

FOIA MARKER

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

Folder Title:

Elian Gonzalez [4]

Staff Office-Individual:

Multilateral & Humanitarian Affairs-Patten, Wendy

Original OA/ID Number:

3135

Row:	Section:	Shelf:	Position:	Stack:
40	5	7	3	V

April 6, 2000

Note for Lisa Macecevic, OMB

From: Greg Jones, DOJ



Re: State letter on Elian Gonzalez

This is a good general statement of the problems that would result from a denial of Elian's return to his father's custody. We suggest that consideration be given to taking a position on the pending legislation. Also, some further elaboration of the Hague Convention reference might be appropriate for the information of readers not familiar with it. They should note that it doesn't specifically apply to this case, because Cuba is not a signatory (otherwise readers are likely to wonder why the referenced procedures for prompt return don't directly control), and delete "by one parent." As we read the Convention it applies to any situation in which a child is removed or retained in breach of rights of custody, not just custody disputes between parents, and the current draft could be read to imply wrongful action by Elian's mother -- which may or may not be the case, but should not be the focus of the case as it has developed.

For accuracy's sake, it should be noted that there should be accent marks placed over the "a's" in "Elian" and "Gonzalez". Also, "Gonzalez" is misspelled.

EXECUTIVE OFFICE OF THE PRESIDENT
Office of Management and Budget
Legislative Reference Division

April 6, 2000

To: Wendy Patten
NSC
Fax: 6-9140
From: Lisa Macecevic
RE: State letter on Elian Gonzalez
Total Pages: 2

Attached are comments from Justice on the State letter. I've already sent them to Irene. I'm not sure why they're making more comments on the letter now.

Lisa J. Macecevic
Legislative Analyst
Phone: (202) 395-1092
Fax: (202) 395-3109
Email: Lisa.Macecevic@omb.eop.gov



U.S. Department of State

Office of The Counselor

Room 7509

Tel: 202 647-5529

Fax: 202 647-0247

Date: _____

Total Pages (including FAX sheet): 5



United States Department of State

The Counselor

To:

Mara Rudman

FAX Number:

456-9460

From:

Wendy Sherman

Telephone Number:

Subject:

As discussed, Cong. TP's. and Q & A.

Trene Bueno

6-5581

~~Wendy Patten~~

Acknowledge Receipt -- Yes: ☐ No: ☐

ELIAN GONZALEZ LEGISLATIVE PROPOSALS CONGRESSIONAL BRIEFING POINTS

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

They'd
asked
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what does that mean my great
fay?



- Citizenship fundamentally defines who a person is, and imposes obligations as well as rights. In the case of a six-year-old child in Eliau's circumstances, international law would recognize the right of the father to decide whether his child should be made a citizen of a foreign country.
- Making Eliau a permanent resident of the United States over his father's objection would also raise serious questions under international law.
 - It would also be seen as interfering with the father's parental rights to decide his son's status and the right of Eliau and his father to be reunited promptly.
 - The very concept - "permanent resident" - could be used to ^{Charge} ~~deny~~ that we are interfering with Eliau's right to leave the United States and return to his home and his father in Cuba.
- How Congress acts will have far reaching international implications. The Department of State is deeply concerned that not returning Eliau to his father will damage our ability to obtain the return of American children to their American parents.
 - International law and practice are clear that a child in Eliau's circumstances should be returned to his surviving parent.
 - If this were an American child, we would insist on his immediate return to his father and would object strongly if the father were forced to appear in a foreign court to establish custody or to defend a decision to bring the child back to the United States.
 - In international custody disputes between two parents, we push for children to be returned promptly to their "habitual residence." This is the rule we follow under the Hague Convention on parental child abduction. We also push non-Hague countries to follow it, for the benefit of American parents. Eliau's habitual residence is Cuba. ~~If we don't follow Hague Convention, it will undermine our authority~~
 - If Eliau were an American child, we would also object to making a decision based on Eliau's purported views. We would say that he is too young to have a view, and that it is too easy for those with immediate physical custody to influence what he says. This principle is reflected in the Hague Convention.
- Our standing as a country that respects fundamental human rights will surely be damaged - ~~involving~~ ^{in the interest of} the state courts of Florida will be seen as cruelly prolonging the separation of the father and son for political purposes.
- The international community will use imposing US citizenship on Eliau Gonzalez or making him a permanent resident of the United States as an example of the United States disregarding fundamental international legal principles.

CONTINGENCY POINTS

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

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

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

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

Cut?

Let
my
cousin

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: BUSH, JEB

FROM: PRESIDENT

DOC DATE: 11 FEB 00
SOURCE REF:

KEYWORDS: HUMAN RIGHTS CUBA
PRESIDENTIAL CORRESPONDENCE

PERSONS:

SUBJECT: LTR FM GOV BUSH ON ELIAN GONZALEZ CASE

ACTION: FOR DISPATCH

DUE DATE: 19 JAN 00 STATUS: C

STAFF OFFICER: PATTEN

LOGREF:

FILES: PA

NSCP:

CODES:

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

FOR ACTION
WH STRIPPING DESK

FOR CONCURRENCE

FOR INFO
NSC CHRON
PATTEN

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTCG CLOSED BY: NSGP DOC 4 OF 4

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ACTION DATA SUMMARY REPORT

RECORD ID: 0000130

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 PATTEN	Z 00010715 PREPARE MEMO FOR BERGER
002 BERGER	Z 00020420 FWD TO PRESIDENT FOR SIGNATURE
003 PRESIDENT	Z 00020915 FOR SIGNATURE
004	X 00021405 PRESIDENT SGD LTR
004 WH STRIPPING DESK	X 00021405 FOR DISPATCH

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 000209	VICE PRESIDENT
003 000209	PODESTA, J
004 000211 WH STRIPPING DESK	
004 000211 BUSH, JEB	

UNCLASSIFIED

NATIONAL SECURITY COUNCIL

THE WHITE HOUSE

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JACOBSON	_____	_____	_____
POWELL	_____	_____	_____
BASH	<u>1</u>	<u>20/2/11</u>	<u>DATE</u>
BRADTKE	_____	_____	_____
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BERGER	_____	_____	_____
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A = ACTION I = INFORMATION D = DISPATCH R = RETAIN N = NO FURTHER ACTION

00 FEB 11 PM 416

CC:

COMMENTS:

Date 11 FEBRUARY 2000 7

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NATIONAL SECURITY COUNCIL

THE WHITE HOUSE

2/7

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POWELL	_____	_____	_____
BASH	_____	_____	_____
BRADTKE	_____	_____	_____
RUDMAN	<u>2</u>	<u>MR 2/5</u>	_____
STEINBERG	<u>2</u>	<u>(signature)</u>	_____
BERGER	<u>3</u>	<u>(signature)</u>	_____
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A = ACTION I = INFORMATION D = DISPATCH R = RETAIN N = NO FURTHER ACTION

CC:

00 FEB 4 PM 7:38

COMMENTS:

Letter to Gov Jeb Bush
 re: Gonzalez Bay Cuba

EXEC SEC OFFICE HAS DISKETTE

yes

NATIONAL SECURITY COUNCIL

THE WHITE HOUSE

PROOFED BY: _____

LOG # 0130

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SYSTEM PRS INT ARS

BYPASSED WW DESK: _____

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GIRE	_____	_____	_____
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BRADTKE	_____	_____	_____
RUDMAN	_____	_____	_____
STEINBERG	_____	_____	_____
BERGER	_____	_____	_____
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RECORDS MGMT.	_____	_____	_____
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A = ACTION I = INFORMATION D = DISPATCH R = RETAIN N = NO FURTHER ACTION

CC: Please Staff to Wendy
 COMMENTS: Patten w/ Concurrence
 by Mary De Rosa per
 Rudman
 Wex

EXEC SEC OFFICE HAS DISKETTE _____

THE WHITE HOUSE

WASHINGTON

February 11, 2000

Dear Governor Bush:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six year-old boy.

As you know, the Immigration and Naturalization Service has decided that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS followed the applicable law and procedures in reaching this determination.

The parties involved in this matter have now challenged the INS decision in federal court, which is the appropriate place to resolve concerns about the decision. Throughout this process, I have worked to ensure that this case is handled according to the law, free from the influence of political or other factors.

Again, thank you for sharing with me your concerns about this compelling case.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Clinton", written in a cursive style.

The Honorable Jeb Bush
Governor of Florida
Tallahassee, Florida 32399-0001

211-00

THE WHITE HOUSE

WASHINGTON

February 9, 2000

00 FEB 9 12:47

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
MICKEY IBARRA 

SUBJECT: Letter from Gov. Jeb Bush on Elian Gonzalez Case

Purpose

Respond to a letter from Florida Governor Jeb Bush, expressing his concerns about the INS decision to return Elian Gonzalez to his father in Cuba.

Background

Governor Jeb Bush wrote to express his concerns regarding the INS decision announced on January 5. In his letter, he criticizes the INS decision as arbitrary and unilateral, and takes issue with INS' failure to afford the child a hearing on the request for asylum filed on his behalf, which he claims runs contrary to his constitutional rights. The letter asks you to reverse the decision made by the Attorney General and INS, thereby allowing the case to be decided by a Florida state court.

Your response indicates that the parties involved in this matter have challenged the INS decision in federal court, which is the appropriate place to resolve concerns about that decision. The response also makes clear that you have endeavored to ensure that the INS decision would be made according to the applicable law and procedures, and not politics.

RECOMMENDATION

That you sign the attached response.

