleysis see Elian

This will be determined by the family and the psychologists who are advising them.

What is U.S. doing to protect Elian when he returns to Cuba?

Officials from the State Department met with representatives of the Cuban Interests Section April 25 in Washington and voiced concern on how Elian would be treated in the event he returns to Cuba. We will continue to discuss with Cuban officials Elian's treatment should he return to Cuba. [per NSC Guidance 4/26/00]

Will Juan Gonzalez testify at a hearing

CONTROL

Was the President informed? When?

Did he mention a commitment to Sen. Graham not to enter the house at night.

Was the Attorney General really calling the shots in the negotiations

NOTE: Saldrigas claims that he believes that someone else was calling the shots: " I am not about to speculate, but clearly, our feeling was, at the end of the whole process, that the attorney general was not a decision-maker in this process, that someone else was."

What role did Greg Craig play in the negotiations?

Because a peaceful reunion required complete agreement between Juan Miguel Gonzalez, the Miami relatives and the government, Juan Miguel's attorney was kept apprised of the status of negotiations.

FRINGE

Faked photos?

Elian drugged?

Cuban psychiatrists treating Elian

What was Fidel Castro's role in the operation? He certainly seems happy now.

Jack-Booted Thugs:

Q Let me follow up, if I may, Joe. Has the President expressed any second thoughts about the perception of the raid, about the pictures that were shown?

MR. LOCKHART: The President has not. The President believes that they did this having no other alternative and having the intransigent position of the Miami relatives as something that was clear that this was the only alternative for reuniting the boy with his father. It was done in an appropriate way; it was done safely, there was no one hurt; the boy has been reunited with the father.

And I think everyone has got to take a deep breath on -- **you know, there are a lot of wild claims being made right now. And I think with time, people will be able to separate fact from fiction. I think everyone has a responsibility to try to report and separate fact from fiction. I think people who are saying things now are clearly, by their own comments, undermining their own credibility.**

Just a sample from yesterday: there are a number of prominent Republicans who have come out and just made what I have to view as wild statements, wildly inaccurate. Tom DeLay went on television yesterday and said that there was no warrant in this case, that they didn't get a search warrant. It's factually not true and easily knowable -- if you're not trying to play politics. He made the claim that somehow the father hadn't seen the boy in three years -- and joining in a chorus from some anonymous people from Florida making the case that somehow he wasn't fit. Well, the INS made a judgment on this based on interviews and based on real information. That's not true. And I think Congressman DeLay knows it's not true.

The family made the absolute absurd argument that somehow the photos that were released on Saturday were doctored, that it wasn't really the boy. So I think we have a responsibility here, everyone does -- everyone involved here -- to put out the facts and try to separate the fact from the fiction, from the overheated and impassioned rhetoric; and from, frankly, those who very clearly have decided that there are some politics to be played here, some perceived political gain and they're going to play it.

[WH Briefing, 4/24]


Michael K. Gehrke

04/25/2000 08:22:44 AM

Record Type: Record

To: "Florman, Carole" <Carole.Florman@usdoj.gov>

cc:

Subject: Re: taking points 

Thanks. Here is one of the statements we discussed on the phone. I'll work on getting a tape.

MICHEL MCQUEEN, ABC: "So now that the court has ruled in fact that the child is not going to leave the country, will not be allowed to leave the country, until all his asylum questions have been settled, is Mr. Lazaro Gonzalez now prepared to welcome Juan Miguel into his home? Is he issuing that invitation right now to meet with his son."

LINDA OSBERG-BRAUN: "He issues that invitation and he also requests to meet with him anywhere, not just at his home. The most important thing is, is that the families get together. And it's significant that the court encouraged mediation and refrained from ordering Lazaro to take any action." [ABC Nightline4/19/00]

also . . . later in the program

LINDA OSBERG-BRAUN: They want to meet immediately under any circumstances without conditions. [ABC Nightline4/19/00]

Full transcript attached



nl000419_trans.ht

Michael K. Gehrke

04/25/2000 12:05:03 PM

Record Type: Record

To: Elizabeth E. Baylor/WHO/EOP@EOP

cc:

Subject: Editorials

Though the raid on Lazaro Gonzalez's Miami house is being criticized, there is no dispute about the professional skill with which it was carried out - successfully and speedily. Nor is there disagreement that it followed legal form, including a search warrant. [Baltimore Sun]

A few miles from his temporary home at Andrews Air Force Base, Senator Bob Smith of New Hampshire, Representative Tom DeLay of Texas, both Republicans, and the relatives were treating the raid to return Elian as though it were a Nazi SS operation. Yet federal agents had a warrant, were enforcing US law, and entered the house with the proper force to ensure minimal resistance and injury. It was a model of efficient law enforcement, guided by due process. The raid was necessary because the Gonzalez relatives in Miami, refusing to return the boy, made him into a symbol of resistance to Fidel Castro. Elian printed his name on an application for asylum and was put in front of a video camera to say that he did not want to go back to Cuba. The relatives treated the boy like a political prop. [Boston Globe, 4/25/00]

Politicians need to settle down, too, and start exercising some real leadership. Unfortunately, this isn't happening. U.S. House Majority Whip Tom DeLay of Texas has gone so far as to accuse the federal government of conducting the Saturday morning raid without court authorization. In fact, federal agents had a warrant and were operating completely within the law. DeLay's comment was negligent at best. At worst, it contained carefully calculated disinformation made for political gain.

U.S. Rep. Lincoln Diaz-Balart, R-Miami, has made statements bordering on the irrational. Soon after a photo of a smiling Elian in his father's arms appeared in newspapers and on TV, people were insisting it was a fake. Then they began claiming Elian looked so joyful because he had been drugged and brainwashed, an idea endorsed by Diaz-Balart. [Ft Lauderdale Sun-Sentinel 4/25/00]

Reasonable people can differ on precisely how the government should have

restored the 6-year-old Cuban boy to his father--who by every legal precedent has the right to custody of his son and full authority to make decisions about the boy's future. But the gross overreaction of many important Republicans suggests terrible judgment, out-of-control hatred of Bill Clinton, or shameless pandering to their most right-wing supporters--if not all three.

No one welcomed the events that occurred early Saturday morning, with armed federal marshals in riot gear bursting into the house to snatch the boy. But the alternative was to permit the indefinite perpetuation of the travesty wrought by the relatives and their supporters in the Cuban-American community. Imagine a Cuban-American child being held for months against his only parent's wishes in the Cuban government's office in Washington, and it's safe to assume that Lott and DeLay would not be so horrified by firm tactics. [Chicago Tribune, 4/25/00]

Michael K. Gehrke

04/26/2000 01:08:39 PM

Record Type: Record

To: Richard L. Siewert/WHO/EOP@EOP, Joel Johnson/WHO/EOP@EOP, James E. Kennedy/WHO/EOP@EOP

cc:

Subject: INS Agents story

First write I've seen off AP today - -

Meantime, one of the eight Border Patrol agents who entered Lazaro's house Saturday morning as part of the "high-risk team" to retrieve Elian told Immigration and Naturalization Service officials he "had never encountered this much resistance," INS spokeswoman Maria Cardona said today.

"The agents said the crowd around the house was extremely aggressive and hostile," Cardona reported. "The female agent, Betty Mills, was pushed to the ground on the way in."

As the agents approached the door, several people formed a human chain and had to be pushed aside. The agents identified themselves and asked for cooperation, "but they did not get it despite the family's promise to just open the door peacefully if we came to get Elian," Cardona said.

"There was a couch pushed against the door, so the agents had to breach the door to get inside. Inside all the while, family members and supporters were screaming at the agents."

Cardona said the agent pictured holding up an automatic weapon as he encountered a terrified Elian in the arms of supporter Donato Dalrymple had the safety lock turned on. "He made a specific decision to keep the safety lock on because he feared he would encounter a physical struggle and didn't want the gun to go off accidentally," Cardona said.

Michael K. Gehrke

04/26/2000 04:55:13 PM

Record Type: Record

To: "Florman, Carole" <Carole.Florman@usdoj.gov> @ inet

cc:

Subject: Sen. Graham promise

This is what Sen. Graham says:

I met in the Oval Office with the president and with John Podesta. I had two concerns relative to the Elian case. I discussed one of them, which is the issue of whether--why we weren't concerned about the treatment of this boy should he be returned to Cuba.

But the first point I asked--raised, which came from community members who said that there is a level of tension and anxiety being imposed on this situation as a result of the fact that nobody can go to bed at night, because there's no assurance that the child won't be taken in the middle of the night. Therefore the family has to stay up all night--the child's staying up all night.

It happened that this was at a time when Marisleyxis was in the hospital for a nervous breakdown or other circumstances related to that and you had all these community people standing guard around the house day and night. And it would be very constructive if the federal government would make a commitment that it would not take the child at night.

And I said, Mr. President, could you commit that this administration would not take this child at night? And he turned to Mr. Podesta and said, We can do that. [Press Conference Transcript, 4/25/00]

This discussion would have occurred 4/8-11. We have not been able to find any instances where the Senator mentioned this promise to anyone else, especially the crowd that continued to gather outside the house . . .

FACT SHEET

4/22/00

OPERATION REUNION

The Reunification of Elian Gonzalez With His Father, Juan Miguel Gonzalez

Operation Reunion was the tactical enforcement operation that safely reunited six-year-old Elian Gonzalez with his father Juan Miguel Gonzalez. A total of 131 agents of the U.S. Immigration and Naturalization Service (INS) conducted the operation in Miami during the early morning hours of April 22. Approximately 20 U.S. Marshals assisted INS in the operation. Local police provided traffic and crowd control.

The first and primary objective of Operation Reunion was to safely, and with as little trauma to the child as possible, remove Elian Gonzalez from the Miami home of his great-uncle Lazaro Gonzalez. The operation came after the government had made repeated attempts to reach a cooperative agreement with Elian's Miami relatives for the child's return to his father. In addition, after INS had revoked Lazaro's custodial care of Elian on April 13, , Lazaro had refused to comply with a lawful order to return Elian to his father.

Other mission objectives were to ensure officer safety and the safety of the public, minimize the risk of civil interference with the operation, verify the well being of Elian and deliver him to the custody of his father in Washington, D.C.

Attorney General Janet Reno, in consultation with INS Commissioner Doris Meissner ordered the execution of Operation Reunion after a final attempt to negotiate the voluntary return of Elian was unsuccessful. The operation, which was planned over a period of several weeks, used several teams of INS agents supported by U.S. Marshals to control the volatile environment surrounding the Lazaro Gonzalez residence. Among them were:

Surveillance and Counter-Surveillance Teams - These teams, with eight INS agents, established continuous observation to assess the situation at the site, observe response to operational activities, identify counter-surveillance efforts and provide early warning regarding changes in the tactical and security situation.

Security Team - This 53-person team established outer and inner security perimeters at the Gonzalez house and the surrounding area to minimize the risk of interference from outside sources and to ensure officer safety.

-more-

Operation ReunionPage 2

High-Risk Entry Team - A highly trained and specialized component of the Border Patrol Tactical Unit (BORTAC), the eight agents of this team were on scene to conduct, if needed, a tactical entry and to ensure Elian's safety and officer safety during entry and exit from the operational site.

Recovery Team - The two INS agents who entered the home and regained custody of Elian Gonzalez.

Reception Team - This three-person team was responsible for examining Elian Gonzalez following the recovery to insure his fitness for travel. In addition to an INS officer, the team was composed of a flight surgeon and a psychiatrist, both of whom are fluent in Spanish.

Other teams in the operation, with 47 INS agents, were involved in ground transport and escort, route security, air and marine transport and landing zone security.

U.S. Attorney Tom Scott, INS Miami District Director Robert Wallis and Miami U.S. Marshal James Tassone monitored the operation in Miami. INS Miami Assistant District Director for Investigations James Goldman was the on-scene commander for the operation.

-INS-

U.S. DEPARTMENT OF JUSTICE OFFICE OF PUBLIC AFFAIRS

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OF: _____
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Talking Points on Elian Gonzalez
Sunday, April 23, 2000

Main Talking Points

- Since January, the government has had the authority to reunite Elian Gonzalez with his father. But, instead of choosing the law enforcement option, Attorney General Reno went to great lengths to work out a cooperative resolution.
- The Miami relatives have been in violation of a lawful federal order -- and for more than a week they did not have the legal authority to hold Elian. Nonetheless, we insisted that they voluntarily transfer Elian to his father -- they refused. It was entirely up in the relatives's hands as to how we would proceed.
- We turned to the law enforcement option only as a last resort. And that operation, which was conducted pursuant to a federal magistrate's warrant, was carried out in a way to ensure the well-being of Elian and the safety of the law enforcement officers and others.
- We are so pleased that Elian is safe and back by his father's side.

Our Efforts to Resolve the Matter Voluntarily

[See attached, "Moving the Goal Posts"]

- The Attorney General took extraordinary steps to try and reach a negotiated resolution with the Miami relatives. Since January 5, when the INS found that only the father could speak for his son, the government could have acted to reunite the child -- but instead it chose to work toward a voluntary transfer.
- For the past four months, the Miami relatives repeatedly failed to provide assurances that they would hand over the child voluntarily to his father. They said they would reunite the boy if the father came, but when he arrived in the U.S., they did not transfer Elian. They said they just wanted a day in family court, but the court turned them away. They said they wanted us to set up a meeting with the father, so we did -- and they didn't show.
- On Thursday, April 14, when Lazaro Gonzalez failed to bring Elian Gonzalez to the Opa-Locka airport to be transferred to his father's care, his legal authority to continue caring for Elian in his house was terminated.
- Since that date (9 days until the enforcement action) Lazaro Gonzalez had been holding the child without any legal authority to do so. He and his counsel were notified in writing that they were in violation of law. Repeated attempts were made to try and reach a negotiated resolution.

- The action was in no way precipitous -- it came after many clear statements that we were prepared to take enforcement action if a cooperative settlement could not be reached. The relatives had 4 months to reach a settlement, but they chose not to do so. So, after those long months, many broken promises and no further hope of a cooperative resolution, the Attorney General took action to reunite Elian with his father.
- The child psychologist and psychiatrists we consulted, federal district court judge Michael Moore, and common sense all tell us that the longer Elian was kept from his father, the more difficult it would be for this child to readjust to his normal life.
- If you go back just 72 hours, you will find most people expressing criticism of the Attorney General for not acting to enforce the law. But she was reluctant because the Attorney General understood – perhaps more than anyone – that a law enforcement option was the least preferable option.

Negotiations on the Final Night

- The Attorney General worked through Friday night and into Saturday morning to find a cooperative solution. At about 4:00 AM, after consulting her advisors, the Attorney General informed the intermediaries that she was sorry the relatives were unable to reach an agreement and that they had run out of time.
- After the Attorney General gave a green light to law enforcement to proceed, an intermediary called back at 4:21 asking to try one more time. Although the operation was already in motion, the Attorney General nonetheless tried to accommodate even this last minute effort. But the Attorney General, in no uncertain terms, told them they had only 5 minutes to agree to an immediate transfer.
- After the 5 minutes elapsed, and the law enforcement agents were on their way toward the house, the Attorney General continued to listen to see if there was any chance that they would turn over the child immediately. She repeatedly stated, however, that they had run out of time -- and that at that point the only thing they could do was to agree to allow the Marshals to pick up the child and the family immediately. That agreement never came. Ultimately, the agents – who had been the given the green light – proceeded with their operation.
- The fact that this Attorney General was negotiating up to the very last minute -- even after she had made clear that time was up -- is a testament to how determined she was to find a peaceful resolution.

The Operation

- The Miami relatives have been in violation of a lawful federal order -- and for more than a week they did not have the legal authority to hold Elian. We insisted that they voluntarily transfer Elian to his father -- but they refused. It was entirely in the relatives's hands to determine whether this would be ended by force or cooperative transfer. It is unfortunate they did not want to resolve this in the least disruptive manner.
- We turned to the law enforcement option only as a last resort. And that operation, which was conducted pursuant to a federal magistrate's warrant, was carried out in a way to ensure the well-being of Elian and the safety of the law enforcement officers.
- The operation was carried out professionally and appropriately -- it was quick, no one in the house was injured, and Elian was rescued.