Attachment

Tab A Letter to Governor Bush

cc: Vice President
Chief of Staff



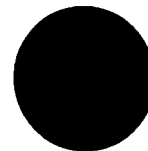
JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

502211
0130



January 6, 2000

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

Dear President Clinton:

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

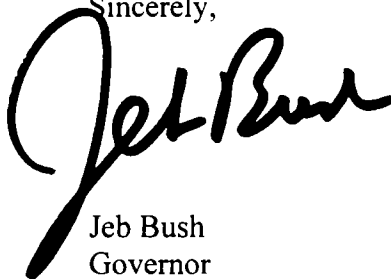
Many in the South Florida community are incensed by the failure of INS to afford Elian any hearing or appropriate due process, and are justifiably concerned about the welfare of this child. Elian's father has not been permitted to leave Cuba to visit his son here, and may not have been permitted to speak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

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

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

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

Sincerely,

A handwritten signature in black ink, reading "Jeb Bush". The signature is fluid and cursive, with the first name "Jeb" and last name "Bush" clearly distinguishable. The signature is positioned above the printed name and title.

Jeb Bush
Governor

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

0130

February 4, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ *ES*
FROM: WENDY PATTEN *all for*
SUBJECT: Letter from Gov. Jeb Bush Concerning the Case of
Eliau Gonzalez

Attached is a memorandum to the President and proposed response to a letter from Governor Jeb Bush criticizing the INS decision in this case and asking the President to reverse it.

The NSC received the incoming correspondence on January 7, 2000.

Concurrences by: Mary DeRosa, Caryn Hollis *} via e-mail*

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President
Tab A Letter to Gov. Bush on Eliau Gonzalez
Tab B Incoming Correspondence

PRESIDENTIAL/NSA CORRESPONDENCE

IMMEDIATE ACTION REQUIRED

ACTION OFFICER: Patten

LOG NUMBER: 0130

DUE DATE: 19 Jan

DATE STAFFED: 7 Jan

CORRESPONDENCE ADDRESSED TO:

☒

PRESIDENT

☐

NATIONAL SECURITY ADVISOR

FROM: Bush, Jeb

PREPARE A RESPONSE FOR THE PRESIDENT'S OR NATIONAL SECURITY ADVISOR'S SIGNATURE WITHIN 10 DAYS. IF A LETTER DOES NOT REQUIRE A RESPONSE, PLEASE RETURN IT TO RECORDS MANAGEMENT (RM 379) WITH THIS FORM, ANNOTATED ACCORDINGLY.

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9909316
RECEIVED: 29 DEC 99 18

TO: WATERS, MAXINE
ET AL

FROM: PRESIDENT

DOC DATE: 10 FEB 00
SOURCE REF:

KEYWORDS: CUBA MIGRATION

CO

PERSONS: GONZALEZ, ELIAN

SUBJECT: RESPONSE TO LTRS FM MEMBERS OF CONGRESS RE ELIAN GONZALEZ CASE

ACTION: FOR DISPATCH

DUE DATE: 10 JAN 00 STATUS: C

STAFF OFFICER: PATTEN

LOGREF: 0000128 0000237

FILES: PA

NSCP:

CODES:

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

FOR ACTION

WH STRIPPING DESK

FOR CONCURRENCE

FOR INFO

LACKEY
NSC CHRON
PATTEN

COMMENTS:

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OPENED BY: NSTSM

CLOSED BY: NSGP

DOC 4 OF 4

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ACTION DATA SUMMARY REPORT

RECORD ID: 9909316

DOC ACTION OFFICER

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001 BUSBY	Z 99122918 PREPARE MEMO FOR BERGER
001	Z 99123010 ACTION TRANSFERRED
001 PATTEN	Z 99123010 PREPARE MEMO FOR BERGER
002 BERGER	Z 00020312 FWD TO PRESIDENT FOR SIGNATURE
002 BRAIN	Z 00020712 FOR SIGNATURE
003 PRESIDENT-	Z 00020915 FOR SIGNATURE
004	X 00021505 PRESIDENT SGD LTRS
004 WH STRIPPING DESK	X 00021505 FOR DISPATCH

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

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003 000209	VICE PRESIDENT
003 000209	PODESTA, J
004 000210 WH STRIPPING DESK	
004 000210 ABERCROMBIE, NEIL	
004 000210 BINGAMAN, JEFF	
004 000210 BISHOP, SANFORD D JR	
004 000210 CARSON, JULIA	
004 000210 CLAY, WILLIAM L	
004 000210 CLYBURN, JAMES E	
004 000210 COVERDELL, PAUL	
004 000210 CRAIG, LARRY E	
004 000210 CUMMINGS, ELIJAH	
004 000210 DEUTSCH, PETER	
004 000210 HASTINGS, ALCEE L	
004 000210 HILLIARD, EARL F	
004 000210 HINCHEY, MAURICE D	
004 000210 JONES, STEPHANIE T.	
004 000210 KENNEDY, PATRICK J	
004 000210 LEE, BARBARA	
004 000210 JACKSON-LEE, SHEILA	
004 000210 LOTT, TRENT	
004 000210 MACK, CONNIE	
004 000210 MEEKS, GREGORY	
004 000210 MENENDEZ, ROBERT	
004 000210 NICKLES, DONALD L	
004 000210 PELOSI, NANCY	
004 000210 SCHAKOWSKY, JANICE	
004 000210 SERRANO, JOSE E	
004 000210 VELAZQUEZ, NYDIA M	
004 000210 WATERS, MAXINE	

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NATIONAL SECURITY COUNCIL

THE WHITE HOUSE

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POWELL	_____	_____	_____
BASH	<u>1</u>	<u>BB/2/14</u>	_____
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CC:

COMMENTS:

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NATIONAL SECURITY COUNCIL

THE WHITE HOUSE

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RUDMAN	<u>3</u>	<u>un 2/4</u>	_____
STEINBERG	<u>4</u>	<u>1</u>	_____
BERGER	<u>5</u>	<u>1</u>	_____
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00 FEB 3 1995
 CC:

COMMENTS: Ltrs fm Congress re
 Elian Gonzalez Case

EXEC SEC OFFICE HAS DISKETTE yes

NATIONAL SECURITY COUNCIL

THE WHITE HOUSE

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BASH	_____	_____	_____
BRADTKE	_____	_____	_____
RUDMAN	_____	_____	_____
STEINBERG	_____	_____	_____
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CC:

COMMENTS:

EXEC SEC OFFICE HAS DISKETTE _____

7316
NATIONAL SECURITY COUNCIL

February 3, 2000

Sheba/Mona:

FYI. There are several incoming letters in this package. Most warrant their own response (mainly because some representatives wrote more than once) but the text is mostly similar. Additional letters will be prepared upon approval of the package. If you have any questions, please let me know. I'll be happy to try and explain the package.

Kay

THE WHITE HOUSE
WASHINGTON

February 10, 2000

Dear Peter:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced on January 5 its decision that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to governing law and procedures. I believe the proper resolution of the challenge to the INS decision is in court, and not through legislation.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, reading "Bill Clinton". The signature is written in a cursive, flowing style with a large initial "B".

The Honorable Peter Deutsch
House of Representatives
Washington, D.C. 20515-0920

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Patrick:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced on January 5 its decision that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to governing law and procedures. I believe the proper resolution of the challenge to the INS decision is in court, and not through legislation.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", is positioned below the word "Sincerely,".

The Honorable Patrick J. Kennedy
House of Representatives
Washington, D.C. 20515-3901

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Bob:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced on January 5 its decision that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to governing law and procedures. I believe the proper resolution of the challenge to the INS decision is in court, and not through legislation.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill", written in a cursive, slightly stylized font.

The Honorable Robert Menendez
House of Representatives
Washington, D.C. 20515-3013

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Neil:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive, slightly stylized font.

The Honorable Neil Abercrombie
House of Representatives
Washington, D.C. 20515-3704

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Jeff:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill", is positioned below the word "Sincerely,".

The Honorable Jeff Bingaman
United States Senate
Washington, D.C. 20510-3102

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Sanford:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive style.

The Honorable Sanford D. Bishop, Jr.
House of Representatives
Washington, D.C. 20515-1002

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Julia:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive style.

The Honorable Julia M. Carson
House of Representatives
Washington, D.C. 20515-1410

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Bill:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive, slightly stylized font.

The Honorable William "Bill" Clay
House of Representatives
Washington, D.C. 20515-2501

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Jim:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive style.

The Honorable James E. Clyburn
House of Representatives
Washington, D.C. 20515-4006

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Elijah:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive style.

The Honorable Elijah Cummings
House of Representatives
Washington, D.C. 20515-2007

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Alcee:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bin", likely a stylized representation of Bill Clinton.

The Honorable Alcee L. Hastings
House of Representatives
Washington, D.C. 20515-0923

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Earl:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill", is positioned below the word "Sincerely,".

The Honorable Earl F. Hilliard
House of Representatives
Washington, D.C. 20515-0107

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Maurice:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive style.

The Honorable Maurice D. Hinchey
House of Representatives
Washington, D.C. 20515-3226

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Stephanie:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", is positioned below the word "Sincerely,".

The Honorable Stephanie Tubbs Jones
House of Representatives
Washington, D.C. 20515-3511

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Barbara:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive style.

The Honorable Barbara Lee
House of Representatives
Washington, D.C. 20515-0509

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Gregory:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill", is positioned below the word "Sincerely,".

The Honorable Gregory W. Meeks
House of Representatives
Washington, D.C. 20515-3206

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Nancy:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive, slightly stylized font.

The Honorable Nancy Pelosi
House of Representatives
Washington, D.C. 20515-0508

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Janice:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", is positioned below the word "Sincerely,".

The Honorable Janice D. Schakowsky
House of Representatives
Washington, D.C. 20515-1309

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Nydia:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", is positioned below the word "Sincerely,".

The Honorable Nydia M. Velázquez
House of Representatives
Washington, D.C. 20515-3212

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Maxine:

Thank you for your letters regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,



The Honorable Maxine Waters
House of Representatives
Washington, D.C. 20515-0535

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Joe:

Thank you for your letters regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to the governing law and procedures, not politics. The INS, in consultation with the Attorney General, had sole responsibility for deciding the procedures to follow as well as the result. An interagency task force was not established to determine the procedures governing this case.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive, slightly stylized font.

The Honorable Jose E. Serrano
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Senator Coverdell:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced on January 5 its decision that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to governing law and procedures, not politics. I believe the proper resolution of the challenge to the INS decision is in court, not through legislation.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, reading "Bill Clinton". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

The Honorable Paul Coverdell
United States Senate
Washington, D.C. 20510-1004

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Senator Craig:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced on January 5 its decision that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to governing law and procedures, not politics. I believe the proper resolution of the challenge to the INS decision is in court, not through legislation.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Clinton". The signature is fluid and cursive, with a long, sweeping underline.

The Honorable Larry E. Craig
United States Senate
Washington, D.C. 20510-1203

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Mr. Leader:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced on January 5 its decision that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to governing law and procedures, not politics. I believe the proper resolution of the challenge to the INS decision is in court, not through legislation.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Clinton". The signature is fluid and cursive, with a long horizontal stroke at the end.

The Honorable Trent Lott
Majority Leader
United States Senate
Washington, D.C. 20510-7010

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Senator Mack:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced on January 5 its decision that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to governing law and procedures, not politics. I believe the proper resolution of the challenge to the INS decision is in court, not through legislation.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

A handwritten signature in black ink, reading "Bill Clinton". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

The Honorable Connie Mack
United States Senate
Washington, D.C. 20510-0904

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Senator Nickles:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced on January 5 its decision that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to governing law and procedures, not politics. I believe the proper resolution of the challenge to the INS decision is in court, not through legislation.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,



The Honorable Don Nickles
Majority Whip
United States Senate
Washington, D.C. 20510-3602

THE WHITE HOUSE

WASHINGTON

February 10, 2000

Dear Sheila:

Thank you for your letters regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced on January 5 its decision that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have been committed to ensuring that this decision is made according to governing law and procedures, not politics. I share your view, and that of many of your colleagues, that any challenge to the INS decision should be resolved in court, not through legislation.

I appreciate your enclosure of the letter from Elian's grandmothers. I am pleased they met with the Attorney General and INS Commissioner during their stay.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

Bill

The Honorable Sheila Jackson Lee
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

February 9, 2000

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM:

SAMUEL BERGER *SB*
CHARLES M. BRAIN *CMB*

SUBJECT:

Response to Letters from Members of Congress
Concerning the Elian Gonzalez CasePurpose

To respond to nine letters from Congress concerning the Elian Gonzalez case.

Background

Numerous members of both houses of Congress have written to express their concerns on the matter of Elian Gonzalez. Some members, such as Representatives Serrano and Waters, support the child's prompt return to his father in Cuba. Others, such as Senator Mack and Representative Menendez, request that you prevent INS from returning the child to Cuba before they can act to pass legislation to confer U.S. citizenship or lawful permanent resident status on the boy. Still others, such as Senator Bingaman, urge you to steer clear of the political forces unleashed by this case. Representative Lee urges you to veto any bills to confer status on the child, while attaching a letter in Spanish from Elian's grandmothers in which they ask to meet with you.

Your response indicates that the Immigration and Naturalization Service and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court. The response also makes clear that you have tried to ensure that the INS decision would be made according to applicable law and procedures, not politics.

RECOMMENDATION

That you sign the letters at Tab A.

Attachments

Tab A Response to Letters from Congress
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

Congress of the United States

Washington, DC 20515

C422



408766

January 7, 2000

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

We are writing regarding the plight of Elian Gonzalez to request that you take no action to enforce the decision announced by the Immigration and Naturalization Service that would mandate Elian's return to Cuba.

As you are aware, there are many complicated legal aspects to this case. Given that the fate of an innocent little boy is at stake amidst these complex and unique circumstances, we believe that the U.S. Government should not move too hastily on this issue.

In addition, we feel that it is imperative that Congress be allowed to examine all the issues involved. We intend to introduce legislation to extend permanent resident alien status to Elian Gonzalez when Congress returns in late January. Accordingly, we respectfully urge you to take steps to halt the implementation of the INS' decision, waiting instead to work with Congress when it reconvenes.

Thank you for your thoughtful attention to this urgent matter.

Sincerely,

Rep. Bob Menendez

Rep. Peter Deutsch

Rep. Patrick Kennedy

MAXINE WATERS
MEMBER OF CONGRESS
35TH DISTRICT, CALIFORNIA
CHIEF DEPUTY WHIP
COMMITTEES
BANKING AND FINANCIAL
SERVICES
JUDICIARY

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

2344 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0535
(202) 225-2201
FAX (202) 325-7854
DISTRICT OFFICE
10124 S. BRADWAY
SUITE 1
LOS ANGELES, CA 90003
(310) 757-8900
FAX (310) 757-8906

December 23, 1999

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

Dear Mr. President:

I am writing to you to urge the Administration to expedite the return of Elian Gonzalez to his father in Cuba. It is unconscionable that this real life tragedy has become overly politicized and his return further delayed by postponement of his hearing by the Immigration and Naturalization Service until January 21, 2000.

It has been nearly a month since, by the grace of God, Elian's life was spared after an unsuccessful attempt by his mother and others to come to the United States aboard a risky vessel. Elian should have been back home in Cuba well before Christmas, and his father should not have to experience the anguish of separation from his child in this highly politicized environment.

Clearly, Elian is a Cuban native

Clearly, his father is in Cuba.

Clearly, his father made no effort to "smuggle" Elian into the United States.

There are no outstanding issues. And, moreover, Elian is too young to be interviewed

Mr. President, I am sending this urgent letter of request in an attempt to avoid the proposed delay. Many other Members of Congress will join me during our next communication on this issue. Some of us are determined that this situation will not be decided based on the politics of the day or the sentiments of anti-Castro Cubans in Florida and the rest of the United States. Rather, it should be decided based on the best interest of the child and the rights that any father would expect to have.

Elian has lost his mother to death on the high seas. Are we also now going to take away his father? I urge your immediate consideration of these concerns

Sincerely,

Maxine Waters
Maxine Waters
Member of Congress

DEC 27 16:22

MW:rj
Cc: Mr. Samuel R. Berger
Secretary Madeline Albright
Attorney General Janet Reno
Secretary Larry Summers
Commissioner Doris Meissner
Ambassador Fernando Ramirez

To: Interam

PLS DRAFT RESPONSE

ccur: Legnat, Legal

exec/records to track

WASHINGTON OFFICE:
2342 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3216
(202) 225-4381
FAX (202) 225-8001

DISTRICT OFFICE:
890 GRAND CONCOURSE
BRONX, NY 10461-2828
(718) 538-8400
FAX (718) 538-3852

Congress of the United States
House of Representatives
Washington, DC 20515-3216

December 8, 1999

9045
COMMITTEE:
APPROPRIATIONS
SUBCOMMITTEE:
RANKING DEMOCRAT
COMMERCE, JUSTICE, STATE, THE JUDICIARY
AND RELATED AGENCIES
TRANSPORTATION
AND RELATED AGENCIES
MEMBER, CONGRESSIONAL
HISPANIC CAUCUS
MEMBER, CONGRESSIONAL
BLACK CAUCUS
VICE CHAIR
DEMOCRATIC STEERING
COMMITTEE

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500-0005

Dear Mr. President:

It is my understanding that an inter-agency task force, led by the National Security Agency, is trying to determine what procedures should be followed with respect to the case of Elián González, the Cuban child rescued off the coast of Florida. I am at a loss to understand what would justify deviating from established procedures governing the rights of children found outside the protection of their own governments, which were designed and negotiated to protect not only the rights of nationals of other countries but also those of our own citizens.

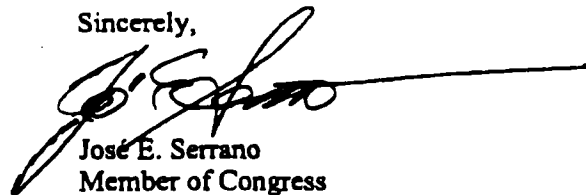
Although I can appreciate the sensitivity of this case, I believe that the United States government, immediately upon finding this child, should have returned him to Cuba to his natural father, who is his only surviving parent. Unfortunately, the Immigration and Naturalization Service placed Elián in the temporary custody of relatives in Miami. Elián's father has now stated clearly and on numerous occasions that he wants his son returned to his care, and I believe that the parental rights of the father should take precedence over all political considerations.

You should quickly and personally intervene to facilitate the return of this small child to his father, his grandparents, and the place of his birth. In this particular case, a state court is not the appropriate forum. Moreover, a judicial process will only further delay the return of this child to Cuba, and will exacerbate already strained relations between the United States and Cuba.

Could there be a more poignant example of the irrationality governing our policy towards Cuba than the plight of this child, who has now become an international poster child for competing national interests? Time honored international procedures are being ignored in favor of political interests. This is a travesty.