Show of Force

- Our paramount concern was the well-being of Elian and the safety of the agents. That is why we proceeded in the manner we did.
- Once we decided that negotiations were not working, we turned to law enforcement on the ground to develop the most appropriate plan. The law enforcement agents did not want to go in unarmed. And we could not send them in unarmed, when we did not know what they would find inside the home or in the crowd outside.
- While there was a great show of force, there was not a great use of force. By showing the force they did, the agents were able to force anyone who was thinking about resisting to think twice before doing so.
- If the agents were inside were not armed and any of them were injured, people would be demanding to know why they were not armed.
- Our worst fear was that the relatives would delay handing over the child in the house, several more minutes would elapse, the crowd would grow, the agents would eventually get the child into the van, the van would be blocked by protesters, and the protesters would start breaking the windows and harming the passengers, including Elian.

No notice

- The officers at the door followed proper procedure notwithstanding the resistance they encountered outside the door. They knocked three times, announced that they were federal officers executing a judicial warrant, and demanded that the door be opened immediately. They waited, and then knocked three times again. This time they waited

for a longer period, but the door was not opened. At that point, the operational commander ordered that the door be breached.

- The Miami relatives said they were awake when the agents came to the door. If true, they should have had more than enough time to answer the door. Not doing so was their choice. Once they made that choice, operational safety required the door be breached.

In the middle of the night

- The law enforcement officers executing the plan felt that we could not carry out the operation any later than we did. There crowd would have been larger, the occupants would have been better able to resist, and the streets would have been filled with more traffic.

Legal Authority for the Operation

- The federal agents who went to the house were executing a judicial warrant. The warrant had been obtained from a federal magistrate judge on Friday evening, and gave authority to enter the house, by force if necessary, and recover Elian. The authority to recover Elian was based on Rule 41(b)(4) of the Federal Rules of Criminal Procedure. That rule provides warrant authority to recover a person who has been unlawfully restrained.
- After the INS made its decision in January, the government had the authority to retrieve the child and return him to Cuba. And the District Court agreed with the government, saying the Attorney General had the right to determine who spoke for the child. At no time has any court barred the government from acting. Indeed, even the Court of Appeals did not bar the government from acting. All it did was prevent the child from leaving the country. Yet even that ruling was apparently not enough assurance for Lazaro to turn the child over to his father.

Law Enforcement's Concerns

- On the day before the enforcement action, Marisleysis Gonzalez made statements that added to the concerns of law enforcement that there might be weapons either inside the Gonzalez house or in the possession of individuals around the house. She said that if federal officials came to get Elian they should know that there are "more than cameras" in Lazaro's house, and that she could not control the crowds around the house.
- The night after the Attorney General tried to personally broker a deal, Lazaro rejected her offer and even said the federal government is going to have to take Elian by force.
- Indeed, federal officers encountered resistance from protesters immediately upon their arrival. Protesters at the door scuffled with the officers, and tried to use a rope to obstruct their entry. Rocks and bottles and furniture were thrown at officers and some in the

crowd tried to jump the barricades.

The Picture with the Gun

- The picture demonstrates the very reason why we spent five months to try to resolve the matter cooperatively. We repeatedly offered the relatives to resolve the matter in a way that was least disruptive to Elian.
- But if you look at the picture, you will see a man holding the weapon away from Elian, the barrel pointed down, and his finger off the trigger.
- It's an unfortunate incident, but I think the more telling pictures are the ones of Elian with his father. That's what this case has been all about.

Elian's Future

- Elian is doing very well. The agent who recovered him from the house accompanied him during the helicopter flight to Homestead, and the plane flight to Andrews AFB. There was also a surgeon and a child psychologist, as well as food and toys, and Elian was able to talk to his father by cell phone.
- Elian was not only in good spirits, but in fact quite enthusiastic regarding the helicopter ride. On the plane he played with toys, talked to his father, and slept on Agent Mills' lap.
- He is now with his father where I understand he is playing happily with his brother.

National

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April 24, 2000

CHRONOLOGY

Key Dates in the Elián González Case

By THE ASSOCIATED PRESS

Click on the dates to view additional coverage.

Nov. 22, 1999 -- Elian and 13 others leave Cuba for the United States aboard a 16-foot motor boat.

Nov. 23, 1999 -- The boat capsizes.

Nov. 25, 1999 -- Two passengers come ashore; Elian is rescued at sea.

Nov. 26, 1999 -- Elian leaves the hospital; is released to great-uncle Lazaro Gonzalez under a temporary custody arrangement granted by the Immigration and Naturalization Service.

Nov. 27, 1999 -- Juan Miguel Gonzalez demands his son's return to Cuba.

Dec. 10, 1999 -- Lazaro Gonzalez applies for asylum for Elian.

Dec. 31, 1999 -- INS officials interview Juan Miguel Gonzalez in Havana.

Jan. 5, 2000 -- INS Commissioner Doris Meissner decides Elian "belongs with his father" and must be returned to Cuba by Jan. 14. Attorneys for the Florida relatives ask Attorney General Janet Reno to reconsider.

Jan. 7, 2000 -- Lazaro Gonzalez files a petition for temporary custody in state court.

Jan. 12, 2000 -- Reno upholds the father's right to custody of Elian.

Jan. 19, 2000 -- Lazaro Gonzalez files federal lawsuit challenging INS ruling.

Jan. 21, 2000 -- Elian's grandmothers arrive in New York from Cuba.

Jan. 26, 2000 -- The grandmothers meet with Elian in Miami.

Jan. 28, 2000 -- U.S. lawyers seek dismissal of the federal lawsuit.

March 21, 2000 -- U.S. District Judge K. Michael Moore dismisses the lawsuit, a ruling appealed to federal appeals court in Atlanta.

April 3, 2000 -- The State Department approves visas for Elian's father and others.

April 6, 2000 -- Juan Miguel Gonzalez leaves Cuba for the United States.

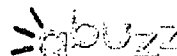
April 12, 2000 -- Reno meets with the Florida relatives; orders them to surrender Elian.

April 13, 2000 -- The relatives defy the order; obtain a court order that keeps Elian in the United States. A Miami family court judge rules she has no jurisdiction on custody.

April 19, 2000 -- The Federal appeals court extends the court order until a hearing in May.

April 22, 2000 -- Negotiations between the two sides fail. Federal agents seize Elian in Miami in a pre-dawn raid; Elian is reunited with his father in Washington. More than 350 people are arrested during subsequent unrest and demonstrations in Miami's Little Havana neighborhood.

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Moving the Goal Posts

Over the past 5 months, the Attorney General went to extraordinary lengths to try to resolve the matter peacefully and cooperatively. She engaged in extensive negotiations over many weeks, and twelve straight hours of negotiations on the eve of the enforcement action. She demonstrated incredible restraint despite the Miami relatives' failure to comply with a lawful order, and public criticism that she had been too accommodating.

Defiance of INS and DOJ Decisions

- On January 5, 2000, INS Commissioner Doris Meissner determined that Elian's father, Juan Miguel Gonzalez, speaks for Elian. So the Commissioner rejected the asylum applications purportedly filed on Elian's behalf, and called upon the Miami relatives to work together with the father toward a speedy reunion of father and son. The relatives refused to cooperate.
- In the face of political pressure to keep the child in the U.S., the relatives claimed that Juan Miguel Gonzalez did not truly wish to be reunited with his son, and that he was merely acting as an instrument of Castro. The relatives proclaimed, however, that they would gladly reunite Elian with his father if the father came to the U.S. The father later came to the U.S., but the relatives still did not return Elian.
- The Miami relatives then filed an action in the Miami-Dade Family Court for temporary custody of Elian, and asked the Attorney General to overturn the Commissioner's January 5 decision. The Attorney General declared that Elian's care arrangements were a matter of federal immigration law, and on January 12 upheld the Commissioner's decision. She then appealed to the Miami relatives to cooperate in turning Elian over to his family. Again, the relatives refused to cooperate.

Refusal to Cooperate in Peaceful Transfer

- Although the government could have acted to effectuate the January 5 and January 12 decisions, the government allowed the relatives to file suit in federal court. The relatives did so, but the district court dismissed their suit on March 21. The court made it clear that the INS has the authority to decide who speaks for the child.
- The relatives appealed the decision to the Eleventh Circuit, but did not seek or obtain an injunction pending appeal. The government remained free to act on its decision, but still did not.

- After the district court dismissed the Miami relatives' lawsuit, and before the father came to the U.S., the government sought a simple assurance that the relatives would turn Elian over peacefully if the appeal were unsuccessful. In return, the government offered to forego enforcement of the January 5 decision and continue the relatives' care arrangement for the duration of their appeal (assuming Juan Miguel Gonzalez did not come to the United States). The relatives refused to give even this basic assurance.
- Thereafter, the Justice Department participated in several long days of negotiations with Lazaro Gonzalez and his lawyers concerning this proposal. In the end, however, the Miami relatives proved unwilling to consider peaceful and cooperative means to transfer Elian to his father, and instead insisted on rehashing the issue of *whether* Elian should be transferred.

Refusal to Transfer Elian to Juan After His Arrival

- The Miami relatives again demonstrated their inflexibility in the days following the arrival of the father in the U.S. Three days after the arrival, Lazaro Gonzalez sent a letter to the Attorney General, criticizing her for "the time you have taken to meet with the Cuban members of the family" and accusing her of having "steadfastly refused to meet with any members of our American family and our counsel." The Department responded the same day, reminding Lazaro Gonzalez 1) that the Attorney General had met with his counsel in January, 2) that she had set up a meeting in Washington with Lazaro in February, but his lawyers then canceled that meeting on the eve of its scheduled date, 3) that he had never responded to the Department's subsequent offer (in writing) to reschedule the meeting, but 4) that the Attorney General remained willing to meet with him.

meeting w/ AG
- On Tuesday, April 11, Senator Toricelli attempted to broker a deal that would have ensured the transfer of Elian to his father, following a meeting among the family members. Although it was represented to the government that the relatives had agreed to this, Lazaro ultimately refused. The following Sunday, on *Face the Nation*, Torricelli said "I don't think Lazaro...is capable at this point of reaching an accommodation. I think that the pressure under which he is operating and the direction that...is coming from the people surrounding his home, has made it impossible for him to really reach any accord....Largely the arrangements that we had reached [met] all the objective that Lazaro...had claimed he needed. But then when it came time to implement it, he was not in accord."
- On Wednesday, April 12, the Department received indications through one of Lazaro's lawyers that the Miami relatives might be willing to meet with the Attorney General in Miami. As a result, the Attorney General took the extraordinary step of flying to Miami - with the INS Commissioner -- for a meeting with the Miami relatives later that night.

meet w/ AG

- *meet w/ father* Prior to the meeting, and in part due to the negotiations the previous evening, the Miami relatives' indicated that a peaceful transfer of Elian to his father might still be possible if the Miami relatives could first have a private meeting with the father. So before arriving in Miami, the government identified a private retreat in the Washington area to be used for a meeting and received the father's agreement to participate in such a meeting, if it were followed by the transfer of Elian to him. The Attorney General then met for two hours with the Miami relatives, listened to the family and then outlined her proposal, namely that a government airplane was available to fly the family and Elian the following day, at no expense to them, to Washington for a meeting with the father. Rather than having law enforcement agents remove the child right then and there, the Attorney General gave the family the chance to indicate whether it was willing to agree to the proposal later that evening.
- Within two hours after the meeting concluded, Lazaro Gonzalez delivered a remarkable response. Appearing before television cameras and a crowd of supporters, Lazaro Gonzalez declared "there are no negotiations with Miss Reno ... the position of the Gonzalez's is not to return this child ... they will have to pick up the child here by force." He concluded by saying: "We are people who have always respected the law But, simply, there are traitors upon whose shoulders responsibility will fall for what happens to this child." As a further -- and deeply disturbing -- response to the meeting, Lazaro's family then orchestrated the filming of a video of Elian, which they later released for broadcast on national television.
- On the same evening, the Department sent a letter to Lazaro Gonzalez reiterating that a plane would be ready at a Miami airport at 2 p.m. the following day to take him, his family, and Elian to Washington for the proposed meeting with Elian's father. The letter also stated that, if the family decided not to attend the meeting, it was nonetheless obliged to present Elian at the Miami airport at 2 p.m. so that he could be flown to Washington, D.C. and reunited with his father. At noon the following day, notwithstanding Lazaro Gonzalez's provocative remarks of the previous evening, the Attorney General and Commissioner held a press conference in Miami, making clear that the offer of government transportation to a private family meeting in Washington remained open and urging the family to avail themselves of this opportunity. The relatives did not comply with the 2 p.m. deadline. At that time, the relatives were in non-compliance with a lawful federal order.
- On April 14, 2000, INS wrote to Lazaro to make it clear that, having lost his state court case and having failed to comply with the INS's parole conditions, he had no legal authority to continue to exercise physical control over Elian.

- On April 16, 2000, on nationally televised morning programs, Lazaro Gonzalez's attorneys declared that they do not believe the Attorney General has any authority to direct a transfer of parole, that there is nothing improper in Lazaro Gonzalez's continued exercise of control over Elian even after the INS has revoked his parole into Lazaro's care, and that if the court granted an injunction in favor of the government, Lazaro might well defy it. More specifically, on NBC News' "Meet the Press," the following exchange occurred with one of Lazaro Gonzalez's lawyers:

Q: "Jose Garcia Pedrosa, you represent the family in Miami who is keeping Elian. Thursday at 2:00 p.m., sir, the custody order expired. Elian was supposed to be turned over, transferred to his father. Why doesn't the family obey the law?"

A: "There is no law Mr. Russert. Every time the attorney general says that she has to follow the law and apply the law, I think there's a serious misstatement being put out to the American people. The truth of the matter is that there is no law that says that this child has to be with his father or be returned to Cuba, and there is no court ruling to that effect.

Last-Minute Discussions and the Enforcement Action

- With Lazaro in open defiance of a federal administrative order, the Attorney General gave orders to law enforcement officials to prepare an operational plan to recover Elian. The U.S. Attorney's Office obtained a judicial warrant on Friday, April 21, based on Lazaro's unlawful restraint of Elian. Federal officers prepared to enforce that warrant in the early morning hours of Saturday, April 22.
- Even at this late date, the Attorney General remained open to the possibility of a cooperative resolution. Indeed, she personally negotiated through the night, into Saturday morning, to forestall a law enforcement action.
- In the discussions, the Attorney General was attempting to broker a last-ditch transfer arrangement that would be acceptable to both Juan Miguel Gonzalez and Elian's Miami relatives. Agreement broke down over whether there would be an immediate transfer of Elian to his father, and over the length and site of the transitional arrangements. From the beginning, and in accordance with law, cooperative and immediate transfer of Elian to his father had been a basic requirement for any agreement.
- After many hours of nearly continuous telephone discussions, the Attorney General made it clear to both parties that the time for discussions was running out. At around 4:00 a.m. on Saturday, April 22, she determined that further progress was not possible, gave notice to the relatives that the time for negotiation had come to an end, and terminated the conversations. She then ordered commencement of the enforcement operation.

After the Attorney General broke off negotiations, the intermediaries called the Attorney General back on behalf of the Miami relatives. The Attorney General temporarily stayed deployment of the operation, but made it clear that an answer would have to be had within 5 minutes on the relatives' willingness to transfer custody of Elian that morning. The answer was not forthcoming, and the operation went forward, with command decisions having been delegated to the operational commanders on the scene.

Essential Survey**Would you like telemarketers to stop calling you at home?** Yes No

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NEWS*Published Monday, April 24, 2000, in the Miami Herald***Last deadline was ignored, lawyer says****BY RONNIE GREENE**
rgreene@herald.com

Attorney General Janet Reno told lawyer Aaron Podhurst at 3 a.m. Saturday that he had until 4 a.m. to get Elian Gonzalez's Miami relatives to agree to turn over the boy to his father at a location outside Florida.

But after months in which Reno had set one deadline after another without enforcing them, the Miami relatives' lawyers didn't realize how serious Reno was. They didn't even wake Elian's great-uncle Lazaro to discuss the situation until the deadline had passed.

"We're running out of time," Reno said, Podhurst recounted Sunday. "She said, 'I need an answer at 4 o'clock.'"

When 4 a.m. came and went without a firm answer from the Little Havana home, Reno polled her advisors and authorized the raid.

Podhurst, who had been serving as the go between from his Miami Lakes home, had Reno on one phone line and family lawyer Manny Diaz on another, when at 5:15 a.m. federal agents stormed the house.

"Manny Diaz says, 'Oh my God, Aaron, it's the marshals,'" Podhurst said. "His line went dead. I saw this horrible thing on TV. I was shocked. I hit the hold button, and the attorney general was still there."

In the end, the frenzied and fragile negotiations to unite the boy and his father without force fell apart amid missed deadlines and missed opportunities, a reconstruction of the last hours of negotiations shows.

Podhurst, who said he was not an advocate for either side, said Sunday that he believed lawyers for the family were acting in good faith and were working toward a workable reunion of father and son.

"I think our government made a mistake, because we had on our hands a peaceful turnover," said Podhurst, who entered the negotiations only last Thursday when Miami civic leaders asked him to try to mediate a settlement.

But his view was not shared in Washington, where officials said a proposal the Miami relatives had faxed to Reno on Friday afternoon discussing a Miami reunion was far from convincing.

The proposal failed to state simply that the Miami relatives would transfer custody of Elian to his father, Carole Florman, Reno's spokeswoman, said Sunday. Instead, it read: "We understand that you have transferred temporary custody of Elian to his father. Elian and all members of the Gonzalez family would remain in residence at the [meeting] site until the

ELIAN SAGA

Chuck Fadely

THINKS U.S. WAS WRONG: Attorney Aaron Podhurst

- Top Republicans demand hearings on federal raid
- South Florida looks to heal
- Miami relatives demand to see boy, request inquiry
- Father and son reported quietly bonding at base
- U.S.: At least one gun had been seen at house
- INS releases warrant for home raid
- Reunion photo stirs controversy
- An eerie quiet settles over street
- Castro ends 24-hour truce
- Police chief defends actions
- Commission won't back Carollo's plan to fire police chief
- Little cousin's dream strengthens exiles' faith boy will stay in U.S.
- Major U.S. newspapers divided on federal raid
- Elian video plays into fears of youngsters
- Complete coverage: See the sequence of dramatic images by AP's Alan Diaz

SLIDESHOW:**The return of Elian to his father****YOUR OPINION**

Do you think the

remain in residence at the [meeting] site until the resolution of all pending legal proceedings."

Reno "had some very serious problems with it. First and foremost, there's not a commitment in here that the child's custody would be transferred," Florman said.

"We had gone through this drill more than once," Florman said. "We were dealing with people who had not responded to other deadlines and who had not demonstrated a willingness to follow through on statements they made publicly or to us."

Podhurst said Sunday he realized at 3 a.m. that Reno was serious about her demand for a meeting outside of Florida. He strongly urged the Miami relatives' lawyers that they agree.

But the lawyers spent most of the time remaining before the 4 a.m. deadline debating among themselves whether to recommend the out-of-state meeting. The lawyers were not happy. They thought Reno had changed her position, Diaz said.

"Obviously the family was very distraught. They felt this was heavy handed," Diaz said.

Podhurst relayed to Reno that the lawyers were working to convince Lazaro that he should agree to meeting with Elian's father near Washington.

At 4:21 a.m., with Podhurst still trying to work out a deal, and still talking on both lines, Reno gave her final deadline.

"She said, 'You've got five minutes. Not six,' " Podhurst recounted. "I'll never forget 4:21 a.m."

He called the Little Havana house again, again stressing the need to move -- and quickly. But still no firm answer.

THE RAID

At about 5 a.m. -- with the raid by then set in motion -- Podhurst said Reno told him that the family had to make the boy available immediately. At the house, there was more discussion.

Then at 5:15, the raid. Family lawyer Kendall Coffey said the raid interrupted what was a discussion of whether to agree to move the site of the meeting out of Florida.

"As of 5:15 when the door broke down, we were all telling Aaron the same thing: We [the lawyers] agreed to a location out of Florida. We were going to relate that to Lazaro. We were in the process of talking to him. We were just sort of minutes away," Coffey said.

Podhurst said he never suspected a raid was afoot. He said Reno, whom he still respects and considers a friend, for security reasons did not tell him the raid was en route. He and the attorney general spoke for two hours after the raid.

Had he known, Podhurst said, he would have notified the family and advisors so they would not be in harm's way. He said he understands why Reno didn't tell him.

"She said it was the longest 10 minutes of her life," he said. "She said, 'I tried as hard as I could. I ran out of time.'"

Do you think the government's raid on the Gonzalez's Miami home was handled properly? Vote in our poll

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- Elian is seized (NBC6)
- Elian is seized: A different view (AP)
- Elian's relatives talk about the raid (AP)
- Donato Dalrymple talks about the seizure (AP)

The city of Miami has opened a rumor control hotline to deal with concerns and questions about the seizure of Elian Gonzalez. The number is 305-579-1800.

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NEWS

Published Monday, April 24, 2000, in the Miami Herald

U.S.: At least one gun had been seen at house

BY DAVID KIDWELL
dkidwell@herald.com

At least one person at the house of Elian Gonzalez's Miami family during Saturday's predawn raid -- a Cuban American National Foundation security chief with a concealed weapons permit -- had been seen frequently at the home with a handgun strapped to his ankle.

Federal authorities point to Mario Blas Miranda, 48, a licensed private investigator and president of Wellington and Knight Security, and fellow members of the family's security team as partial justification for their armed entry.

Miranda, a former Miami police officer who left the force in 1992, has been a constant fixture in and around the house since the controversy began.

Federal officials confirmed Sunday that their "credible reports of weapons inside that house" centered on the comings and goings of Miranda and his team -- not on information that any family members or other visitors had weapons.

As it turned out -- authorities concede -- there were probably no guns inside the house.

The family and its supporters are outraged that the government used guns during the incident.

"We were not armed," Marisleyis Gonzalez said at a press conference in Washington, D.C., Sunday morning. "All we had was God on our side."

The task force outside the home early Saturday focused attention on Miranda, knocking him to the ground, forcing him to spread eagle, and dousing him with pepper spray while pushing a shotgun in his ear.

"I could not think," Miranda said later. "I could not move."

Federal agents did not search Miranda for his weapon Saturday morning. Miranda declined to comment on Sunday.

WEAPONS PERMIT

Miami Police Chief William O'Brien said Miranda weeks earlier "had reached out to our personnel to let us know he was carrying a weapon and that he had a concealed weapons permit."

O'Brien also said other Miami officers who had visited the home reported "no weapons had been seen in the house. But with the number of people going in and out of the house, there was no guarantee.

"It's better from a law enforcement standpoint to err

ELIAN SAGA

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SLIDESHOW:



The return of Elian to his father

YOUR OPINION

- Do you think the government's raid on the Gonzalez's Miami home was handled properly? Vote in our poll

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- Elian is seized (NBC6)
- Elian is seized: A different view (AP)

"It's better from a law enforcement standpoint to err on the side of caution," he said.

Federal authorities say the weapons coming in and out of the house with the private security force were enough to raise doubts about the safety of the operation.

"We had credible intelligence reports that led us to believe there could have been guns inside that house," said Maria Cardona, Immigration and Naturalization Service spokeswoman in Washington. "If you have that information -- even if it doesn't end up being true -- you have to act accordingly.

EXPERTS AGREE

Law enforcement experts agree. They say whether or not guns were in the house -- or who in the house might have them -- is of little consequence, compared to whether police had even a small reason to be concerned.

Cardona confirmed reports from other federal and local law enforcement authorities who said the only reports of weapons inside the house were those weapons carried by security guards on the payroll of the Cuban American National Foundation.

"I can tell you that I have heard those reports from our people in Miami," Cardona said.

Those reports, in addition to at least two other unconfirmed reports of weapons in the neighborhood in the days preceding the raid, helped sway federal agents away from a "soft approach" and toward a use of force that shocked many.

TWO REPORTS

One such report came from a television reporter who said a woman showed her a gun in her purse. Pressed by police, the reporter declined to identify the woman.

The second report centered on a nearby house where police had unspecified and as yet unconfirmed "intelligence reports" that weapons were being stockpiled. No police ever saw weapons coming or going from the home, and no warrant was ever obtained to search the house.

The day before the raid, immigration officers arrested two residents of that home on unrelated immigration warrants. No one was at the house Sunday afternoon to comment.

Cardona also confirmed reports from other unnamed Justice Department sources that Marisleysis Gonzalez made this troubling comment to members of the INS Community Relations Service on Thursday: "You think we just have cameras in the house? If people try to come in, they could be hurt."

Said Cardona: "I didn't hear the comment so I cannot confirm it personally, but I can tell you that our people in Miami have reported that comment was made, yes."

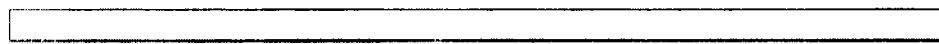
Armando Gutierrez, the family's spokesman, said Marisleysis "would never say such a thing. I doubt that very much."

Herald staff writer Frances Robles contributed to this report.

■ **Eliau's relatives talk about the raid** (AP)

■ **Donato Dalrymple talks about the seizure** (AP)

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^FOX-SPECIAL-REPORT-WI-02
^Interview With Carlos Saladrigas
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Show: FOX SPECIAL REPORT WITH BRIT HUME>

Date: April 25, 2000>

Time: 18:19>

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Type: Show>

Head: Interview With Carlos Saladrigas>

Sect: News; Domestic>

Byline: Tony Snow>

Guest: Carlos Saladrigas>

Spec: Elian Gonzalez; Government; Politics>

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SNOW: Back to the Elian Gonzalez case. Attorney General Janet Reno says negotiations broke down last Saturday between Juan Miguel Gonzalez and his Miami kinfolk. That left her no choice, she said, but to send in the INS to extract Elian Gonzalez. But some of the negotiators in the case dispute her account. One such person is Carlos Saladrigas, one of the four negotiators in Lazaro Gonzalez's home when the armed agents arrived. He joins us now from Miami.

Mr. Saladrigas, did you think, when agents came to the home Saturday, that you were close to cutting a deal?

CARLOS SALADRIGAS, PRE-RAID NEGOTIATOR: Well, we had a deal. At 8 o'clock that evening, we had faxed a deal to the attorney general that was essentially the terms that she had indicated to us a day earlier that she thought were reasonable and acceptable. And the family had signed those deals. From our perspective, we had a deal, and it was the attorney general, at about 4:30 in the morning that called us and said "There are some major changes to the deal. You got five minutes to accept them."

SNOW: And what were the major changes?

SALADRIGAS: There were two. One, which was the most important one, was that the location of the safe house where the two families were going to meet was changed from Miami, Dade County, to Washington, D.C. And the second one was the length of tenure at the safe house. Originally, it was contemplated that the families would be there until the pendency of the appeal, and then that time limit had--that time had been limited to one week.

SNOW: They attorney general's been telling people that your side was the one that kept changing conditions. Did you alter...

SALADRIGAS: I couldn't hear your question.

SNOW: OK. The attorney general says that your side is the one that was altering the conditions. Did you make any changes in your conditions during those final negotiations?

SALADRIGAS: No, we did not. The only change that we made to the conditions that had been agreed the day before is a penciling notation that we sent to the attorney general at about 8:30 that evening that a spiritual adviser be included. Subsequent to that fax, there were a number of conversations with the attorney general where we talked about some points.

For instance, she had indicated that she wanted full authority as to who to name as a facilitator for the meetings, and we suggested that instead a committee be put together of four prominent people that would include some people like the archbishop of Miami, the president (UNINTELLIGIBLE) Miami, Chesterfield Smith, and other individuals who would, in turn, give this--the attorney general a slate of individuals from whom to make the selection.

But there were never objections to those issues. There were conversations. They were never made into formal changes to the agreement. The only major changes came at 4:30 in the morning, when we were told that we have five minutes to agree to those changes.

SNOW: Now, you have told reporters you did, in fact, agree to those two changes, correct?

SALADRIGAS: Well, we, in essence, agreed to one. The one-week issue we had

(Continued)

sort of agreed to because we figured that if these two families cannot work out their differences in one week, two to three weeks wasn't going to make a difference. And then we were talking about the location. I was convincing the family that the location didn't really matter, since they were going to be locked up in a compound anyway. And when the family was about to accept the Washington location, that's when the storm troopers came through the door.

SNOW: Do you have any sense now that the attorney general may, in fact, permit Juan Miguel--I'm sorry--the Miami relatives to visit with Juan Miguel Gonzalez and Elian and to have that sort of week together that you had foreseen?

SALADRIGAS: I couldn't hear your question. If you could repeat it, I would appreciate it.

SNOW: Do you think the attorney general is going to permit the two families to spend time together?

SALADRIGAS: Well, I hope so. We had a two-hour conversation with the attorney general after the raid Saturday afternoon, and we--I told the attorney general, I said, "Look, the condition--the location condition is sort of moot now anyway, since the family--the boy is in Washington." I said, "Why don't you go ahead and implement the rest of the agreement?" She indicated to us at the time that she didn't feel that was possible, that she didn't have the authority to do that.

SNOW: Why would she not have the authority to do it?

SALADRIGAS: Well, we don't understand. You know, one of the questions that we have lingering from all this situation is that we--we felt like we were negotiating not with the attorney general but with someone else through the attorney general.

SNOW: And who would that someone else be?

SALADRIGAS: I have no idea, and I am not about to speculate, but clearly, our feeling was, at the end of the whole process, that the attorney general was not a decision-maker in this process, that someone else was.

SNOW: In that case, why bother to negotiate with her now?

SALADRIGAS: Well, we are not negotiating with her anymore. I simply made the suggestion to her that she implement the rest of the agreement, and we pleaded with her to go ahead and do that because we always believe, and we will continue to believe, that if these two families can get together, they can air their differences and work out this issue in a much better way than to force it down everybody's throats.

SNOW: Do you think the administration broke the law with the raid?

SALADRIGAS: Oh, I'm not a lawyer. You know, I don't know. But I--there are a lot of things about the raid that--that really I have questions with. I don't know how anybody could plan a paramilitary operation of this type and not have medical facilities available on a stand-by.

I pleaded with 911 to send rescue units. And literally, it took them half an hour to get here, and there were people hurt, including Mrs. De La Cruz and others that needed medical assistance. And the rescue units were not permitted in. Also, I don't--you know, I can tell you--I was in the house. Nobody knocked on that door. They simply threw the door open.

SNOW: OK, sir. Thank you so much for joining us.

SALADRIGAS: You're welcome.

SNOW: We'll be back after this news break.

(COMMERCIAL BREAK)

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Conspiracy Theory

Debating the Authenticity of the Elian Images

Juan Miguel Gonzalez holds his son Elian as they sit with his stepmother Nersy and half-brother Hianny at Andrews Air Force Base in Maryland. (Courtesy of Gregory Craig's Office/AP Photo)

By Janelle Carter
The Associated Press

WASHINGTON, April 24 — For conspiracy theorists, the evidence is in the haircut, or maybe in a missing tooth.

Since federal agents seized 6-year-old Elian Gonzalez from the home of his Miami relatives early Saturday to be with his father, some critics insist the boy couldn't be as happy as he appears in photos released by his father's attorney. They see surefire signs of government manipulation.

The controversy developed when attorneys for Juan Miguel Gonzalez offered pictures of his smiling family Saturday, only hours after government officials brought the young Cuban castaway to Andrews Air Force Base in suburban Maryland.

On Sunday, the lawyers made available new pictures again showing that Elian and his father were enjoying life together.

They showed Elian arm in arm with his father, having a lunch of black beans and rice, playing soccer, sitting in his father's lap and with his father, stepmother and half-brother on a bench.

The photos were taken at Andrews on Sunday, said attorney Greg Craig, who hand-carried the undeveloped roll of film to The Associated Press bureau in Washington.

Critics Scrutinize Photos

Fred Sweets, assistant bureau chief for photos, said the film was developed in the AP's photo lab.

"These are from a disposable camera. I examined the negatives. They are authentic," Sweets said.

A Craig associate delivered the first pictures of Elian with his family on Saturday after having them developed at a drug store. Sweets said he examined the negatives from those photos and negatives and also believed they were authentic.