With thanks for your attention to my views and best wishes, I am

Sincerely,



José E. Serrano
Member of Congress

JES:nab

JOSÉ E. SERRANO
16TH DISTRICT, NEW YORK

WASHINGTON OFFICE:
2342 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3216
(202) 225-4361
FAX (202) 225-6001

DISTRICT OFFICE:
890 GRAND CONCOURSE
BRONX, NY 10451-2828
(718) 538-5400
FAX (718) 588-3652

0237

Congress of the United States
House of Representatives
Washington, DC 20515-3216

January 5, 2000

COMMITTEE:
APPROPRIATIONS

SUBCOMMITTEES:
RANKING DEMOCRAT
COMMERCE, JUSTICE, STATE, THE JUDICIARY
AND RELATED AGENCIES
TRANSPORTATION
AND RELATED AGENCIES

MEMBER, CONGRESSIONAL
HISPANIC CAUCUS

MEMBER, CONGRESSIONAL
BLACK CAUCUS

VICE CHAIR
DEMOCRATIC STEERING
COMMITTEE

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500-0005



Dear Mr. President:

Finally after a flawed process and an unjustifiable delay, the INS has announced that Elián González will be returned to his father. I am supportive of this moral decision.

At a recent press conference, lawyers from Miami indicated they would be asking that this decision by the INS be overturned, and stated that they would be initiating legal action. This is outrageous, unacceptable, and has no supporting legal precedent or basis. Any attempt to change this long and overdue correct decision by the INS would be a grave mistake.

Now is not the time to again politicize the process. I urge you to reject all of these attempts to thwart the authority and decision of the INS. This child belongs with his father, and I hope that all of your efforts will be directed towards quickly bringing this to a conclusion.

Sincerely,

José E. Serrano
Member of Congress

JES:nab

92-2

United States Senate

WASHINGTON, DC 20510

December 20, 1999

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

Dear Mr. President:

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

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

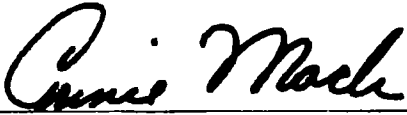
Therefore, when the Congress returns from the current recess, we intend to move to consider a measure granting United States citizenship to Elian Gonzalez.

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

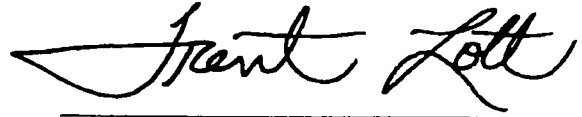
There is talk that the INS will simply send Elian back to the clutches of Castro's communist dictatorship. To return him without American citizenship would be a tragedy and a travesty. To ensure he gets a fair hearing in court by people who treasure liberty and honor and respect the rule of law, we hope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

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

Sincerely,



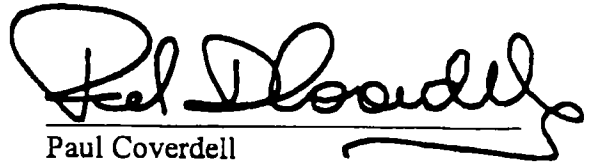
Connie Mack
United States Senator



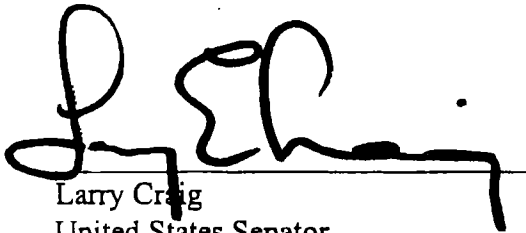
Trent Lott
United States Senator



Don Nickles
United States Senator



Paul Coverdell
United States Senator



Larry Craig
United States Senator

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

COMMITTEES:

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

COMMITTEE ON SCIENCE
SUBCOMMITTEE ON SPACE AND AERONAUTICS

0551

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

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

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

January 25, 2000

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

VIA FAX AND HAND
DELIVERED

Dear President Clinton:

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

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

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

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

Thank you for your time and consideration.

Sincerely,



Sheila Jackson Lee
Member of Congress

SJL:lcb

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

La Habana, 21 de enero de 2000

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

Estimado Presidente:

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

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

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

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

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

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


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

**U.S. Department of State
Office of Language Services
Translating Division**

LS No. 0200044
JF/IPM
Spanish

Havana, January 21, 2000

His Excellency William Clinton
President of the United States of America

Dear Mr. President:

We are the two grandmothers of little Elián González Brotons and have come to New York in the hope of retrieving him.

You can imagine how great a sacrifice this trip has been for our family, which has not been apart even a moment from the time of the tragedy in which we lost a daughter and have been forced to endure the immense pain of having our grandson kidnapped. In recent days, those who are keeping the child illegally have not even allowed us to speak with him.

We know that you have, in the face of great obstacles, indicated your acknowledgement of the father's indisputable right to retrieve his son. Juan Miguel, little Elián's father, we, and the entire family are devastated and living in the agony of each passing moment.

We realize how incredibly busy you are, but we ask you to meet with us even for just a few minutes. If you prefer, our meeting can be kept completely confidential.

If you grant us this honor, it would be of tremendous support to us, and, sooner or later, it would also be much appreciated by the people of the United States, who are committed to family values and who are, by a wide margin, clearly in favor of the child's return to his father, grandparents, and other relatives.

- 2 -

You can reach us at the home of the Rev. Joan Campbell. Contact would be made in the manner and place that you deem appropriate.

[Signature]

[Signature]

Mariela Quintana Garrido Raquel Rodríguez Rodríguez
Grandmothers of Elián González Brotons

COMMITTEE ON SMALL BUSINESS
RANKING DEMOCRATIC MEMBER

COMMITTEE ON BANKING AND
FINANCIAL SERVICES

SUBCOMMITTEE ON HOUSING AND
COMMUNITY OPPORTUNITY

SUBCOMMITTEE ON CAPITAL MARKETS,
SECURITIES, AND GOVERNMENT
SPONSORED ENTERPRISES

CONGRESSIONAL HISPANIC CAUCUS

CONGRESSIONAL CAUCUS FOR
WOMEN'S ISSUES

CONGRESSIONAL
PROGRESSIVE CAUCUS



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

NYDIA M. VELAZQUEZ

12TH DISTRICT, NEW YORK

January 10, 2000

2241 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-2361

DISTRICT OFFICES

815 BROADWAY
BROOKLYN, NY 11206
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173 AVENUE B
NEW YORK, NY 10009
(212) 673-3997

16 COURT STREET
SUITE 1006
BROOKLYN, NY 11241
(718) 222-5819



The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D.C. 20052

Dear Mr. President:

I would like to express my strong support for your efforts in the safe return of Elian Gonzalez to his father in Cuba. Elian, who has just recently lost his mother, has been kept from the only family he has ever known. The U.S. Immigration and Naturalization Service has determined that Elian's father is his sole legal guardian. This is dictated by the laws of this nation and by the natural law between a parent and a child.

There is no evidence to suggest that Elian's father is anything but a loving and responsible parent. No one can argue against the fact that his father loves him and is the proper and legal guardian. Mr. Gonzalez' legal guardianship over his son has been attacked only because of his nationality and not because of any conduct of his own. Denying him custody of his child would fly in the face of justice. The welfare of a child must not take a backseat to politics.

This is not a political question, but a question about a father and son separated because of the relationship between two countries. I strongly support the decision of the INS to return Elian to his father and his home.

Sincerely,

Nydia M. Velázquez
Member of Congress

cc: Attorney General Reno

United States Senate

December 16, 1999



President William J. Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

I am writing to you regarding the battle for custody of Elian Gonzalez, the young Cuban boy whose mother perished attempting to flee to the United States. I have been greatly disturbed, as I'm sure you have, at the way in which groups on both sides of the issue have turned the very personal issue of where this young boy belongs into a debate with very political goals.

My purpose in writing this letter is simply to urge you to resist responding to the political forces swirling around this debate. If it is determined that the father is an appropriate adult to have custody of his son, this matter should be resolved in a manner that recognizes the rights of the surviving natural parent and insures that the best interests of the child are furthered. I would urge that this decision be made soon, so that the political storm that has been unleashed is prevented from doing further damage to this child and all of the parties involved.

Sincerely,

A large, stylized handwritten signature of Jeff Bingaman is written over the typed name and title.

Jeff Bingaman
United States Senator



Washington Office

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

Los Angeles District Office

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

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

leg for
res poss
→ SB
→ M.E.

Date:

1/6/00

Pages to follow:

To:

John Podesta

Fax to: ()

456-2883

Telephone: ()

From:

Rep Maxine Waters

☒ D C☐ L A

Message:

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MAXINE WATERS
MEMBER OF CONGRESS
30th District California
CHIEF DEPUTY WHIP
COMMITTEES:
BANKING AND FINANCIAL
SERVICES
JUDICIARY

0236
Congress of the United States
House of Representatives
Washington, DC 20515-0535

PLEASE REFER TO
2344 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0535
(202) 225-2301
FAX (202) 225-7854
DISTRICT OFFICE
10124 S. BROADWAY
SUITE 1
LOS ANGELES, CA 90003
(323) 757-8900
FAX (323) 757-9000

January 6, 2000

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

Dear Mr. President:

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

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

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

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

Sincerely,

Maxine Waters
Member of Congress

Barbara Lee
Member of Congress

James E. Clyburn
Member of Congress

JAN 11 18:02

William Clay
Member of Congress

Sheila Jackson Lee
Member of Congress

Maurice Hinchey
Member of Congress

Sanford Bishop
Member of Congress

Stephanie Tubbs-Jones
Member of Congress

Alcee Hastings
Member of Congress

Jan Schakowsky
Member of Congress

Gregory Meeks
Member of Congress

Julia Carson
Member of Congress

Neil Abercrombie
Member of Congress

Nancy Pelosi
Member of Congress

Elijah Cummings
Member of Congress

Earl Hilliard
Member of Congress

cc: Attorney General Janet Reno
Commissioner Doris Meissner

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

9316

February 2, 2000

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: WENDY PATTEN

SUBJECT: Letters from Members of Congress Concerning the
Elian Gonzalez Case

Attached is a memorandum to the President and proposed response to nine letters from Congress on the Elian Gonzalez case.