Critics have closely scrutinized the Saturday photos, including one taken by Gonzalez of his two sons, comparing them with one of Elian captured during the raid

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SAM DONALDSON
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comparing them with one of Elian captured during the raid just hours earlier by a free-lance photographer for the AP.

In the AP photograph, Elian is being held by a fisherman who had helped rescue him from the Atlantic as a federal agent holds a submachine gun.

In the Saturday pictures with his father, critics say Elian's hair is longer than in the AP photo and that he appears to no longer have a missing tooth.

Marisleysis Gonzalez, the 21-year-old cousin who says Elian thinks of her as a surrogate mother, declared Sunday at a Washington news conference, "That is not Elian. Look how short the hair looks when he was taken out of the house and look how long the hair is in the picture that they show today."

Allegations of Brainwashing

Kendall Coffey, an attorney for the Miami relatives, said on ABC's *This Week* that he had taken no position on the allegations of doctored photos. But he said Elian "seems to have a good bit more hair. And unless they were developing some hair product with the boy on the flight up to the north, then our community is very, very suspicious."

Rep. Lincoln Diaz-Balart, R-Fla., said he saw signs that the government was "brainwashing" the child.

"I saw a little Band-Aid [in the Maryland pictures]," Diaz-Balart said Saturday evening on CNN's *Evans, Novak, Hunt and Shields*. "I think the drugging has already begun."

Deputy Attorney General Eric Holder said Sunday on NBC's *Meet the Press*, "I have no knowledge that he was given any kind of drugs."

The Rev. Joan Brown Campbell of the National Council of Churches, a friend of Juan Miguel Gonzalez who was present when father and son were reunited, criticized those alleging a conspiracy.

"He had his arms around his father," she said on ABC. "There was real affection there that cannot be manufactured."

For the rest of the day's U.S. news, [click here.](#)

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was a wrenching, shocking byproduct of the rumors and emotions that swirled around the boy and a turbulent community.

Praise is due the city of Miami's police department, whose command staff and officers backed up federal authorities and dealt with the angry passions of protesting Cuban-Americans on Sunday.

Submerging personal feelings in the line of duty is the essence of professionalism in law enforcement. The city of Miami's mayor had earlier played to local sensitivities and threatened to withhold police support for Reno and company. After the seizure of Elian, the mayor denounced the chief.

Congressional hearings are a wholly appropriate function after a controversial action by the executive branch. The test for Republican leadership is staying on point. Was the federal response appropriate to the circumstances?

A surging lunatic fringe is busy fantasizing about everything from doctored photos to a drug-induced euphoria in a little boy sitting in his father's lap. Questions are floated about a compliant Clinton being blackmailed by Castro. Ronald Reagan's old speechwriter even wrote a script for what her president would have said.

Loathing Clinton and Reno. This is familiar, comfortable ground. But rationales for keeping a father and son apart were much tougher to justify. They are together again. No one was hurt. That is a pretty good starting place for a congressional inquiry.

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Published Monday, April 24, 2000, in the Miami Herald

U.S.: At least one gun had been seen at house

BY DAVID KIDWELL
dkidwell@herald.com

At least one person at the house of Elian Gonzalez's Miami family during Saturday's predawn raid -- a Cuban American National Foundation security chief with a concealed weapons permit -- had been seen frequently at the home with a handgun strapped to his ankle.

Federal authorities point to Mario Blas Miranda, 48, a licensed private investigator and president of Wellington and Knight Security, and fellow members of the family's security team as partial justification for their armed entry.

Miranda, a former Miami police officer who left the force in 1992, has been a constant fixture in and around the house since the controversy began.

Federal officials confirmed Sunday that their "credible reports of weapons inside that house" centered on the comings and goings of Miranda and his team -- not on information that any family members or other visitors had weapons.

As it turned out -- authorities concede -- there were probably no guns inside the house.

The family and its supporters are outraged that the government used guns during the incident.

"We were not armed," Marisleysis Gonzalez said at a press conference in Washington, D.C., Sunday morning. "All we had was God on our side."

The task force outside the home early Saturday focused attention on Miranda, knocking him to the ground, forcing him to spread eagle, and

dousing him with pepper spray while pushing a shotgun in his ear.

"I could not think," Miranda said later. "I could not move."

Federal agents did not search Miranda for his weapon Saturday morning. Miranda declined to comment on Sunday.

WEAPONS PERMIT

Miami Police Chief William O'Brien said Miranda weeks earlier "had reached out to our personnel to let us know he was carrying a weapon and that he had a concealed weapons permit."

O'Brien also said other Miami officers who had visited the home reported "no weapons had been seen in the house. But with the number of people going in and out of the house, there was no guarantee.

"It's better from a law enforcement standpoint to err on the side of caution," he said.

Federal authorities say the weapons coming in and out of the house with the private security force were enough to raise doubts about the safety of the operation.

"We had credible intelligence reports that led us to believe there could have been guns inside that house," said Maria Cardona, Immigration and Naturalization Service spokeswoman in Washington. "If you have that information -- even if it doesn't end up being true -- you have to act accordingly.

EXPERTS AGREE

Law enforcement experts agree. They say whether or not guns were in the house -- or who in the house might have them -- is of little consequence, compared to whether police had even a small reason to be concerned.

Cardona confirmed reports from other federal and local law enforcement authorities who said the only reports of weapons inside the house were those weapons carried by security guards on the payroll of the Cuban American

National Foundation.

"I can tell you that I have heard those reports from our people in Miami," Cardona said.

Those reports, in addition to at least two other unconfirmed reports of weapons in the neighborhood in the days preceding the raid, helped sway federal agents away from a "soft approach" and toward a use of force that shocked many.

TWO REPORTS

One such report came from a television reporter who said a woman showed her a gun in her purse. Pressed by police, the reporter declined to identify the woman.

The second report centered on a nearby house where police had unspecified and as yet unconfirmed "intelligence reports" that weapons were being stockpiled. No police ever saw weapons coming or going from the home, and no warrant was ever obtained to search the house.

The day before the raid, immigration officers arrested two residents of that home on unrelated immigration warrants. No one was at the house Sunday afternoon to comment.

Cardona also confirmed reports from other unnamed Justice Department sources that Marisleysis Gonzalez made this troubling comment to members of the INS Community Relations Service on Thursday: "You think we just have cameras in the house? If people try to come in, they could be hurt."

Said Cardona: "I didn't hear the comment so I cannot confirm it personally, but I can tell you that our people in Miami have reported that comment was made, yes."

Armando Gutierrez, the family's spokesman, said Marisleysis "would never say such a thing. I doubt that very much."

Herald staff writer Frances Robles contributed to this report.

Editorials on Elián

Here are pertinent excerpts from worldwide editorial commentary on the Elián González situation:

Liberation (Paris): They have used him for their cause, subjecting him to a shameless media exploitation. These opponents of the Castro tyranny have ended up sharing its negation of the basic rule of rights.

Los Angeles Times: Elián González is with his father today, as he should have been long ago. Attorney General Janet Reno made a difficult decision in ordering him removed from his Miami relatives' home by armed agents, but she had been properly cautious — even overly cautious — in moving ahead on the legal front and in the police action that took place Saturday morning. Now her office should act promptly in court to settle the issue of the child's status.

New York Times: The first icon of the new century for those who question the administration of justice in America is certain to be the photograph of a federal agent in assault gear approaching Elián in the middle of the night with an automatic rifle at the ready.

Times (London): The ends cannot justify these excessive means. Even if the Clinton administration is proven right in law, it has acted in an improper fashion. By acting as it has this weekend, the Clinton White House has only revived old suspicions — easily tapped in the U.S. — of an arrogant and overmighty central authority. These are dangerous emotions to stir.

Daily Telegraph (London): By respecting the rights of a man from a more or less hostile country, America's leaders have emphasized the contrast between themselves and Castro. They may also, incidentally, have undermined him; flaunting the moral superiority of their system is surely more damaging to him than any number of economic sanctions.

Scripps-Howard News Service: The forcible removal of Elián González from a Miami house is being portrayed by critics of that action as somehow a "triumph" for Fidel Castro. Perhaps by the standards of that threadbare little island where good news has to be manufactured, it is a triumph, but from a more dispassionate distance, the Cuban leader's crowing to orchestrated demonstrations only underscores how irrelevant, even faintly ridiculous, Castro has become.

Trabajadores (Cuban labor weekly): Cuba is proud of its history and its work in human rights, and it has a people who do not accept threats, sanctions, insults or blackmail which seek to diminish its sovereignty and tarnish the image of (the) Revolution.

Welt am Sonntag (Germany): The exile Cuban community and the foster family were not afraid of using the child brutally to achieve their ends. Juan Miguel González calmly struggled for his son. He has proved himself the truer father.

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April 26, 2000, Wednesday, Final Edition

SECTION: A SECTION; Pg. A04

LENGTH: 887 words

HEADLINE: Sensible Tactics or Simple Terror?; SWAT Experts Say U.S. Approach to
Elian Raid Wasn't Unusual, or Overkill

BYLINE: Peter Slevin; Amy Goldstein, Washington Post Staff Writers

BODY:

Sen. Robert C. Smith (R-N.H.) said he doubted a custody dispute had ever been settled with assault rifles. Majority Whip Tom DeLay (R-Tex.) called federal agents "jack-booted thugs." New York Mayor Rudolph Giuliani said Elian Gonzalez had been plucked from his relatives' home by "storm troopers."

In fact, many SWAT specialists say the dramatic photograph of the armed lawman in green battle dress reaching for Elian simply shows the way raids are commonly conducted whenever law officers fear they could face weapons.

Textbook assault tactics call for swift entry and a show of force so impressive that anyone considering resistance would quickly think again. When things go right, the guns are only for show and the raid is over almost as suddenly as it began.

"The shock effect allows you to gain control and dominate a house, a room, whatever you happen to be going into in a hurry," said Woody Johnson, former chief of the FBI Hostage Rescue Team. "You're going in fearful of the worst-case scenario."

Some experts praised federal agents' execution of the three-minute raid Saturday morning, but questioned whether such a formidable show of force was necessary.

"I don't understand the logic of the operation," said David Klinger, criminal justice professor at the University of Missouri-St. Louis. "Police still have to behave in a reasonable fashion when they take action."

A federal agent who works District neighborhoods agreed. He accepts the doctrine, but questions the presence of so much protective armor and firepower in the Miami situation.

"We've done over 400 search warrants in this city, in the most violent areas and against some of the most violent people," said the agent, who asked not to be identified. "The way they went in, we don't even go in that strong."

Attorney General Janet Reno ordered agents to seize Elian after, she said, negotiations to reunite him with his father broke down. She defended the pre-dawn raid, conducted by agents carrying a warrant. When the Gonzalez family refused to open the door, the agents broke it down.

"They said, 'You are going to have to take him by force,' " Reno said of Elian's Miami relatives in a PBS interview Monday. "There was information that it might be possible that there were guns in the crowd or in the home. . . . What you saw was a law enforcement operation that went the right way."

Elian's case is not unique in its use of armed law officers in a child custody matter. Several states and the District require that police officers, rather than social workers, carry children away after a judge has ruled in abuse and neglect cases that they would be safer elsewhere.

Psychologists say Elian's exposure to battle-ready agents was unusual, but not unheard of. Police often retrieve children in abuse or custody cases, and sometimes a police station is used as a neutral site for parental visits in acrimonious custody disputes.

In June, a 1 1/2-year-old District boy was led away from his feuding parents' homes by police three times within six days, according to a D.C. attorney who specializes in domestic relations.

The Miami raid makes Elian's case distinctive, although psychologists recall rare instances when weapons have been drawn. In either case, children exposed to police officers in such circumstances can be traumatized, because youngsters whose families are fighting or have splintered are already frightened.

"Then you bring in the police," said Marion Gindes, a New York forensic psychologist. Their presence sends the messages "that something is very dangerous and scary. Everyone knows that the police are there to get the bad guys, so what are they doing in my house?"

SWAT trainers emphasize four factors to determine how strongly to enter a building when a warrant must be served or a hostage rescued. They ask whether the people have a history of violence, whether they are armed, whether the

premises are fortified and whether delay could mean harm.

"I don't know of any other way they could have done it," said Michael Charles, director of the Police Training Institute at the University of Illinois. "You want to limit the potential for any type of resistance, and that's what they did."

The weapon used in the Miami raid was a German-made MP5, which Springfield, Mo., police Maj. Steve Ijames praised as his SWAT weapon of choice. He called the 9mm gun safe, reliable, compact and easy to use with one hand.

Ijames said the MP5 is attached to an unusual sling that connects to the body at three points. If the user drops the weapon to free his hands, the rifle will draw itself tightly to the waist, making it less likely that a suspect could grab the gun. Officers are trained when entering a room to squeeze the grip and shine the weapon's 35,000-candlepower flashlight, illuminating and startling anyone in its path.

Federal agent Brian Moskowitz said two worlds collided Saturday in Miami.

"While it's horrible and dreadful that any child should have to experience an event like that Elian Gonzalez experience," said Moskowitz, legislative director for the Federal Law Enforcement Officers Association, "the reality is that law enforcement is not always clean and sterile. It's not always pretty."

Staff writer Charles Babington contributed to this report.

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INS: Elian's Miami family tried to block agents

April 24, 2000
Web posted at: 10:15 p.m. EDT (0215 GMT)

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Juan Gonzalez holds Elian as they sit with his stepmother Nercy and half-brother Hianny at Andrews Air Force Base in Maryland on Sunday

From staff and wire reports

WASHINGTON (CNN) -- U.S. Immigration and Naturalization Service agents who helped retrieve Elian Gonzalez from the home of his Miami relatives on Saturday report that people inside the house tried to prevent agents from entering the front door, according to a Department of Justice official.

The boy's Miami relatives tried to block agents, despite promises that they would not interfere if the INS came for Elian, said Justice spokeswoman Carole Florman.

According to Florman, agents reported that the front door of the house was opened for an Associated Press photographer just as the agents' minivans pulled up in front of the house. The door was then locked and a couch was placed against the door, she said. Florman said it took three attempts to ram through the door because the couch was in the way.

Florman said an unidentified member of the Cuban-American National Foundation locked the back door of the house while Elian was rushed to an inner room, which was also locked shut.

In addition, Florman said people outside the front door of the house "scuffled" with agents as they attempted to enter the house. She said they used a rope to try to block the agents.

Florman said "a couple" of the citizens who scuffled with agents received minor injuries,

GALLERY

A collection of images from the Elian story



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Senior White House Correspondent John King reports on the political controversy surrounding the retrieval of Elian Gonzalez by armed



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scuffled with agents received minor injuries, including scrapes and bruises.

Florman said word of the efforts to block the agents came from debriefings of the agents over the past two days.

Government files brief on asylum appeal

Meanwhile, in an 83-page motion filed with the 11th Circuit Court of Appeals in Atlanta, government lawyers said that same court was wrong when it suggested last week that Immigration and Naturalization Service guidelines might allow a child to apply for asylum on his own, based on language in the statute that states "[a]ny alien ... may apply for asylum."

The government said, "The question here is not whether Elian 'may apply,' but whether he 'has applied.'"

The case, the government attorneys said, is "not about whether Elian has spoken about asylum. It is about which of two adults will be allowed to speak about asylum for him: His father (Juan Miguel Gonzalez), with whom he has had a close relationship all his life until they were separated under traumatic circumstances last November; or a distant relative."

The government's motion was filed to oppose the appeal by Elian's Miami relatives asking the court to recognize three separate applications for asylum filed by Lazaro Gonzales, the boy's great uncle. One of the applications was signed in Elian's hand. The family is appealing a federal court's ruling not to recognize the applications.

In its ruling last week, in which the court ordered that Elian must stay in the United States throughout the appeals process, the court criticized the INS for not interviewing Elian before rejecting his application. The government said Monday it had not interviewed the boy because of his "tender years" and the "likelihood that the Miami relatives would have influenced Elian's testimony."

The government said for Elian to prove eligibility for asylum he would have to "prove that he suffered past persecution or will suffer future persecution on account of race, religion, nationality, membership in a particular group, or political opinion."

The government quoted the opinion of a Florida state court when it rejected Lazaro Gonzalez's custody petition and said it had "watched the struggle between a family fighting for love and freedom, and a father fighting for love and

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freedom, and a father fighting for love and family." The government went on: "Wish as one might that Juan would fight for love, family, and freedom, that is a decision that he as a parent must make, and it must be respected."

A hearing on the asylum request is set for May 11 in Atlanta.

'Veiled threat' alleged

Also Monday, a senior Justice Department official said that Marisleysis Gonzalez, Elian's 21-year-old second-cousin, made a veiled threat two days before the INS raid that there were guns in the house.

"There are more than just cameras in the house," the official said the cousin told a Department of Justice employee two days before the house was raided. The remark was taken as a threat that the family had guns in the house to prevent the government from removing Elian, the official said.

"We were concerned there were guns," the official said. "We had no hard intelligence, but we had valid concerns that people in or around the house had guns." The remark, the official said, reinforced the government's "very serious concerns."



Marisleysis Gonzalez, center, and Delfin Gonzalez gather for a news conference outside Andrews Air Force Base on Monday

The official refused to identify the Department of Justice employee to whom the remark was made.

The Miami Herald reported Monday that at least one person at the house -- a Cuban American National Foundation security chief with a concealed weapons permit -- had frequently been seen with a handgun strapped to his ankle.

The newspaper identified him as Mario Blas Miranda, a former Miami police officer, now a licensed private investigator and president of a security company.

Blas Miranda denied he or members of his security team carried weapons around the Little Havana house. "I never carried weapons in there," he told Reuters. "I am a law-abiding citizen."

Elian's Miami relatives also deny there were any weapons in the home.

Hyde orders preliminary inquiry

Meanwhile, House Judiciary Committee Chairman Henry Hyde, R-Illinois, said Monday he is instructing his staff to begin a preliminary inquiry into the tactics employed in the raid.

Hyde said he is trying to determine whether to hold hearings on the matter.

"The inquiry will focus on whether the use of such force was necessary or appropriate," Hyde said in a written statement.

The judiciary chairman said he hopes Reno will cooperate by "making all

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necessary documents and personnel available to the committee."

Hyde said he intends to consult with the committee's ranking Democrat, Rep. John Conyers of Michigan, to conduct the inquiry in a bipartisan manner

Clinton administration officials on Monday defended their actions and said Elian's Miami relatives brought about the armed seizure.

President Clinton felt the raid was "the right thing to do and was the only alternative remaining," White House spokesman Joe Lockhart said. "All of this could have been avoided. None of this had to happen. This happened because the family did not respect the legal process here that dictated the father should be reunited with the young boy."

Attorney General Janet Reno said she had no regrets. "I tried my level best to make sure we avoided this situation, and if I bent over backward, so be it," she told NBC. "I'm satisfied with the result."

The armed federal agents broke into the home only after negotiations with the family, including Marisleysis Gonzalez, produced mixed signals, INS Commissioner Doris Meissner told CNN.

"She spoke on various sides of the issue," Meissner said. "She spoke about how deeply she cared for the child, how much she did not want there to be a forcible transfer, but she also spoke about how she would never part with him, about how the family would never allow the transfer to take place under the conditions that were required. There were many contradictory statements."

Meissner said, "That told us we had to be prepared for anything."

Roger Bernstein, an attorney for Elian's U.S. relatives, blamed the collapsed negotiations on demands made by Reno and Gregory Craig, a U.S. lawyer who represents Elian's father.

"He (Gregory Craig) is ultimately responsible for that raid taking place, as is Janet Reno," Bernstein told CNN.



Reno said she has no regrets concerning Saturday's pre-dawn raid

One of the Miami community leaders who was involved in those negotiations said he also was surprised by the raid, which took place while he was on the phone with Reno, his longtime friend.

"I have the utmost respect for the attorney general of the United States," said attorney Arron Podhurst. "She was my friend 30 years ago. She's my friend today, and I feel for her like she feels for me."

Podhurst added, "Now, I do not agree that we weren't close to a settlement. I believe everybody was acting in good faith. I believe the Miami Gonzalez family was acting in good faith. And I believe we had made substantial progress."

Reunion called 'a most beautiful moment'

The reunion of Elian with his father was "a most beautiful moment," according to a government doctor who witnessed the event and said both Juan Miguel Gonzalez and his son cried with joy.

The account of Elian's reaction came on Monday as he and his Cuban family remained in seclusion at Andrews Air Force Base.

At first, though, Elian was dazed and disoriented when he was scooped up by rifle-toting immigration officers wearing protective gear, said Dr. Gustavo Cadavid, a Spanish-speaking government psychiatrist who accompanied the boy on the flight Saturday from Miami to the Air Force base near Washington.

"Once we took off from Miami ... he started talking ... asking where he was going, where was his uncle, where was his cousin," Cadavid told CNN.

Later, as the flight proceeded, Elian napped, played with toys and spoke to his father by telephone, Cadavid said. After landing, as the plane taxied up to a group of waiting cars, Elian peered through an aircraft window, anxiously looking for his father, the doctor said.

When Elian finally spotted him, "you should have seen the transformation of his (Elian's) face," said Cadavid. The boy smiled "and started waving at his father."

Cadavid described Elian rushing to his father, and, "The father grabbed his son. Both started to cry. Very emotional."

Cadavid denied claims the boy was drugged to calm him down. "Absolutely not. There were no medications given," the doctor said. "As far as I know, nobody did that."

Additional allegations that photographs of Elian were doctored to show him smiling after the reunion are "absurd," Lockhart said.



Protesters walk down the nearly empty street at the Miami relatives' home in Little Havana

Family may go to Wye River retreat

Juan Gonzalez is now considering where to move while the family stays in the United States awaiting resolution of the appeals. One possibility is for the family to go from the air base to the equally private Wye River Plantation on Maryland's Eastern Shore, the site of Israeli-Palestinian peace talks in the past.

Meanwhile, Elian's father is turning away -- for now -- visitation requests from the Miami relatives, who traveled to Washington on Saturday just hours after the seizure.

Cadavid said Elian needs private time to grieve over the loss of his mother before the Miami relatives re-enter the picture.

Marisleydis and other relatives went to the Air Force base Monday but were turned away for the third consecutive day without being allowed to talk with Elian or his father.

The Miami relatives cared for Elian for five months following his rescue in the Atlantic off the coast of Florida last Thanksgiving. His mother was one of 11 people who drowned when the boat carrying them from Cuba sank off the coast of Florida.

Elian, clinging to an inner tube, was one of three survivors.

Correspondents [Brian Cabell](#) and [Kate Snow](#), *The Associated Press* and *Reuters* contributed to this report.

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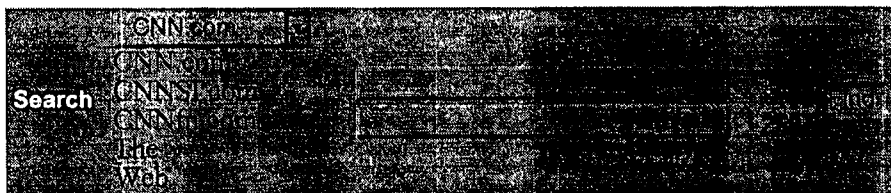
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^AP Photo SAW102; AP Graphic WYE RIVER

^By MICHAEL J. SNIFFEN= ^Associated Press Writer=

WASHINGTON (AP) A child psychiatrist who interviewed Elian Gonzalez for the government recommended that his Miami relatives reconcile their differences with his father before they are allowed to visit the 6-year-old Cuban boy, a Justice Department spokeswoman said today.

Dr. Paulina F. Kernberg, of Cornell University Medical College, advised Immigration Commissioner Doris Meissner that "Elian needs more private time with his family and she believes that before the Miami relatives see Elian they need to work out their differences with Juan Miguel," Justice spokeswoman Carole Florman said.

Kernberg spent 2@1/2 hours Tuesday with the Gonzalez family at their new retreat on Wye River Plantation on Maryland's Eastern Shore. She spent some time alone with Elian, some alone with the father and some with the entire family including his stepmother and 6-month-old half brother, Florman said.

"The doctor reported that Elian needs to feel there is no tension between his family and his Miami relatives before any sort of extended family meeting," Florman said.

Kernberg was one of three doctors consulting for the government who interviewed the father and Elian's great-uncle Lazaro Gonzalez, who had been caring for him, before Saturday's raid. They recommended that the boy be quickly reunited with his father.

A Justice official, requesting anonymity, said Kernberg told Meissner that Lazaro Gonzalez's 21-year-old daughter, Marisleysis, "is clearly not ready to see Elian, because she is too emotional and too angry to be a positive influence for him." Kernberg has not interviewed Marisleysis, but the young woman has conducted several televised news conferences describing her anger over the raid that took Elian from her home in Miami.

Meantime, little pieces of Elian life in Cuba are being brought to him in America as his family, the courts and the Senate consider the case.

In the latest stop on his five-month odyssey, the young boat wreck survivor was moved to the secluded and wooded Maryland retreat Tuesday with lots of room to play. There, he awaits visits by his former kindergarten teacher and a 10-year-old cousin, who left Cuba today en route to the United States.

State Department spokesman James Rubin said visas would be expedited for four of Elian's playmates to come from Cuba. "A young 6-year-old ... needs to have someone to play with," he said.

Kernberg reported that Elian "is doing very well, is playful and interactive and displays a sense of belonging to a close family unit," Florman said today.

"The doctor found that he teases his father and helps to take care of his brother and plays what she called 'the proud big brother' role," Florman said. "He calls his stepmother 'Momma' and they look and interact very much like a close-knit family."

Kernberg gave Elian toys to play with, including green toy soldiers with guns to see if he had any negative reaction to memories of the raid in which he was taken by heavily armed Border Patrol agents from the Miami home, Florman said.

"The doctor said he played with them regularly like a normal 6-year-old boy and at the end picked them up with his other toys and put them in his toy box," Florman said.

"He drew a picture of Juan Miguel as a strong, sturdy man standing on top of a mountain a sign he looks up to his father as a protector," Florman said Kernberg reported.

The doctor found that the boy tires easily, and she concluded he needs private time "away from the spotlight in natural surroundings" to rest emotionally, Florman said.

Meantime, one of the eight Border Patrol agents who entered Lazaro's house Saturday morning as part of the "high-risk team" to retrieve Elian told Immigration and Naturalization Service officials he "had never encountered this much resistance," INS spokeswoman Maria Cardona said today.

"The agents said the crowd around the house was extremely aggressive and hostile," Cardona reported. "The female agent, Betty Mills, was pushed to the ground on the way in."

As the agents approached the door, several people formed a human chain and had to be pushed aside. The agents identified themselves and asked for cooperation, "but they did not get it despite the family's promise to just open the door peacefully if we came to get Elian," Cardona said.

"There was a couch pushed against the door, so the agents had to breach the door to get inside. Inside all the while, family members and supporters were screaming at the agents."

Cardona said the agent pictured holding up an automatic weapon as he encountered a terrified Elian in the arms of supporter Donato Dalrymple had the safety lock turned on. "He made a specific decision to keep the safety lock on because he feared he would encounter a physical struggle and didn't want the gun to go off accidentally," Cardona said.

(Continued)

There has been no indication that Juan Miguel Gonzalez wants to see the Miami relatives, who made repeated unsuccessful efforts to see Elian when he was at Andrews Air Force Base. Security officers at Wye would bar them from entering without permission, said Drew Wade, a spokesman for the U.S. Marshal's Service.

Doris Meissner, commissioner of the Immigration and Naturalization Service, said today on NBC's "Today" that Kernberg told her "something I found very touching that the father is not hostile to the Miami relatives, he is very hurt. They have said very cruel things over recent weeks and the adults need to sort that out before the child is involved."

Attorney General Janet Reno failed to quiet Republican criticism of the raid during a meeting Tuesday with a bipartisan group of senators. Congressional hearings are scheduled to begin next week.

With the drama moved a thousand miles to the north, Cuban-Americans in Miami upset over Elian's seizure called a general strike. Workers stayed home, students skipped school and businesses closed, bringing honking cars and Cuban flags to the streets of Little Havana. Several baseball major league players honored the strike.

Attorneys for the Miami family filed a motion Tuesday in the 11th Circuit Court of Appeals, asking that a guardian be appointed to check on Elian's well-being. The court directed attorneys for Juan Miguel Gonzalez to file a response by this afternoon, stating any reasons why this shouldn't happen.

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EDITOR'S NOTE Associated Press writers Pauline Jelinek and Christopher Thorne in Queenstown, Md., contributed to this report.



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THE SAGA OF ELIAN GONZALEZ

Published Tuesday, April 25, 2000, in the Miami Herald

Last-minute differences for deal were significant

BY JAY WEAVER AND RONNIE GREENE
jweaver@herald.com

- ▶ See the letter from Lazaro Gonzalez's family
- ▶ See the letter from the Attorney General's office

In the tense hours before federal agents stormed the Little Havana house where Elian Gonzalez was residing, the boy's Miami relatives and Attorney General Janet Reno had significant negotiating differences in how, where and when Elian would be reunited with his father, documents released Monday show.

At 2:59 a.m. Saturday, Reno faxed a final offer that demanded physical custody of Elian be turned over to his father, and a family reunion be in Washington, D.C.

The document, released for the first time Monday, differs sharply from the family's last written offer, faxed at just before 5 p.m. Friday, which called for a Miami meeting and suggested Elian would stay with both his father and Miami relatives.

Two hours and 16 minutes before the armed raid, the records show, a wide gulf remained between the two sides. Although attorneys for the Miami relatives say they tried to close the gap, they missed Reno's final deadline.

The family's proposal, which had the blessings of major Cuban-American leaders in Miami, boiled down to several key terms: The Miami relatives wanted to require that Elian's father, Juan Miguel Gonzalez, live with them in a temporary residence in Miami-Dade County during the boy's federal court appeal for a political asylum petition.

The relatives wanted no government officials and lawyers in the picture -- just U.S. marshals to protect the site. And they wanted "facilitators" -- probably a psychologist and a priest -- to help the families "get together and do what is in the best interest of the child."


"We request that you consider the findings and observations of the facilitator in reaching any decision concerning Elian," they wrote to Reno.

The relatives insisted on staying with Elian and his father in the neutral site until all the boy's legal appeals were concluded. They acknowledged that the INS transferred temporary custody of the boy to his father, but didn't directly say they would immediately surrender the boy to his father.

"We understand that you have transferred temporary custody of Elian to his father," they wrote Reno.

CUSTODY DEMANDS

THE SAGA OF ELIAN



Barbara P. Hernandez

'I told them you cannot oppose the attorney general of the United States.'

---AARON PODHURST
mediator

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Reno's demands, written 10 hours later, directed that Elian and his relatives go to the Miami Federal Courthouse on Saturday at 3:30 a.m., where he would be in the attorney general's custody. Later Saturday, Elian and his relatives would drive or fly to Washington, not Miami. In Washington, Juan Miguel Gonzalez would take immediate custody of his son.

Reno directed that Elian's father meet with Lazaro Gonzalez's family and allow mental health experts to evaluate the boy during the transition.

But Juan Miguel and Elian would live together -- in separate quarters from the Miami relatives while in D.C. And Reno ordered a much shorter living arrangement for the two families -- "not to exceed one week."

Maria Cardona, spokeswoman for the INS, said the Miami relatives still were unwilling to sign off on two essential Justice Department conditions that had been under discussion all night: that they transfer physical custody of Elian to his father before the family meeting, and that the meeting take place in Washington and not Miami.

"We thought maybe the family will finally give on these points," Cardona said. "Unfortunately 3 a.m. came and went. It became clear by 4 a.m. this was going nowhere."

MISSED DEADLINES

She said the deadline was just the latest in a series missed by the family.

Yet mediators -- and the Miami relatives' legal team -- believe an agreement could have been reached.

"I do not agree that we weren't close to a settlement," lawyer Aaron Podhurst said at a press conference Monday at the University of Miami. Podhurst was drafted by Miami civic leaders just last week to serve as a mediator between Little Havana and Washington.

Lazaro Gonzalez's lawyers accuse Reno of changing the terms at the last minute, when at 2:59 a.m. she said a reunion in Florida was out of the question and demanded an explicit statement that the family would hand over Elian to the father before they took up temporary residence together.

"Up until that point, I thought we had an agreement," said Carlos de la Cruz, one of the Gonzalez family's negotiators. "All of sudden, she [Reno] starts introducing drastically different terms. But even so, we were willing to work with those terms."