Members who wrote, in order of receipt, are: Rep. Jose Serrano (twice), Rep. Maxine Waters (alone and subsequently with 15 co-signers), Senator Connie Mack (co-signed by Senators Lott, Nickles, Coverdell, and Craig), Senator Jeff Bingaman, Rep. Nydia Velazquez, Rep. Bob Menendez (co-signed by Reps. Deutsch and Patrick Kennedy), and Rep. Sheila Jackson-Lee (including letter from Elian Gonzalez's grandmothers requesting a meeting with the President).

The NSC received the incoming correspondence on dates ranging from December 27, 1999 to February 1, 2000.

Concurrences by: Mary DeRosa, Daniel Shapiro, Caryn Hollis } via email

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President
Tab A Responses to Congressional Letters on
Elian Gonzalez
Tab B Incoming Correspondence

THE WHITE HOUSE

WASHINGTON

Dear Bob:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced on January 5 its decision that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have tried to ensure this decision is made according to governing law and procedures. I believe the proper resolution of the challenge to the INS decision is in court, and not through legislation.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

The Honorable Robert Menendez
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Sheila:

Thank you for your letter regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced on January 5 its decision that Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have tried to ensure this decision is made according to governing law and procedures, not politics. I believe the proper resolution of the challenge to the INS decision is in court, not through legislation.

I appreciate your enclosure of the letter from Elian's grandmothers. I am pleased they met with the Attorney General and INS Commissioner during their stay.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

The Honorable Sheila Jackson Lee
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Joe:

Thank you for your letters regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have tried to ensure this decision is made according to the governing law and procedures, not politics. The INS, in consultation with the Attorney General, had sole responsibility for deciding the procedures to follow as well as the result. An interagency task force was not established to determine the procedures governing this case.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

The Honorable Jose E. Serrano
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Maxine:

Thank you for your letters regarding the case of Elian Gonzalez. I share your concern for the well-being of this six-year-old boy.

The Immigration and Naturalization Service (INS) announced its decision in this case on January 5. The INS decided Elian Gonzalez's father, Juan Gonzalez, has the sole legal authority to speak for his son in immigration matters, and that the boy should be reunited with his father. INS and the Department of Justice are working hard to carry out the INS decision, which is under challenge in federal court.

Throughout this process, I have tried to ensure this decision is made according to the governing law and procedures, not politics.

Again, thank you for sharing with me your concerns about this difficult issue.

Sincerely,

The Honorable Maxine Waters
House of Representatives
Washington, D.C. 20515

9845
9310

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
CHARLES M. BRAIN

SUBJECT: Response to Letters from Members of Congress
Concerning the Elian Gonzalez Case

Purpose

To respond to nine letters from Congress concerning the Elian Gonzalez case.

Background

Numerous members of both houses of Congress have written to express their concerns on the matter of Elian Gonzalez. Some members, such as Rep. Serrano and Waters, support the child's prompt return to his father in Cuba. Others, such as Senator Mack and Rep. Menendez, request that you prevent INS from returning the child to Cuba before they can act to pass legislation to confer U.S. citizenship or lawful permanent resident status on the boy. Still others, such as Senator Bingaman, urge you to steer clear of the political forces unleashed by this case. Rep. Jackson Lee urges you to veto any bills to confer status on the child, while attaching a letter in Spanish from Elian's grandmothers in which they request to meet with you. *spill out* *what status*

Your response indicates that the Immigration and Naturalization Service and the Department of Justice are working hard to carry out the INS decision, which is currently being challenged in federal court. The response also makes clear that you have endeavored to ensure that the INS decision would be made according to the applicable law and procedures, and not politics.

RECOMMENDATION

That you sign the *Letter at Tab A* ~~attached response.~~

Attachments

Tab A Response to Letters from Congress

Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

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Cuban Boy Sides Lobby Congress

Updated 1:21 PM ET January 27, 2000

By *MADLINE BARO DIAZ*, Associated Press Writer

MIAMI BEACH, Fla. (AP) - Elian Gonzalez's Cuban and American relatives took custody fight to Congress today, and the nun who was host of the boy's tense reunion with his grandmothers said she now favors letting him stay.



full image

 Pepe Hernandez, President of the Cuban American National... (AP)
[more photos](#)

Sister Jeanne O'Laughlin told The Associated Press that before Wednesday night's reunion, her opinion was, "I would go with the law that the child should be with the father, but what I saw and felt really frightened me for the child."

She blamed both sides but specifically cited Fidel Castro's government for trying to manipulate the situation.

In court papers, meanwhile, the Justice Department argued that the judge should dismiss the Florida relatives' case either on grounds the court lacks jurisdiction to review the immigration decision or that Elian's great-uncle, Lazaro Gonzalez, lacks standing under federal law to speak for him.

It said a victory for the Miami relatives would "ignore accepted international practice in cases involving a sole surviving parent located in the United States, where we would expect the foreign country to immediately return the child to the surviving American

AP U.S. News

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[Clinton Ethics Complaint Reviewed](#)
[Farmer Kills Ex-Wife, Kids, Self](#)
[Cuban Boy Sides Lobby Congress](#)
[Second Death From Pokemon Toy*](#)
[Justices Will Miss Clinton Speech](#)
[Breast Cancer Ads Cause Stir](#)
[Communities Make Special Ed Plea](#)
[Snow Causes Huge Backup on Pa. Tpke](#)

parent."

* Story has photo

The 6-year-old boy has become the center of a fight between Cuban exiles and the Communist country after he was found clinging to an inner tube off the Florida coast Nov. 25. He left Cuba with his mother, who died along with her boyfriend and nine others when their boat capsized.

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Printer-friendly format
Send this story to a friend

The Immigration and Naturalization Service is pressing to have him returned to Cuba, citing the father's right to custody.

In Washington today, Elian's Cuban grandmothers met with members of Congress and depicted him as a changed, emotionally drained child who should be sent home to his father. The boy's Florida relatives pressed their side, urging that Congress grant emergency U.S. citizenship so that Elian could stay.

The Justice Department brief filed in U.S. District Court in Miami included a transcript of the father's interview with INS officials Dec. 31, 1999.

"My son is suffering," Juan Miguel Gonzalez told the INS. "My son needs me and needs his grandparents, and I need him."

Gonzalez accused the Miami relatives of trying to bribe him with offers of money, a house and a car if he agreed to go to the United States.

"I could go there with all my family and would be taken care and could have a job if I wanted to work, but with the money offered I would not need to do so," Gonzalez said. "That's when I hung up the telephone."

With a backdrop of 200 chanting, flag-waving demonstrators nearby, the trembling grandmothers, Mariela Quintana and Raquel Rodriguez, met with the boy Wednesday night at Sister O'Laughlin's home.

They brought Elian a photo album filled with pictures of his family and friends back in Cuba, and the three played with an Etch A Sketch and stuffed animals.

At one point, one of the grandmothers' cellular phone went off and was confiscated. It was unclear who was trying to call, but a letter issued Wednesday by the Cuban Communist Party from the boy's father and grandfather in Cuba said they would call during the meeting.



The grandmothers did not comment as they left the meeting.

In an interview broadcast over the Spanish-language Radio Mambi after the reunion, Elian said: "Tomorrow they're going to make me an American citizen."

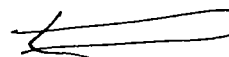
In Cuba, an editorial in today's Communist daily Granma complained about the phone confiscation and said a "counterrevolutionary mafia" is responsible for "the monstrous and traitorous kidnapping." The government complained that "the loving and heroic grandmothers" were treated shabbily, and that the reunion was repeatedly interrupted and abruptly cut short.

In response, Sister O'Laughlin said: "The Cuban government ... has said we were not nice to the grandmothers, that we had spies. This is just not true."

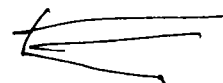
Sister O'Laughlin said that both sides were so mistrustful that she had to show them there was no chance Elian could be snatched away.

She showed her visitors that "windows couldn't be opened, that doors couldn't be invaded, that helicopters could not land in fake grass, that there were no disappearing trap doors."

She added: "What I experienced yesterday about tangible fear gives me real concern about the future of the child, ... and when I look at the real fear I say he would grow to greater freedom of manhood here."



She said she would tell officials in Washington "the truth as I experienced it. I don't represent pro-Castro, anti-Castro or INS. I only have the sense that I felt when I blessed that boy when he was leaving here."



Asked about the reunion, Attorney General Janet Reno said today that "it sounded like it went as anticipated and gave the grandmothers time with Elian."

On Capitol Hill, Senate Majority Leader Trent Lott indicated he had no solid plans for handling legislation to give Elian citizenship, removing the boy from the jurisdiction of the INS.

President Clinton supports the grandmothers' cause, hinting he might veto citizenship legislation if it passes.

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Grandmother Found Cuban Boy Changed in U.S

Updated 1:56 PM ET January 27, 2000

By James Vicini

WASHINGTON (Reuters) - The Cuban grandmothers of 6-year-old Elian Gonzalez said on Thursday they found him a completely changed boy after two months in the United States, and pleaded for him to be sent back to his Cuban homeland.

In another development Thursday, the U.S. Justice Department sought the dismissal of a lawsuit by the boy's Miami relatives that has prevented his return to Cuba. Elian survived a shipwreck that killed his mother in November, but has since been embroiled in a fierce tug-of-war between relatives in Cuba and in Florida.

"He's a whole different boy," the paternal grandmother, Mariela Quintana, told reporters while on Capitol Hill for meetings with sympathetic Democratic lawmakers.

"He's changed completely," she said. "We have to save this boy as soon as possible and bring him back to his family in Cuba."

The grandmothers met Elian Wednesday, the first time the boy has seen any family members from Cuba since he set off from the island last Nov. 21 on an ill-fated voyage to Florida.

The grandmothers said they came away from the meeting convinced that Elian wanted to come home -- a view the boy's Miami relatives have hotly contested -- and vowed to continue fighting until his return to Cuba.

Elian's father in Cuba, backed by Cuba's communist leadership and mass demonstrations in Havana, has said the boy was kidnapped and demanded that he be returned. Family members in Miami say he would have a better life in the United States.

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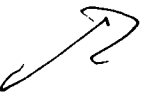
Hazards at Capitol - CQREUTERS 

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Elian's Miami relatives won a moral victory Thursday when the nun who hosted the boy's meeting with his grandmothers said that he should remain in the United States with relatives in Miami rather than returning to Cuba.



"I'm going to take the side of what I feel the child right now needs, and that is freedom," Sister Jeanne O'Laughlin told Fox TV local affiliate WSVN. "I do not think that that child will be able to live without fear if he goes back."

O'Laughlin, a Dominican nun and president of Barry University, hosted the meeting in her Miami Beach home at the request of the U.S. government.

In Washington, the maternal grandmother, Raquel Rodriguez, said, "He held us very tightly." She added, "At the beginning he didn't want to say anything. He was very shy."

She became ill during the visits to members of Congress, and was resting in a lawmaker's office. Officials did not know if she had become ill because of exhaustion or stress.

The grandmothers were on Capitol Hill to muster support against moves by some Republicans to rush through a bill to grant Elian U.S. citizenship or residency rights.

In its court filing Thursday, the Justice Department said the U.S. Immigration and Naturalization Service (INS) and Attorney General Janet Reno had the power and made the correct decision that Elian belongs with his father.

It urged the judge to hold a hearing at the "earliest possible opportunity" next month on their request to throw out the lawsuit by the Miami relatives that seeks to force the U.S. government to allow Elian to stay in the United States.

The department, in a lengthy court filing in Miami, said Elian's father had withdrawn Elian's request for admission to the United States, had not authorized anyone else to seek asylum on the boy's behalf and wanted Elian returned to Cuba.

But even if the federal judge ruled for the Justice Department, the case still could drag on for months or years if the Miami relatives go to a U.S. appeals court, and it ended up before the U.S. Supreme Court.

Reno commented indirectly on the relatives' practice of parading the boy before television cameras making V-for-victory signs.

At her weekly news conference, she said: "I can't comment with respect to Elian but if my great nephew, who is only about a year, or a couple of months younger, had that happen to him, I sure wouldn't like it."

After his reunion with the grandmothers in Miami, the boy emerged from a car at the relatives' Little Havana home and raised two fingers in a victory sign to cheers from a crowd -- though what he might have meant by that was impossible to say.

Reno once again urged those involved in the increasingly bitter dispute to put their differences aside and resolve the case.

"My hope is that people of good will who love the little boy can come together and reach some conclusion. We cannot forget that what is at stake here is a 6-year-old boy, and he should not be caught up in other issues that may not have a direct bearing on his life," she said.

Havana complained that Elian's U.S. cousin, Marisleysis Gonzalez, violated the ground rules of Wednesday's meeting by entering the reunion site with him, and that the grandmothers were later prevented from maintaining phone contact with Cuba.

The "loving and heroic" grandmothers endured "deceits, lies, tricks, betrayals, humiliations, and an inhuman and despotic treatment," according to a party statement.

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...nued on Page A15

INSIDE

Education Plan

...will call for minimum
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...ing to improve schools in

PAGE A15

Genetic Data Use

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...ederal agencies from us-
...information in decisions
...or promote workers.

Gender Violence

...slators are considering
...suits against attackers
...f wife-beating, gay-bash-
...violence based on gender
...ientation.

PAGE A12

Yon Diallo Wounds

...allo was killed by a police
...hit his aorta and spinal
...was hit at least once on
...a doctor said

PAGE A24

Thomas Dies

...City linebacker, para-
...car wreck Jan. 23, died
...d in Miami. He was 33.

...TSWEDNESDAY, PAGE C27

...way. Most states have a statute of
...limitations for rape prosecutions,
...meaning that cold cases may soon be
...solved but not prosecuted.

Article, Page A27.

...are aware of the others."

As for whether the attacks had
...been by the same people, Mr. Grotz
...said, "I think it would be premature
...at this point to say anything along
...those lines."

...hacking issues.

It "is unthinkable" that several
...groups of hackers would have access
...to this many computers used to di-

Continued on Page C12

A Bumpy Path for Cuban Boy's Miami Kin

By PETER T. KILBORN

MIAMI, Feb. 8 — For more than
two months the Florida family of
Elián González has been a staple
of the nightly news. There is Elián,
the 6-year-old refugee, swinging a
baseball bat in front of the little
stucco house in a working-class
neighborhood of Little Havana.
There he is kicking a soccer ball
with his great-uncle Lázaro González
and hugging Marisleysis, his
cousin.

But not surprisingly, a closer
look provides a far more complex
portrait of an immigrant family
suddenly caught up in an interna-
tional spectacle of a dispute over
the custody of Elián, who survived
a crossing from Cuba in which his
mother and 10 other people
drowned. It is a striving, hard-
working, close-knit family that
neighbors say is unassuming, help-
ful and easy to get along with.

The two-bedroom, one-bath
home of Lázaro González, 49, his
wife, Angela, and their daughter,
Marisleysis, 21, is the gathering
place for an extended family that
itself is divided over Elián's fu-
ture. And it is the focal point of a
public relations struggle between
Miami's Cuban-Americans and the
Cuban government of Fidel Castro.

But this extended family is also
one that has run afoul of the law in
ways that could affect their bid to



Associated Press

Lázaro González, left, and his brother Delfin with Elián González.

gain permanent custody of Elián,
whose father in Cuba wants him
returned, experts in custody law
say.

Lázaro González, an automobile
mechanic who moved here from
Cárdenas, Cuba, 15 years ago, has
four convictions for driving under
the influence of alcohol in the
1990's, according to the Florida
Department of Highway Safety
and Motor Vehicles. His license
was revoked or suspended for a

total of three years. He completed
an alcohol treatment course after
his most recent conviction, in July
1997.

Mr. González's brother Delfin
González, 63, a fisherman who usu-
ally lives in Marathon in the Flor-
ida Keys but who is a staunch
supporter of Lázaro's custody
claim and has been staying here
with the family, has four convic-

Continued on Page A13

segregated by fear. Muslims and
Christians hear the sound and run for
their swords and spears and guns
and homemade bombs. By the end of
the day, somebody will surely be
dead.

In the last 12 months as many as
2,000 people have been killed in what
has become an unstoppable surge of
religious warfare here in the islands
of Maluku Province, the lovely archi-
pelago once known as the Spice Is-
lands.

This is Indonesia's nightmare:
freed from the controlling grip of its
former dictator, society descends
into chaos as religious and social
hatreds boil to the surface, beyond
the reach of the central government
or security forces.

The fear is that the violence in
places like Ambon will spread. Al-
ready there are copycat clashes in
the resort island of Lombok, attacks
on churches in Jogjakarta and rallies
in the capital, Jakarta, where tens of
thousands of people, enraged by ex-
aggerated accounts, shout their
readiness to die in a Muslim holy
war.

In Indonesia, still reeling from the
carnage in East Timor, chaos is a

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the Denver hotel later this month. Officials with the Evangelical Lutheran Church in America are discussing whether to continue to rent rooms at the Adam's Mark in St. Louis for two huge youth conventions this summer. And the Organization

chain, which is based in St. Louis and has 21 large hotels in 13 states, will suffer financial losses, because each organization that reneges on its contract, company officials insist, will have to pay cancellation fees. The Episcopalians stand to lose a hefty \$1.2 million, or 3 percent of

the question of doing business with the Adam's Mark has unearthed a delicate dilemma for the 9,000 members of the group, many of whose leaders specialize in the study of race. If the historians cancel their contract, they risk bankrupting their treasury, but if they go ahead, some members insist, they stand to lose

position, which was to proceed with the convention as planned, the board plans to urge hotel executives to reach a settlement agreement with the Justice Department, in a telephone conversation scheduled for tomorrow. If the hotel does not agree, board members say they will consider other options. "If we go ahead with the conven-

wide pattern of racial discrimination. It was filed in December by the Justice Department to persuade hotel owners to se agency spokeswoman said. The federal case was prompted by a lawsuit filed by five black students who rented rooms at the Daytona Beach hotel last spring for an annual social gathering

Bumpy Path of Elián's Relatives May Affect Case

Continued From Page A1

tions for driving under the influence over the last decade, most recently in May 1997. Two of the cases involved accidents with property damage or personal injury. Delfin González had his license revoked for a total of two years.

Two other relatives who have been periodic visitors at the home have also had run-ins with the law, the weekly New Times newspaper here first reported.

Jose Cid, 32, one of Lázaro and Delphin's nephews and a son of their sister here, Georgina Cid, went to jail last month to begin a 13-year sentence for grand theft, forgery and violating probation, according to the Miami-Dade Department of Corrections. His twin brother, Luis Cid, goes on trial on Feb. 18 in connection with a robbery last September in Little Havana.

While legal problems like those of the Gonzálezes are not uncommon, lawyers say that the drunken-driving convictions, especially, create problems for Lázaro González's claims for custody and give the government a new argument in defending its decision last month to return Elián to Cuba.