Reno had never formally agreed to a Florida site, Podhurst acknowledged, but lawyers for the Miami family say they believed she had been open to the suggestion.

MESSAGE RELAYED

When Reno insisted the meeting occur in the Washington, D.C., area, negotiators -- including Podhurst and civic leaders de la Cruz and Carlos Saladrigas -- say they believe they could have persuaded the Miami parties to agree. They relayed the message to the legal team huddled in the Little Havana home.

"I told them you cannot oppose the attorney general of the United States," Podhurst said Monday. "If she says Washington, it's Washington. If you don't do it, I'm gone."

The negotiators say they worked hard and ultimately convinced Lazaro Gonzalez's Miami lawyers to go along with Washington.

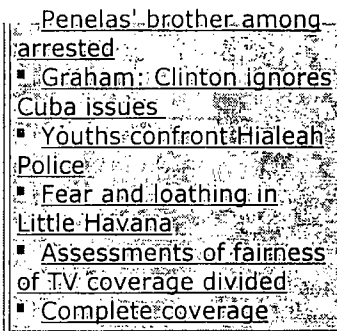
But at the time of the 5:15 a.m. raid, the key family member -- Lazaro Gonzalez -- had not yet signed off on the new site, Podhurst said Monday.

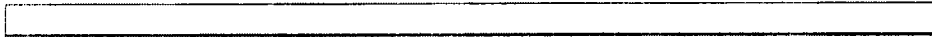
"It was true that Lazaro Gonzalez had not yet agreed to that change," he said.

But no one suspected a raid was afoot. "I took the 4 o'clock demand from Reno to mean that she was getting impatient with us," Podhurst said. "We had moved the ball tremendously."

University of Miami President Edward T. Foote II, who helped bring the last minute negotiations together, also believed force could have been avoided. "We were so close to an agreement."

Herald staff writer Joseph Tanfani contributed to this report.





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NEWS

Posted Monday, April 24, 2000, in the Miami Herald Internet Edition

Negotiating positions

In the hours before Saturday's raid, Elian Gonzalez's Miami relatives and the Justice Department exchanged faxes that showed little agreement between the them. The family's fax, sent Friday evening, called for a meeting place in Miami-Dade County, while the government, in its fax at 2:59 a.m. Saturday, insisted on a resort in Virginia. The raid came two hours and 16 minutes later.

- ▶ See the letter from Lazaro Gonzalez's family
- ▶ See the letter from the Attorney General's office

Letter from Lazaro Gonzalez's family

INT BY: PESPURST,GRSECK,LAW

04/24/00 10:04PM:Jedfax #929;Page 0/0

The Honorable Janet Reno
Attorney General of the United States

April 21, 2000

We propose a process to include the following:

Juan Miguel's family and our family would take up temporary residence in a mutually agreed, neutral site in Miami-Dade County, Florida (the "Site") on a date to be agreed.

The members of the Gonzalez family would be accompanied at the Site by one or more neutral facilitators (the "Facilitator") mutually agreed to. The facilitator's role would be to be present at the Site to help the family members get together and do what is in the best interest of the child. The Facilitator would report periodically to you as Attorney General and to all members of the Gonzalez family. We request that you consider the findings and observations of the Facilitator in reaching any decision concerning Elián.

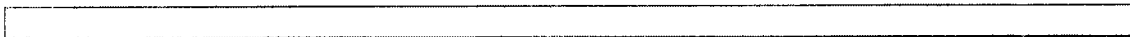
No one other than the members of the Gonzalez family and the Facilitator, including specifically the parties' attorneys and any United States or Cuban government officials (except for U.S. Marshals), would be present at the Site. The location of the Site would remain confidential to assure the privacy of the parties.

We understand that you have transferred temporary custody of Elián to his father. Elián and all members of the Gonzalez family would remain in residence at the Site until the resolution of all pending legal proceedings.

The United States Marshal Service would provide security to the Site and ensure that no unauthorized persons enter the Site and that Elián is not removed from the Site except as his best interests may require.

The foregoing will in no way affect any legal proceedings or be used by any party against the other in any legal proceedings.

The foregoing constitutes an outline, and additional details would need to be resolved. We stand ready to discuss with you any suggestions that you may have which you believe are in the best interest of the child.



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THE SAGA OF ELIAN GONZALEZ

Published Tuesday, April 25, 2000, in the Miami Herald

Security denies gun was at Gonzalezes'

BY DAVID KIDWELL
dkidwell@herald.com

A private investigator who, police reported, was frequently seen with a weapon near the home of Elian Gonzalez's Miami family said Monday those reports are untrue.

"I have never had a weapon inside the house, outside the house or anywhere near the house," said Mario Blas Miranda, 48, the security chief for the Cuban American National Foundation who was assigned to the security detail for the family.

"And I tell you now that anyone who says I did have a weapon there is a liar."

Federal authorities have said they chose a tactical use of force in part because they had "credible reports of weapons inside that house."

Miami Police Chief William O'Brien and Immigration and Naturalization Service spokeswoman Maria Cardona on Sunday confirmed information from other federal sources that those "credible reports" centered on Miranda wearing a weapon at his ankle.

In addition, a Herald reporter at the Gonzalez house on Thursday reported seeing the butt of a semiautomatic handgun on Miranda's ankle.

Miranda did not return repeated telephone calls for comment on Sunday. His ex-wife, called several times at home, told The Herald she had contacted Miranda and he did not wish to be interviewed.

On Monday, after a Herald story detailed the police reports of his weapon, Miranda called to say the story was inaccurate.

"I have never owned an ankle holster," said Miranda, a former Miami Police officer. "I know the laws that say you cannot carry a weapon into a demonstration, and there have been demonstrations out there 24 hours a day. What do I need to carry a weapon for when there are seven million police officers around?"

"It's a lie."

THE SAGA OF ELIAN

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NEWS

Published Monday, April 24, 2000, in the Miami Herald

Last deadline was ignored, lawyer says

BY RONNIE GREENE

rgreene@herald.com

Attorney General Janet Reno told lawyer Aaron Podhurst at 3 a.m. Saturday that he had until 4 a.m. to get Elian Gonzalez's Miami relatives to agree to turn over the boy to his father at a location outside Florida.

But after months in which Reno had set one deadline after another without enforcing them, the Miami relatives' lawyers didn't realize how serious Reno was. They didn't even wake Elian's great-uncle Lazaro to discuss the situation until the deadline had passed.

"We're running out of time," Reno said, Podhurst recounted Sunday. "She said, 'I need an answer at 4 o'clock.'"

When 4 a.m. came and went without a firm answer from the Little Havana home, Reno polled her advisors and authorized the raid.

Podhurst, who had been serving as the go between from his Miami Lakes home, had Reno on one phone line and family lawyer Manny Diaz on another, when at 5:15 a.m. federal agents stormed the house.

"Manny Diaz says, 'Oh my God, Aaron, it's the marshals,'" Podhurst said. "His line went dead. I saw this horrible thing on TV. I was shocked. I hit the hold button, and the attorney general was still there."

In the end, the frenzied and fragile negotiations to unite the boy and his father without force fell apart amid missed deadlines and missed opportunities, a reconstruction of the last hours of negotiations shows.

Podhurst, who said he was not an advocate for either side, said Sunday that he believed lawyers for the family were acting in good faith and were working toward a workable reunion of father and son.

"I think our government made a mistake, because we had on our hands a peaceful turnover," said Podhurst, who entered the negotiations only last Thursday when Miami civic leaders asked him to try to mediate a settlement.

But his view was not shared in Washington, where officials said a proposal the Miami relatives had faxed to Reno on Friday afternoon discussing a Miami reunion was far from convincing.

The proposal failed to state simply that the Miami relatives would transfer custody of Elian to his father, Carole Florman, Reno's spokeswoman, said Sunday. Instead, it read: "We understand that you have transferred temporary custody of Elian to his father. Elian and all members of the Gonzalez family would remain in residence at the [meeting] site until the

ELIAN SAGA



Chuck Fadely

THINKS U.S. WAS WRONG: Attorney Aaron Podhurst.

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- South Florida looks to heal
- Miami relatives demand to see boy; request inquiry
- Father and son reported quietly bonding at base
- U.S.: At least one gun had been seen at house
- INS releases warrant for home raid
- Reunion photo stirs controversy
- An eerie quiet settles over street
- Castro ends 24-hour truce
- Police chief defends actions
- Commission won't back Carollo's plan to fire police chief
- Little cousin's dream strengthens exiles' faith; boy will stay in U.S.
- Major U.S. newspapers divided on federal raid
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SLIDESHOW:



- The return of Elian to his father

YOUR OPINION:

- Do you think the

remain in residence at the [meeting] site until the resolution of all pending legal proceedings."

Reno "had some very serious problems with it. First and foremost, there's not a commitment in here that the child's custody would be transferred," Florman said.

"We had gone through this drill more than once," Florman said. "We were dealing with people who had not responded to other deadlines and who had not demonstrated a willingness to follow through on statements they made publicly or to us."

Podhurst said Sunday he realized at 3 a.m. that Reno was serious about her demand for a meeting outside of Florida. He strongly urged the Miami relatives' lawyers that they agree.

But the lawyers spent most of the time remaining before the 4 a.m. deadline debating among themselves whether to recommend the out-of-state meeting. The lawyers were not happy. They thought Reno had changed her position, Diaz said.

"Obviously the family was very distraught. They felt this was heavy handed," Diaz said.

Podhurst relayed to Reno that the lawyers were working to convince Lazaro that he should agree to meeting with Elian's father near Washington.

At 4:21 a.m., with Podhurst still trying to work out a deal, and still talking on both lines, Reno gave her final deadline.

"She said, 'You've got five minutes. Not six,'" Podhurst recounted. "I'll never forget 4:21 a.m."

He called the Little Havana house again, again stressing the need to move -- and quickly. But still no firm answer.

THE RAID

At about 5 a.m. -- with the raid by then set in motion -- Podhurst said Reno told him that the family had to make the boy available immediately. At the house, there was more discussion.

Then at 5:15, the raid. Family lawyer Kendall Coffey said the raid interrupted what was a discussion of whether to agree to move the site of the meeting out of Florida.

"As of 5:15 when the door broke down, we were all telling Aaron the same thing: We [the lawyers] agreed to a location out of Florida. We were going to relate that to Lazaro. We were in the process of talking to him. We were just sort of minutes away," Coffey said.

Podhurst said he never suspected a raid was afoot. He said Reno, whom he still respects and considers a friend, for security reasons did not tell him the raid was en route. He and the attorney general spoke for two hours after the raid.

Had he known, Podhurst said, he would have notified the family and advisors so they would not be in harm's way. He said he understands why Reno didn't tell him.

"She said it was the longest 10 minutes of her life," he said. "She said, 'I tried as hard as I could. I ran out of time.'"

Do you think the government's raid on the Gonzalez's Miami home was handled properly? Vote in our poll:

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- Elian is seized: A different view (AP)
- Elian's relatives talk about the raid (AP)
- Donato Dalrymple talks about the seizure (AP)

The city of Miami has opened a rumor control hotline to deal with concerns and questions about the seizure of Elian González. The number is 305-579-1800.

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NEWS

Published Friday, April 21, 2000, in the Miami Herald

Reno working with intermediaries on possible Elian transfer deal

By MICHAEL J. SNIFFEN
Associated Press Writer

WASHINGTON -- (AP) -- Attorney General Janet Reno worked with outside intermediaries in Miami Friday on a possible agreement that would transfer custody of Elian Gonzalez from his Miami relatives to his father immediately, a Justice Department spokeswoman said.

"These parties are still working out the details of such a plan," Justice spokeswoman Carole Florman said. "It has not been presented to Juan Miguel Gonzalez," the 6-year-old shipwreck survivor's Cuban father.

Florman would not identify the intermediaries other than as members of the Miami community. She said they were in contact with Elian's great-uncle Lazaro Gonzalez and his family, who have defied Reno's order to transfer Elian.

Late Friday, Reno called the father's lawyer, Gregory Craig, with details of what the intermediaries were proposing, but there was no indication that the Miami relatives, with whom the boy has stayed since he was found in the Atlantic last Thanksgiving clinging to an inner tube, had specifically agreed to immediate transfer of Elian to his father's custody, according to a Justice official, who requested anonymity. Juan Miguel Gonzalez went to Craig's office Friday night to discuss the plan.

The insistence of the government and the father on immediate transfer has been the sticking point in the negotiations, because the Miami relatives have demanded continued discussion of whether Elian should be turned over. The relatives lost a U.S. District Court battle and an appeals court, which ruled that Elian cannot leave this country until it hears the case, did not bar Reno from switching custody.

Friday night outside the suburban Maryland home where Juan Miguel Gonzalez is staying, the Rev. Joan Brown Campbell, who has been assisting him, said after speaking with him that the relatives in Miami are "getting closer" to action he would find acceptable, but she gave no details of any negotiations.

Lawyers assembled at Lazaro Gonzalez' Miami home Friday evening. A fax machine was carried in, then back out when they went to a local restaurant. At mid-evening, the crowd of Cuban exiles outside was read a letter to Reno that suggested no movement on the key issue. In it, the relatives' pediatrician, Armando Acevedo, wrote that it would be "harmful ... (and) inhumane" to remove Elian from their home.

Florman said the sketchy plan presented to Reno by the intermediaries called for "a cooperative resolution that would include an immediate transfer of Elian to his father's care."

ELIAN'S SAGA



CARL JUSTICE

ASKING FOR HELP: "I need my son at my side. Please, please help me," says Juan Miguel Gonzalez on Thursday.

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"The Justice Department would welcome a real agreement that could achieve our goal of reuniting Elian with his father in a voluntary manner," Florman said.

Work on the intermediaries' plan began even before Reno met Friday afternoon at the Justice Department with Juan Miguel Gonzalez, but it was not clear whether any mention was made of it in their 15-minute session.

Meantime, no progress was made at a secret meeting Friday in Miami between mediators from the Justice Department's Community Relations Service and Lazaro Gonzalez and his daughter, Marisleysis, who helps care for Elian, according to a source familiar with the session held at a church.

The meeting, also attended by a local radio station owner, was an effort by the government to reach out to the relatives, but the great-uncle and his daughter said they would not turn over the boy, this source said.

Virtually out of options, Reno also awaited word Friday from her law enforcement agents in Miami on the best time for them to remove Elian from his Florida relatives.

While Reno clung to hope for a last-minute negotiated turnover, she could not give even the father a timetable at their meeting for a reunion with his son.

Meantime, Justice officials said key federal marshals and immigration agents were being positioned in Miami where Cuban exiles crowd the street outside the home of Lazaro Gonzalez. The boy has stayed there since Thanksgiving when he was found in the ocean after a boat carrying his mother and other Cubans capsized, killing her and 10 others.

The exiles, motivated by their hatred of Cuban leader Fidel Castro, have vowed to form a human chain to block Elian's removal. For days, federal agents have been assessing the crowd's patterns of activity and consulting with local police.

Florman said earlier Friday that the attorney general was "looking to our law enforcement officials to determine the best timing and methods" for removing Elian from Lazaro Gonzalez's home.

Outside the great-uncle's house, dozens of exiles prayed; others bore 6-foot wooden crosses representing Jesus' crucifixion on Good Friday. Most of them said it would be a mistake for the federal government to try to remove Elian by force.

Before word of a possible deal emerged late Friday, federal officials had said an operation to retrieve Elian was possible this weekend but was more likely next week, because of the time required to prepare it and a reluctance to risk violence over Easter.

After meeting with Reno, Juan Miguel Gonzalez and his attorney, Greg Craig, walked grimly from the building without comment.

In a written statement, Reno said she told him "that I could not commit to a particular course of action or timetable."

The father, who came here from Cuba two weeks ago to pick up his son, expressed great concern for the boy and appealed to her for quick action to effect a reunion, Reno said.

"I was deeply moved by Mr. Gonzalez's evident love for his son," Reno said.

Earlier, she told reporters, "I'm exploring every possibility I can to see this resolved peacefully, promptly and properly."

Asked if she was on the verge of ordering law enforcement agents to pick up Elian, Reno replied, "If I were going to do something like that, I certainly wouldn't tell you."