"This does have an impact on the fitness of these adults to raise this child, unquestionably," said Bernard Perlmutter, a professor and expert in family law at the University of Miami.

Martin Guggenheim, a professor



Jose Cid, left, a nephew of Lázaro González, played with Elián in Miami late last year. In December he began a 13-year prison sentence.

Bill Cooke

A hard-working family has had legal woes, often because of alcohol.

González, a brother of Lázaro, is not welcome in the house because he has supported Elián's repatriation.

Angela González rises before dawn each day to work in a factory sewing clothes and devotes the rest of her day to domestic activity inside the home. Lázaro González works irregularly. Now and then he comes out to tinker with a red 1988 Thunderbird, registered in his wife's name, that was bought four years ago.

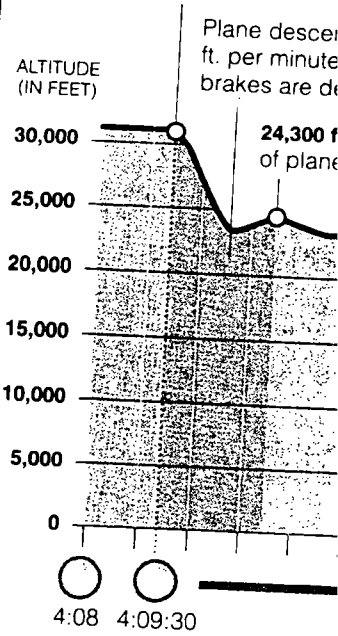
Marisleysis is a loan officer at the main branch of Ocean Bank here, along with a cousin, Georgina Cid Cruz. Georgina is the sister of the Cid twins.

Mrs. Ferrer has lived next door for as long as the Gonzálezes have been there. She said she watched William and her granddaughter Jacqueline's 6-month-old son while the parents worked.

"Angela is a very quiet woman," Mrs. Ferrer said. "Even before all this started, you never even heard her talk. You never even knew when she was around."

"I've never heard of anyone in that family getting into any kind of trouble."

31,000 ft. Autopilot is turned off. Stabilizer trim moves to a full nose-down trim position.



Source: National Transportation Safety Board

Initial Failure of Jet Crash, In

By MATTHEW L. WALD

WASHINGTON, Feb. 8 — The initial problem with equipment that keeps a plane level, which led to

...these adults to raise this child, unquestionably," said Bernard Perlmutter, a professor and expert in family law at the University of Miami.

Martin Guggenheim, a professor of law at New York University and a specialist in child and family law, said, "Increasingly in recent years, courts have been interested in any and all information that bears upon parental fitness.

"The child might be in the car and subject to an accident caused by drunk driving," Mr. Guggenheim said, "or the parent could end up injured, dead or in prison because of drunk driving."

No close González relatives in Miami could be reached for comment. Armando Gutierrez, a prominent Cuban-American political consultant here and the relatives' publicist and spokesman, said he had not heard of the driving records until today.

The driving convictions, said Spencer Eig, the relatives' lead lawyer, are less troubling than comments by one of Elián's grandmothers, who told Cuban television that she bit Elián's tongue when she visited him here last month to goad him to talk and unzip his pants.

Lázaro and Angela González live in a neighborhood of fortresses and locks. Chain-link fencing cuts across the front of most yards, with padlocked gates across the front walks and the driveways. Many houses have wrought-iron gates to protect the front door, and wrought-iron grills on the windows.

To varying degrees most households are reaping the benefits of the nation's prosperity. The most prosperous have central air conditioning, red ceramic tiles on their roofs, replacing asphalt tiles, and tall, spiked iron fences.

The González home, a 48-year-old, gray-white stucco house, is more modest than most. Except for

Jose Cid, left, a nephew of Lázaro González, played with Elián in the late last year. In December he began a 13-year prison sentence.



Elián González walked to school with his cousin, Marisleysis González, last month. He is living with her family during his custody battle.

Elián's outdoor toys, all donated, nothing is new. It is assessed for tax purposes at \$67,298. Marisleysis shares her bedroom with Elián. Real estate agents said the rent would be \$500 to \$1,000 a month.

Only Lázaro, Angela, Elián and Marisleysis are living there now,

although Delfin often visits. William, the 27-year-old son of Lázaro and Angela González, moved out about three years ago, after marrying the granddaughter of Guillermina Ferrer, the Gonzálezes' next-door neighbor.

One member of the clan, Manuel

she was around." "I've never heard of anyone in that family getting into any kind of trouble or anything," she added.

Maria Castillo, across the street, said, "They're always there to help you. That family gets along fine and is very close."

Neighbors said that for entertainment, the Gonzálezes tended to stay home with relatives, rather than go out.

Across this neighborhood, and across Little Havana, there are few signs of the epic war of words and lawsuits that have stirred Congress, the Clinton administration, Cuba and the Cuban-American leadership.

The media vans and the demonstrators, largely anti-Castro immigrants from outside the neighborhood, have the Gonzálezes to themselves. Just one household near Elián's, a block away, has taken any note of their fight still raging in court. "Back To No Future," a sign on the door reads.

But the case for holding Elián has taken another sharp turn. It is harder to argue for holding him in America, Mr. Perlmutter of the University of Miami said, in view of family's troubles with the law.

The family here is attempting to argue that it can offer Elián a better life than his father can, while the real issue is whether the father, Juan Miguel, is fit to raise his son, he said.

With the disclosure of the drunken-driving convictions, Mr. Perlmutter said, the Miami family's case is harder to make. Except for innuendo and unsubstantiated rumor, he said, no one has challenged the father's fitness to raise a child.

"He should win hands down," he said.

tial problem with equipment keeps a plane level, which led Alaska Airlines jetliner to a harrowing drop of more than a mile, was not the problem that triggered the plane's second, fatal dive, air safety investigators said today.

In the second dive the jet, an MD-83 with 88 people aboard, fell out the sky so fast that people on board were pushed toward the ceiling three times the normal force of gravity, said James E. Hall, the chairman of the National Transportation Safety Board, who based his comment on information from the flight recorder.

Mr. Hall also said radar showed that some parts might have fallen from the plane at about the time it began its second dive. He added that the Navy had been dispatched to search for wreckage in an area about 10 miles from the main debris field in the Pacific Ocean, about 40 miles northwest of Los Angeles.

Investigators have already pulled up parts of the tail from the wreckage area.

"It would be great to find a part of the elevator," said one person involved in the search, referring to a part on the tail that might have come loose and caused the final dive.

But the piece may be only two square feet of metal, and lying flat on the bottom it will be difficult to find, he said.

The plane, Alaska Airlines Flight 261, was flying to San Francisco then to Seattle from Puerto Vallarta, Mexico, when it crashed on its way to Los Angeles International Airport.

Searchers quickly found flight recorders and more wreckage.

The crew had radioed technicians on the ground asking for troubleshooting a problem with the stabilizer, which makes up two-thirds of the horizontal surface of the plane. Cause they could not adjust proper trim to give the desired nose-up or nose-down attitude.

But even before information from the flight data recorder was available, aviation experts said that trim problems do not cause planes to crash. Trim problems are common that most are beyond the airline's control.

Leak in Coolant Pipe Is Probable Cause of Missile Test Failure

By ELIZABETH BECKER

WASHINGTON, Feb. 8 — Pentagon officials said today that a

"There could be a slippage of maybe a couple of weeks," said P. J. Crowley, a Pentagon spokesman. "We hadn't fixed a specific date for it, but it now will probably be

Cohen said today that regardless of the cause of the failure, President Clinton would be able to decide this summer whether to go ahead with the system to defend the nation against a limited nuclear missile at-

tem is ready for deployment. Pentagon officials have emphasized that they are being asked to create what has become the most sophisticated weapons system on a "rigorous schedule" that allows for few failures. Mr. Clinton's self-imposed deadline is dictated by what

**OFFICE OF
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OPINION ANALYSIS

DEPARTMENT OF STATE - WASHINGTON, D.C. 20520

February 1, 2000

M-06-00

Majority of Americans Approve Decision to Return Elian Gonzalez to Cuba

Two-thirds of the U.S. public approve the INS decision to send Elian Gonzales to his father in Cuba, rather than remain with relatives in the U.S. Most Americans believe this is in the boy's best interests, and – in this context – oppose the idea of the U.S. Congress granting U.S. citizenship or permanent resident status to the youth.

Increased Majority Approves Elian's Return to Cuba

A Gallup poll taken last week (1/25-26) found 67 percent of the public now *approve* the "U.S. government decision" to send Elian Gonzales "back to Cuba to live with his father" (up from 56% on a January 7-10 poll). Support for the boy to "remain with relatives in the United States" has declined; 25 percent now favor this – down from 36 percent in early January.

Perceptions of Elian's best interests – Prior to asking about approval of the U.S. government's decision, Gallup asked which would be in the "best interests of the boy": "To live with his father in Cuba" (60% currently say this – up from 45% in early December) or "to remain in the U.S. to live with relatives who have requested he stay here" (33% now – down from 45% in December).

Majority opposes law granting U.S. citizenship to Elian – Gallup's question on this issue mentioned that "bills have been introduced in the House and Senate in Washington which grant Elian Gonzales U.S. citizenship, or give him permanent resident status." The poll found a 54-37 percent majority *oppose* "the passage of such a law by Congress."

This report is based on findings from three Gallup polls: 1/25-26/00 (N=1,044), 1/7-10/00 (N=1,633), and 12/9-12/99 (N=1,037). Nineteen times out of twenty, the results based on a sample of around 1,600 will differ by no more than 3 and one-half percentage points in either direction from what would be found if it were possible to interview every adult in the country. The results based on a sample of 1,000 will differ by no more than 4 points in either direction from the real figure in the population from which the sample is drawn. This report has been prepared by Alvin Richman, Office of Research (202-619-5140), richman@exchange.USIA.gov.