At the White House, spokesman Joe Lockhart said the turnover "should be now done in a prompt and orderly way." President Clinton spoke with Reno about the case Wednesday night, but Lockhart denied he was pushing her to use force.

Lockhart said a "good volume" of calls was received on the White House comment line Thursday night, "overwhelmingly in favor of reuniting the boy with his father." The Justice Department received more than 7,000 telephone calls after Juan Miguel Gonzalez made a televised appeal Thursday for Americans to urge Reno and Clinton to act quickly.



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Department of Justice
IMMIGRATION AND NATURALIZATION SERVICE

STATEMENT

February 18, 2000

INS Response to Mr. Juan Gonzalez

The U.S. Immigration and Naturalization Service (INS) today informed Mr. Juan Gonzalez, father of Elian Gonzalez, that the INS remains fully committed to reuniting him with his son Elian as soon as possible, consistent with legal procedures. The INS told Mr. Gonzalez that after careful consideration of his request to move Elian, the agency does not plan to change the temporary care arrangements for Elian at this time.

The decision was made in response to requests from Juan Gonzalez that Elian be moved from the care of Lazaro Gonzalez and placed in the care of Manolo Gonzalez, both of whom are Juan Gonzalez's uncles. INS emphasized to Mr. Gonzalez that Elian's current care arrangements are only temporary while a federal court reviews INS' decision. INS stated that the agency shares Mr. Gonzalez' concern that Elian be well cared for, and therefore will request information from Lazaro Gonzalez concerning the credentials of any psychiatrist or psychologist who has seen Elian, as well as an explanation of any treatment that may have been prescribed for him. INS also will request information regarding Elian's schooling.

The INS advised Juan Gonzalez that a Miami-based nongovernmental organization conducted a post-placement visit to verify that Lazaro Gonzalez' home was an adequate setting for Elian's temporary care. INS indicated that transferring Elian temporarily to a new and unfamiliar environment would not be advisable for the child after already experiencing the trauma of leaving his home in Cuba and losing his mother. Instead, INS will continue to focus its efforts on returning Elian to his father.

INS also stated that it is aware of Lazaro Gonzalez' past convictions for driving under the influence of alcohol, but that the information INS has at present does not suggest that Lazaro Gonzalez' home is not an adequate environment for Elian's temporary care at this time. INS is prepared, however, to revisit this issue if additional relevant information becomes available.

Regarding Mr. Gonzalez' concern about the Miami family's request that the federal district court appoint a *guardian ad litem* for Elian, INS stated that the government is preparing a response to that motion which will be filed with the court within the next few days.

INS reiterated to Mr. Gonzalez that it is committed to resolving this matter as fairly and expeditiously as possible.



JUSTICE Q&A

TIMING OF OPERATION

Why did operation have to occur at that particular time? Wasn't there a Saturday to Monday window?

We waited as long as we possibly could, until it became clear that the family would not agree to a peaceful transfer of custody. The operation was timed so as to minimize the chance of a violent confrontation with a crowd that had gathered outside the house. *and to keep Elian as safe as possible.*

→ *why did they do it during Holy weekend? (pre-Easter)*
Mediators and representatives for the relatives say that a deal was close

A deal was not close because the Miami relatives would not agree to transfer immediate custody, which was required by the INS order, and would not agree to meet outside the Miami area, where Juan Miguel believed he would be in danger.

which document?
The exact quote from the document said "We understand that you have transferred temporary custody of Elian to his father." The relatives made no commitment to reunite the two.

→ *I think I saw a quote where the Miami fam. said meeting outside of Miami was a "deal breaker"*

Negotiations were broken off at 4:00 AM. At that time, mediator Aaron Pothurst knew that the operation was underway. The operation was put on hold for five minutes between 4:21 and 4:26 AM. *The Rel's. knew they had 5 mins. to give an answer, and failed to do so.*

NOTE: According to CARLOS SALADRIGAS, the relatives had met the _____ ? Reno? government's terms at 8 o'clock on April 21 that she had indicated to us a day earlier that she thought were reasonable and acceptable. And the family had signed those deals. However, they say that the Attorney General made significant last minute changes: One, was that the location of the safe house where the two families were going to meet was changed from Miami, Dade County, to Washington, D.C. And the second one was the length of tenure at the safe house. According the Saladrigas, it was contemplated that the families would be there until the pendency of the appeal, and then that time limit had--that time had been limited to one week. He says the family agreed to both just as agents were coming through the door.

Didn't the President promise not to go in at night?

Senator Graham now says that the President made this commitment as a way to disperse the crowds and provide quiet around the house at night. *More on that?*

There are no news reports prior to Apr. 22 of Graham . . .

MANNER

Didn't the operation put the child at risk?

Every effort was made to guarantee Elian's safety. Unfortunately, the family placed Elian at risk by refusing to agree to a peaceful reunion with his father. Lazaro himself announced that we would have to come into the house and take him. *by force.*

Weren't the tactics excessive?

It's important to note that while there was a show of force, there was not a great use of force. We had credible reports of guns in the crowd and possibly in the house. The family also had made veiled threats that there would be guns.

In circumstances like this is always better to be cautious. People who go into the house must be appropriately trained, appropriately prepared and appropriately equipped. The operation was completed quickly and safely. Elian is finally enjoying quiet time with his father, stepmother and baby brother.

Agents who went into the house said that they had never encountered the level of resistance they met with at the house. The INS agent who eventually carried Elian out of the house was knocked to the ground on the way in. The family pushed a couch against the door to stop the agents from entering. *The crowd threw stones + chairs at agents + their vehicles as they drove away.*

According to the Miami Herald, "an hour after the raid, [Lazaro] emerged in his front yard and with a megaphone: 'To everyone who is here, if we would have had weapons, this would not have happened.'" [Miami Herald, 4/23/00]

What other options were considered, why were they rejected

A full range of options were considered. The Attorney General even considered going to the house herself. However, the crowd outside the house made it clear that they would intervene to prevent Elian from being removed.

From the beginning, our first choice was to have a negotiated peaceful transfer of custody between the Miami relatives and Elian's father. Right up until the last moment, however, the Miami relatives refused to agree to let Juan Miguel go with Elian.

Given the hostile crowd, threats from the Miami relatives and the potential of weapons around or in the house, we believe that we acted in a measured, effective manner. And we believe that the outcome supports this.

Why didn't you move the crowd back as Sen. Specter suggested?

I respect Senator Specter's experience, but it is doubtful whether this would make any difference at all in the outcome of the operation. While most of the crowd merely was exercising its right to demonstrate peacefully, there were elements in the crowd that

Anything about protecting officers?

promised to go to any lengths necessary to stop us from carrying out our lawful order to reunite Elian and his father.

As the Miami relatives repeatedly reminded us, at some point we would have to confront this crowd. And community leaders bragged that they could assemble a crowd of 15,000. In part because of the timing and execution of the operation, the incidents were not more serious.

The Miami Police placed barricades 100 feet from the house. Miami Lt. William Schwartz said the distance reflects the department's trust that the community will demonstrate peacefully. [Miami Herald, 4/22/00]

Were there really guns in home? Sen. Mack says that the Miami police concluded on Friday that there were not?

We did have reports of persons with guns not only inside the house, but also around the house. In these circumstances, it is better to be cautious.

What warning was given? Was the warrant presented to the family?

For security reasons, neither the family nor the negotiators were told a raid was underway. The deadline of 4:00 AM came and went without an agreement.

At 4:21 the Attorney General told Podhurst that the relatives had only five minutes to reach a settlement. The operation was on hold during this period. At 5:00 AM, Reno told Podhurst to make Elian available immediately. At 5:15 AM agents knocked at the door and announced that they had a warrant and that they were there to recover Elian.

LEGAL ISSUES

11th Circuit says Elian has the right to apply for asylum?

In granting an order for Elian to remain in the United States, the Court of Appeals cited this as one possible outcome. Holding that a six-year old child understands and can prevail in an asylum request against the wishes of his father is a novel reading of the law that was already rejected by the Federal District Court and the INS in its administrative proceeding. The parties involved will have a chance to make their case in front of the federal appeals court next month.

Hasn't the government lost in court every time?

No. In fact, three key court decisions have gone in favor of the INS and the Justice Department. The Miami relatives were the ones acting without any legal authorization in holding Elian.

On March 21, the federal district court had dismissed the family's lawsuit challenging the INS commissioner's January 5th ruling.

On April 13th, a Miami-Dade family court judge ruled against the family in holding that the state court has no jurisdiction.

And the federal appeals court declined to issue an order allowing Elian to remain with the Miami relatives after the INS removed parole on April 13. The federal court did rule that Elian must stay in the country for the duration of the appeal, which Elian and his father have agreed to do.

Specifically, what law was the family breaking?

The family was holding Elian in violation of a lawful INS order issued on April 12th to reunite him with his father. The family had lost its legal attempts to prolong their custody and the INS and Justice Department had made repeated requests and engaged in prolonged negotiations to peacefully reunite Elian and his father. On April 21, the INS received a search warrant from a federal magistrate allowing them to remove Elian from the house pursuant to Federal Rule of Criminal Procedure 41(b), which allows warrants to be issued for persons who are "illegally detained."

Shouldn't Elian have independent legal representation since he has been arrested and his interests may be significantly different than his father's?

What forum will decide what is in the best interest of Elian

Father just filed something new

FUTURE

When can Lazaro & Marisleyis see Elian

This will be determined by the family and the psychologists who are advising them.

What is U.S. doing to protect Elian when he returns to Cuba?

Officials from the State Department met with representatives of the Cuban Interests Section April 25 in Washington and voiced concern on how Elian would be treated in the event he returns to Cuba. We will continue to discuss with Cuban officials Elian's treatment should he return to Cuba. [per NSC Guidance 4/26/00]

Will Juan Gonzalez testify at a hearing

Visa for cousin/teacher have been issued. Will any other visas be issued - ie, for the team of psychologists Castro wants to send?

CONTROL

Was the President informed? When?

Did he mention a commitment to Sen. Graham not to enter the house at night.

Was the Attorney General really calling the shots in the negotiations

NOTE: Saldrigas claims that he believes that someone else was calling the shots: " I am not about to speculate, but clearly, our feeling was, at the end of the whole process, that the attorney general was not a decision-maker in this process, that someone else was."

What role did Greg Craig play in the negotiations? *Did he have a veto?*

Because a peaceful reunion required complete agreement between Juan Miguel Gonzalez, the Miami relatives and the government, Juan Miguel's attorney was kept apprised of the status of negotiations.

FRINGE

Faked photos?

Elian drugged?

Cuban psychiatrists treating Elian

What was Fidel Castro's role in the operation? He certainly seems happy now.

Jack-Booted Thugs:

Q Let me follow up, if I may, Joe. Has the President expressed any second thoughts about the perception of the raid, about the pictures that were shown?

MR. LOCKHART: The President has not. The President believes that they did this having no other alternative and having the intransigent position of the Miami relatives as something that was clear that this was the only alternative for reuniting the boy with his father. It was done in an appropriate way; it was done safely, there was no one hurt; the boy has been reunited with the father.

And I think everyone has got to take a deep breath on -- **you know, there are a lot of wild claims being made right now. And I think with time, people will be able to separate fact from fiction. I think everyone has a responsibility to try to report and separate fact from fiction. I think people who are saying things now are clearly, by their own comments, undermining their own credibility.**

Just a sample from yesterday: there are a number of prominent Republicans who have come out and just made what I have to view as wild statements, wildly inaccurate. Tom DeLay went on television yesterday and said that there was no warrant in this case, that they didn't get a search warrant. It's factually not true and easily knowable -- if you're not trying to play politics. He made the claim that somehow the father hadn't seen the boy in three years -- and joining in a chorus from some anonymous people from Florida making the case that somehow he wasn't fit. Well, the INS made a judgment on this based on interviews and based on real information. That's not true. And I think Congressman DeLay knows it's not true.

The family made the absolute absurd argument that somehow the photos that were released on Saturday were doctored, that it wasn't really the boy. So I think we have a responsibility here, everyone does -- everyone involved here -- to put out the facts and try to separate the fact from the fiction, from the overheated and impassioned rhetoric; and from, frankly, those who very clearly have decided that there are some politics to be played here, some perceived political gain and they're going to play it.
[WH Briefing, 4/24]

Highlights

1. **The government had a search warrant to enter the home and take Elian Gonzalez away to be reunited with his father.**

Statements by allies of the relatives in Miami, including Rep. Tom DeLay, that the government had no warrant to enter the home are false.

The search warrant was signed Friday evening by a U.S. Magistrate judge from the Federal court in Miami.

2. **The relatives in Miami did not meet the Attorney General's deadline, and never agreed to turn the child over to federal authorities to be reunited with his father.**

The relatives had signed a document that stated "We understand that you have transferred temporary custody of Elian to his father...." But nowhere in that document did they commit to turning Elian over.

The relatives have, in fact, given very conflicting signals about what they would do with Elian over recent weeks. For example, great-uncle Lazaro Gonzalez was quoted on April 13 as saying, "The kid will have to be picked up by force."

3. **The government used appropriate measures to enter the home and remove the child.**

From start to finish, the government entered the home and removed Elian Gonzalez in less than three minutes.

Officials had to be prepared for the possibility that relatives or their allies might have guns on the premises or in the area. Reportedly, someone providing security for the relatives had a permit for a concealed weapon and was seen in and around the home with a gun strapped to his ankle. In addition, news reports say cousin Marisleysis Gonzalez made this troubling comment to members of the INS Community Relations Service on Thursday: "You think we just have cameras in the house? If people try to come in, they could be hurt." News reports also say officials had two other indications that guns might be in or near the property, including one case in which a woman reportedly showed a gun in her purse, and intelligence reports that weapons were being stockpiled in an adjacent house.

The procedures followed by the government were supported today by the Federal Law Enforcement Officers Association, which issued a statement sharply critical of those who have questioned the actions of federal agents.

4. The government had the legal authority to reunite the child with his father.

The U.S. District Court last month had ruled in favor of the government, affirming that the Attorney General had discretion to handle this as an immigration matter. The 11th Circuit's recent order did not stay or overturn that decision. The order simply prevents removal of Elian Gonzalez from the United States. It did not prevent the government from reuniting the child with his father.

In addition, earlier this month a state court had thrown out an effort by the Miami relatives to seek custody of Elian.

APR-25-00 04:24 PM KATE DESCH

6872776726



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

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(717) 938-2300

FLEOA Decries Characterization of Federal Agents as "Storm-Troopers"

On behalf of the more than 17,500 members of the Federal Law Enforcement Officers Association (FLEOA), we wish to express our strong disgust and dismay over the use of the term "storm-troopers" to describe federal agents, over the recent events in South Florida.

FLEOA will not comment on the debate concerning the government's decision to use or not use law enforcement. These are policy decisions made by individuals (appointed by the President and confirmed by the United States Senate) above our position in the chain of command.

However, to hear politicians describing career law enforcement officers; Americans who have taken an oath to serve, protect and uphold the Constitution of the United States and who are willing to, and in many cases do, give their lives as a consequence of taking this oath, as "storm troopers" totally shocks and befuddles FLEOA members.

FLEOA wishes to remind all politicians, as they go about reviewing whether or not appointed government officials should have continued negotiating, used improper self imposed timetables to determine whether action should be taken, or turned prematurely to the use of law enforcement, to remember:

once a law enforcement operation is ordered by people duly elected or appointed to their position by the Constitution we are sworn to uphold, we look to achieve our mission with minimal loss of life to private citizens, participating law enforcement officers, and the people whom the action is directed at, as well as minimal injury to those same parties.

The professional law enforcement action taken on the morning of April 22, 2000, in South Florida accomplished all of these directives.

To stigmatize career law enforcement officers because they utilize every tactical advantage during a law enforcement operation (including looking "mean") shows a total lack of knowledge and understanding of tactical training; training authenticated and accredited over the years to achieve results and minimize danger for all. Anyone who does not believe law enforcement carry weapons, and look "mean" during the execution of a lawfully obtained warrant does not realize how many of our comrades we have buried because they were killed in the line of duty during these operations. We believe anyone using this term owes law enforcement an apology.

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Agence France Presse, 4/13/00

The countdown to the finale of the Elian Gonzalez custody drama began here Thursday, with the boy's Miami relatives apparently on a collision course with US authorities.

The stage was set for a forcible removal of the six-year-old from his Little Havana home, as his Miami relatives vowed to defy a US Justice Department ultimatum to surrender the boy.

US Attorney General Janet Reno instructed the Miami family to deliver Elian to Opa-locka Airport, northwest of here, at 2:00 p.m. (1800 GMT) Thursday, after failing to work out an amicable agreement with them a day earlier.

US officials have pledged to transfer custody of the boy from the Miami relatives to his Cuban father this week. But the family, who argue the boy would be better off in the United States, remained defiant to the last.

"We will not bring (Elian) to Opa-locka," Elian's great uncle Lazaro Gonzalez told supporters late Wednesday.

"We will not bring him to Washington. They can come here. The kid will have to be picked up by force," he said.

The family would not stand in the way of US marshals, if they came to get Elian, but to co-operate with authorities would be to betray the child, family spokesman Armando Gutierrez said.

"They can come here and they (the family) would open the door and say 'Here is Elian,'" he said.

* * *

Lazaro Gonzalez, wearing a T-shirt with a picture of Elian on the back, urged the crowd of Cuban Americans in front of his home to remain calm.

"We will respect authority and we're going to remain calm. We're not going to fight with anybody," Lazaro Gonzalez told supporters.

[Emphasis Added]

Boston Globe, 4/8/00

In less than 20 minutes, more than two dozen reporters asked the lawyer in the crisp blue suit the same question in English and Spanish.

"What will the family do when the government comes for the child?"

Not once did Manuel A. "Manny" Diaz betray a hint of exasperation. He graciously answered again . . . and again, as if for the first time.

["Lazaro (Gonzalez) has always said he will obey the law. He will open the doors to his home and not attempt to stop the government."]

Associated Press, 4/4/00

Lazaro Gonzalez said Monday night, "If the father comes or not we don't know, but he is welcome here. Don't ever doubt the Gonzalez family has their door open for their family."

Orlando Sentinel, 4/1/00

Elian Gonzalez's Miami relatives balked Friday at allowing the boy to stay with his father when the Cuban man comes to the United States. But one of their attorneys said they would comply if federal officials demand it.

* * *

["If INS says, 'The father is here, and we hereby revoke the parole, and we're coming to pick up Elian because we're sending him to his father tomorrow morning,' the family would not interfere," said Manny Diaz, attorney for the Miami relatives.]

But they would much prefer that the father come to Miami to visit Elian, he said.

"They're willing to open their doors to him and sit down at the family table and discuss what happens to this child," Diaz said. "They feel right now that there has been nothing done to ensure that any kind of potential transition is done in a manner that protects that child's well-being. This is not a package that you ship overnight. This is a human being."

Essential Survey

Would you like telemarketers to stop calling you at home? Yes No [Vote Now!](#)

MIAMI-DADE

Published Monday, April 24, 2000, in the Miami Herald

U.S.: At least one gun had been seen at Gonzalez's house

BY DAVID KIDWELL
dkidwell@herald.com

At least one person at the house of Elian Gonzalez's Miami family during Saturday's predawn raid -- a Cuban American National Foundation security chief with a concealed weapons permit -- had been seen frequently at the home with a handgun strapped to his ankle.

Federal authorities point to Mario Blas Miranda, 48, a licensed private investigator and president of Wellington and Knight Security, and fellow members of the family's security team as partial justification for their armed entry.

Miranda, a former Miami police officer who left the force in 1992, has been a constant fixture in and around the house since the controversy began.

Federal officials confirmed Sunday that their "credible reports of weapons inside that house" centered on the comings and goings of Miranda and his team -- not on information that any family members or other visitors had weapons.

As it turned out -- authorities concede -- there were probably no guns inside the house.

The family and its supporters are outraged that the government used guns during the incident.

"We were not armed," Marisleysis Gonzalez said at a press conference in Washington, D.C., Sunday morning. "All we had was God on our side."

The task force outside the home early Saturday focused attention on Miranda, knocking him to the ground, forcing him to spread eagle, and dousing him with pepper spray while pushing a shotgun in his ear.

"I could not think," Miranda said later. "I could not move."

Federal agents did not search Miranda for his weapon Saturday morning. Miranda declined to comment on Sunday.

WEAPONS PERMIT

Miami Police Chief William O'Brien said Miranda weeks earlier "had reached out to our personnel to let us know he was carrying a weapon and that he had a concealed weapons permit."

O'Brien also said other Miami officers who had visited the home reported "no weapons had been seen in the house. But with the number of people going in and out of the house, there was no guarantee.

"It's better from a law enforcement standpoint to err on the side of caution," he said.

Federal authorities say the weapons coming in and out of the house with the private security force were enough to raise doubts about the safety of the

operation.

"We had credible intelligence reports that led us to believe there could have been guns inside that house," said Maria Cardona, Immigration and Naturalization Service spokeswoman in Washington. "If you have that information -- even if it doesn't end up being true -- you have to act accordingly."

EXPERTS AGREE

Law enforcement experts agree. They say whether or not guns were in the house -- or who in the house might have them -- is of little consequence, compared to whether police had even a small reason to be concerned.

Cardona confirmed reports from other federal and local law enforcement authorities who said the only reports of weapons inside the house were those weapons carried by security guards on the payroll of the Cuban American National Foundation.

"I can tell you that I have heard those reports from our people in Miami," Cardona said.

Those reports, in addition to at least two other unconfirmed reports of weapons in the neighborhood in the days preceding the raid, helped sway federal agents away from a "soft approach" and toward a use of force that shocked many.

TWO REPORTS

One such report came from a television reporter who said a woman showed her a gun in her purse. Pressed by police, the reporter declined to identify the woman.

The second report centered on a nearby house where police had unspecified and as yet unconfirmed "intelligence reports" that weapons were being stockpiled. No police ever saw weapons coming or going from the home, and no warrant was ever obtained to search the house.

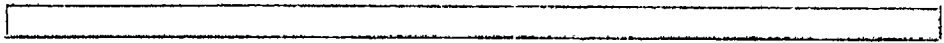
The day before the raid, immigration officers arrested two residents of that home on unrelated immigration warrants. No one was at the house Sunday afternoon to comment.


Cardona also confirmed reports from other unnamed Justice Department sources that Marisleysis Gonzalez made this troubling comment to members of the INS Community Relations Service on Thursday: "You think we just have cameras in the house? If people try to come in, they could be hurt."

Said Cardona: "I didn't hear the comment so I cannot confirm it personally, but I can tell you that our people in Miami have reported that comment was made, yes."

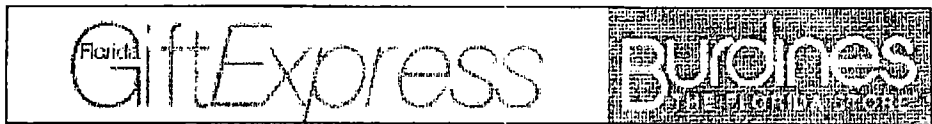
Armando Gutierrez, the family's spokesman, said Marisleysis "would never say such a thing. I doubt that very much."

Herald staff writer Frances Robles contributed to this report.



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NEWS

Published Monday, April 24, 2000, in the Miami Herald

INS releases warrant for home raid

Copy refutes claim by relatives' lawyer

BY ALFONSO CHARDY
achardy@herald.com

The U.S. Immigration and Naturalization Service late Sunday released a copy of the search warrant it obtained from a federal magistrate in Miami authorizing the predawn raid in which federal agents seized Elian Gonzalez.

U.S. Magistrate Robert Dube signed the warrant Friday evening after INS special agent Mary A. Rodriguez submitted an affidavit outlining the need for the search warrant.

The INS released the copy of the search warrant and copies of the agency's application and affidavit for the search warrant after Kendall Coffey, one of the attorneys for the Miami family, raised questions about the legality of the raid, saying no warrant had been presented at the house.

Maria Cardona, an INS spokesman, said a warrant was obtained at 7:20 p.m. Friday from Dube and that the document legally enabled federal officers to enter the home.

"It was absolutely a legal operation," Cardona said.

Meanwhile, Coffey released copies of a letter in which Elian's Miami relatives asked Attorney General Janet Reno for guarantees the boy will not be turned over to Cuban diplomats before an appeals court rules on whether he has the right to a political asylum hearing.

Reno did not respond to the relatives' plea, but the INS released copies of a departure control order that requires Elian and his father to remain in the United States.

Robert Wallis, the INS District Director in Miami signed the order, which instructs Elian's father -- Juan Miguel Gonzalez -- to stay in the United States with his son.

ELIAN SAGA

- Top Republicans demand hearings on federal raid
- South Florida looks to heal
- Last deadline was ignored, lawyer says
- Miami relatives demand to see boy, request inquiry
- Father and son reported quietly bonding at base
- U.S.: At least one gun had been seen at house
- Reunion photo stirs controversy
- An eerie quiet settles over street
- Castro ends 24-hour truce
- Police chief defends actions
- Commission won't back Carollo's plan to fire police chief
- Little cousin's dream strengthens exiles' faith boy will stay in U.S.
- Major U.S. newspapers divided on federal raid
- Elian video plays into fears of youngsters
- Complete coverage
- See the sequence of dramatic images by AP's Alan Diaz

SLIDESHOW:

"I order you not to depart or attempt to depart with your son from the United States, or to aid or assist or attempt to aid or assist in your son's departure from the United States, until the injunction entered by the Eleventh Circuit Court of Appeals in that case is no longer in effect," the order said.

The return of Elian to his father

YOUR OPINION

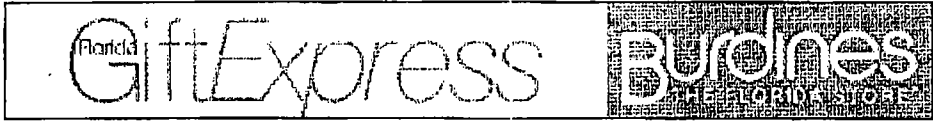
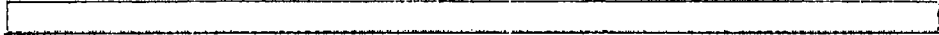
Do you think the government's raid on the Gonzalez's Miami home was handled properly?
Vote in our poll

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- **Elian is seized** (NBC6)
- **Elian is seized: A different view** (AP)
- **Elian's relatives talk about the raid** (AP)
- **Donato Dalrymple talks about the seizure** (AP)

The city of Miami has opened a rumor control hotline to deal with concerns and questions about the seizure of Elian Gonzalez. The number is: 305-579-1800.



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* > Day in Family Court

- turned away

* > Re-unite boy when father came

- failed to do it

> Best interest of child -

- told to do in soon

> Criticism of AG for not enforcing law

> Appropriate show of force
- more than cursors

- weapons in house
- knock / rattle
- couch pushed in front of door

> Legal Authority

- obtained warrant
- failed to turn over child
- unlawfully restrained

- opposition to officers

- obstruct
- rocks / bottles

Moved goal posts.

- come to U.S. - reunion
- ~~refused to~~ ^{speech review}

- private family meeting

- Abide by the ~~law~~

- parole
- state court decision

- would not resist if Marshals came.

myron-cord.

pe

514-5000

last week

post-19th

Garcia Pedrosz - video

• would take him anywhere / anytime

footage - from Schurden -

Armando Gutierrez x -

we took all the guns out of the house -

video/clips tracking increasing tension

• quotes of increasing tension.

April 15

- After delaying for months, Lazaro Gonzalez asks for another delay, until after the Easter holiday.

April 18

- Irwin Redlener, president of The Children's Health Fund and professor of pediatrics at Albert Einstein College of Medicine, said Elian *"was in a state of imminent danger to his physical and emotional well-being in a home that I consider to be psychologically abusive....I believe there is no justification whatsoever to wait any longer"* to enforce the government's custody order transferring Elian to his father. Dr. Redlener called for Elian's immediate removal from *"a profoundly disturbing and dangerous environment for this child."* [Washington Post, 4/18/00]

April 19

- The 11th Circuit Court of Appeals issued an injunction stating that Elian could not leave the country pending its decision on the Miami relative's appeal of the district court's decision. The Circuit Court did **not** rule on who should have custody while waiting for that appeal. Elian's father, who arrived in Washington April 6, has indicated that he will stay in the country with Elian until the final ruling.
- The Attorney General determined that nothing in the order precluded her from reuniting Elian with his father.

April 22

- After more negotiations and no concessions from the Miami relatives, federal agents retrieve Elian and he is reunited with his father, stepmother and brother in Washington.

Lizew - Have some fun

Mans - More than cameras

- would not interfere if gov't came

Specter - ~~the~~ details IRS actions.

every time it got to that point they said no.

- respect rule of court

- Sen Tomcetti's intervention

Pullin - American's support
R + Ds support it equally

M/W divide

concern Miveni relatives/news media

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Aftershocks for Elian

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Nightly News

NBC's Andrea Mitchell reports on the amount of force used to retrieve Elian. Will it cause the six-year-old psychological scars?

By Andrea Mitchell
NBC NEWS CORRESPONDENT

WASHINGTON, April 24 — The fallout continues from “Operation Reunion” — the show of force by the federal government that took Elian Gonzalez from the home of his Miami relatives and returned him to his father at Andrews Air Force Base outside of Washington D.C. But was that kind of force really necessary? And what about the impact on the child?

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Andrea Mitchell
NBC CORRESPONDENT

WAS THE FORCE really necessary — the pre-dawn break-in, the gas, the SWAT team gear and most frightening, the guns?

It was a textbook assault, but why was it used in this case?

“The whole purpose of serving warrants or making entry or responding to critical incidents is when you have a heavily-armed suspect who is very violent and that wasn’t the case here,” said Larry Glick of the National Tactical Officers Association.

Law enforcement officials say they had reports of weapons in the crowd, even in the house, but no hard intelligence.

“There was no need for this,” Elian’s cousin Marisleylis Gonzalez said, holding up the infamous photo of Elian crying in the closet. “There was no need for my family to have guns against them.”

The scare tactic was deliberate said Janet Reno.

“One of the things that is so very important is that the force was not used,” Reno said. “It was a show of force that prevented people from getting hurt.”

STORY Reno: 'No regrets' over Elian action

Still, what about the emotional damage to a small child of being carried off by armed strangers in the middle of the night?

“The way they invaded that house the procedure that they used was like they were invading a crack house or somebody had taken the child hostage and there was a gun pointed to his head,” child psychologist Dr. Robert Butterworth said.

SHORT-TERM OR LONG-TERM TRAUMA?

Clearly, the boy was terrified. But does that cause lasting damage? Only hours later he was a very different Elian, according to a government psychiatrist who accompanied him to Washington.

“Yes, he was scared, but he is very resilient. And it was demonstrated during the trip,” said the U.S. Public Health Service’s Dr. Gustavo Cadavid. “The child who was sad initially, gets off the airplane three hours later happy, moving, talking, hugging his father.”

In fact, many child development experts say the raid itself caused only short term trauma compared to everything else Elian has experienced during the last five months: the noise; the crowds; the late-night rallies; the home video; being on constant display; and doctors say, never getting the solitude he needs to mourn the loss of his mother.

THE BATTLE FOR ELIAN GONZALEZ
Full coverage

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"I think the family has really abused this child, not in the sense of physical abuse, but this child has been kept from his family, and he has not been given the psychological support he needed after losing his mother and he has been exposed to all sorts of media hype and he has been used," said Tufts University's Professor David Elkind.

Psychiatrists say Elian's obvious attachment to his father will help him readjust, but that he may still suffer nightmares, flashbacks, post traumatic stress and will need professional help to sort out the conflicts of the past five months.

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3-30!

INS originally threatened to revoke parole -
extended until 4/4.

2-19 - INS replies to letter requesting another male
get custody
& turned down request

4/19 - court

- did not prevent AG from placing custody w/ father
- o Nightline: Atty says won't agree to place child w/ father.

4/13 - opz-lockz Jackie pined

Tris revokes parole

MR. review stay barring removal from US

Fed. dist. ct throws out Latoro's case - 11th Cir. appeal

4-12- Reno offer - meeting in Wash. -
demand to deliver to opz-lockz

4-6 Juan Miguel Arrives in DC