Total Pages: _____

LRM ID: LJM74

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, February 1, 2000

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: *Richard E. Green*
Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: Lisa J. Macecevic
E-Mail: Lisa_J_Macecevic@omb.eop.gov
PHONE: (202)395-1092 FAX: (202)395-3109
SUBJECT: JUSTICE Report on Elian Gonzales

DEADLINE: 3:00 PM Wednesday, February 2, 2000

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Please return any comments by 3:00 PM TOMORROW(Wednesday).
Thank you.

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Die
minor comment
highlighted and longer p. 2
edit p. 4

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FEB-01-2000 17:15



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Trent Lott
Majority Leader
United States Senate
Washington, DC 20510

DRAFT

Dear Mr. Majority Leader:

The purpose of this letter is to state the views of the Department of Justice on pending legislation that would declare Elián González to be a naturalized citizen of the United States.

Elián González is a six-year-old child who has lost his mother. He is too young to make legal decisions for himself. Our decision that Elián's father and sole surviving parent, Juan González, has the legal authority to speak for him in immigration matters is consistent with INS practice and with the legal principle that the parent is the person most able to represent the child's best interests. When an unaccompanied minor alien, such as Elián, arrives in the United States without proper entry documents, the INS routinely attempts to contact a parent, either in the United States or in another country, regarding the child's whereabouts and inadmissibility. Here, after Elián's inspection was deferred, the INS met with his father who clearly articulated his desire that Elián withdraw his application for admission and return to Cuba.

In deciding whether to give effect to the father's wishes, the INS carefully examined whether there was any reason that the father could not be relied upon to represent the child's interests. Specifically, the INS considered allegations that the father was under coercion such that he was not able to express his wishes for the child or was not able to assess properly whether the child was at risk of persecution or torture upon his return to Cuba. On both counts, after interviewing the father and the Miami relatives, as well as examining other available information, including the asylum application tendered on Elián's behalf, the INS found no reason to question the father's decision not to assert an asylum claim and to request Elián's return to him in Cuba.

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The Honorable Trent Lott
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There is no question that Mr. González is Elián's father and that he has the legal authority to represent his son in immigration matters. Mr. González expressed no desire to the INS that Elián be naturalized as a U.S. citizen, and made no statements that were even remotely consistent with such an objective. Therefore, we do not believe that the proposed citizenship legislation is at the request of, or has the consent or support of, Elián's father, who has the sole legal right to speak on behalf of Elián on such matters.

As a result, such a grant of citizenship could only be construed as the involuntary naturalization of an individual. Conferring involuntary citizenship on a child who does not meet the statutory requirements for naturalization, and whose sole surviving parent does not request U.S. citizenship for his child, would be an unprecedented and unwise use of Congress' power under Article I, section 8 of the U.S. Constitution to "establish an uniform Rule of Naturalization." Therefore, the Department opposes the pending legislation and recommends that it not be enacted into law.

In the past, private relief bills providing U.S. citizenship to individuals who did not meet the requirements for naturalization have from time to time been enacted, but such measures have been rare. They have been particularly unusual since the 1960s, when several changes to immigration and nationality law led to dramatic reductions in the numbers of such bills. For example, a frequent subject of private relief bills was restoring U.S. citizenship to individuals who had unknowingly expatriated themselves by such actions as voting in foreign elections, but this equitable basis for relief was mooted by new requirements that expatriation must be voluntary.

In extremely unusual cases, citizenship has been conferred on an honorary basis upon living individuals, such as Winston Churchill, in recognition of a full lifetime of extraordinary distinction. In general, this country does not use the precious privilege of U.S. citizenship for honorary or political ends, or waive generally applicable citizenship requirements in order to provide a private benefit. Policy G of the Rules of Procedure and Statement of Policy for Private Immigration Bills of the Subcommittee on Immigration and Claims of the Committee on the Judiciary of the U.S. House of Representatives accurately states our national policy with respect to private citizenship

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The Honorable Trent Lott
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bills:

The Subcommittee will require that any bill expediting naturalization be accompanied by evidence indicating that such action would be in the national interest, as opposed to personal interest. There are few precedents for favorable action on bills waiving any naturalization requirements or granting posthumous or honorary citizenship. It is the Subcommittee's intent generally to view unfavorably legislation of this type. More appropriate mechanisms for rewarding individuals may be in the form of medals, awards, or ceremonies.

We are unaware of any precedent for legislatively conferring citizenship upon a specific living individual who has not sought that benefit. The House Immigration Subcommittee's rules recognize how important it is that the beneficiaries of private relief bills actively seek the benefit by requiring, in Rule of Procedure 1(1), that the author of the bill submit "[a] signed statement by each beneficiary, or the beneficiary's guardian, that he or she desires the relief sought by the bill."

~~Requiring voluntary assent to private immigration relief is consistent with the naturalization provisions of the Immigration and Nationality Act (INA). Although, by definition, private immigration bills create exceptions to the uniform rules applicable to other individuals, the greater a private bill's departure from the normal requirements of the law, the more questionable it is as a sound and supportable action. Section 337 of the INA requires persons who have applied for naturalization to take the oath of allegiance. By taking this oath, new citizens publicly undertake the obligations of U.S. citizenship, including the obligation to bear allegiance to the Constitution and laws of the United States, to renounce allegiance to any other nation, and to bear arms or perform other national service when required by law. The oath acts as the new citizen's voluntary assumption of these obligations.~~

Set
highlight
bring
out more

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sentence

Under the INA, the acquisition of U.S. citizenship by a child who is not born a U.S. citizen depends upon the actions of his or her parents. The child may acquire U.S. citizenship derivatively through the naturalization of his or her parent, or a U.S. citizen parent may apply for naturalization on behalf of his or her child born abroad. In neither case may an alien child

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The Honorable Trent Lott
Page Four

become a U.S. citizen without his or her parent's active involvement. Naturalizing a child without the consent of the child's only parent would be an extreme departure from current law, and one which vastly exceeds the type of waiver typical of private immigration relief legislation (for example, waiving an otherwise applicable residence requirement in the case of an adult applicant who knowingly and voluntarily seeks the waiver and the immigration status resulting from it).

With the exception of good moral character, Elián does not meet the normal requirements for either adult or child naturalization. He has suffered a terrible loss under unimaginable circumstances. The best thing this nation can do is return Elián to a loving parent as soon as possible. A grant of involuntary citizenship to this child, contrary to the wishes of his sole surviving parent and with a view toward preventing the child's return to that parent in Cuba, is not the proper course of action.

Thank you for considering our views in this matter.

Sincerely,

Robert Raben
Assistant Attorney General

*** TX REPORT ***

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NATIONAL SECURITY COUNCIL

MULTILATERAL AND HUMANITARIAN AFFAIRS

FAX COVER SHEET

**NATIONAL
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COUNCIL**

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Washington, D.C.
20504

Did you get a complete,
clear transmission? If not,

From: Eric Schwartz

To: Angela Wright

Agency:

Fax Number: 9 011 44 171 956 1157

Date/Time: 2/1/2000

No. of pages to follow:

**Message: Ms. Wright, re your request for an appt
for Mr. Pierre Sane on February 16, 2000: We would
like to do this but given the short notice, we are
reviewing whether it's possible. We are hopeful and**

Patten, Wendy L. (MULTI)

From: Patten, Wendy L. (MULTI)
Sent: Tuesday, February 08, 2000 1:17 PM
To: @NSA - Natl Security Advisor
Cc: @LEGAL - Legal Advisor; @MULTILAT - Multilateral and Humanitarian Affairs
Subject: Background for 2:30 Elian meeting [UNCLASSIFIED]

Please pass to Jim. cc: Mara. Thank you.

Cleared by Legal.

Background for 2:30 Meeting on Elian Gonzalez Case

I. Status of Litigation

Federal Litigation: The schedule is as follows:

On the issue of whether the child has a constitutional right to have his asylum application adjudicated:

Feb. 14 -- plaintiff's reply brief due

Feb. 18 -- Justice reply brief due

Feb. 22 -- hearing

On all other issues, except Justice's request for summary judgment to dismiss the plaintiff's case:

Feb. 24 -- plaintiff's reply brief due

Mar. 2 -- Justice reply brief due

week of Mar. 6 -- hearing

There is at least some question, however, as to whether this schedule remains firm. Justice argued at a status conference that all the issues should be tried based on the existing record, and submitted a filing to buttress its argument that no discovery is needed. The plaintiff then filed his counterargument, contending that the court should allow additional evidence. The parties were expecting a clarifying order from the judge, but no such order has issued to date.

State Court Litigation: A hearing on the great uncle's petition for temporary custody is scheduled for March 6. To recall, a Miami-Dade County family court granted emergency temporary custody to the great uncle on an ex parte basis. Questions regarding service of the petition on the father in Cuba remain.

II. Pending Requests

1. Letter from Father: Elian's father sent a letter to Justice, asking them to transfer custody of the child to a different uncle in Miami (Manolo Gonzalez) while awaiting implementation of the INS decision to return the child to Cuba. The letter also requests an immediate end to manipulation and harassment of the child. In addition, the father

requests that INS provide him detailed information on all persons visiting the house where the child now resides, and on any psychologists who are treating the child.

2. Consular Access: The GOC requested consular access to the child prior to the grandmothers' trip, and have raised the issue again this week.

3. Telephonic Communication between Elian and His Father: State received a diplomatic note yesterday from the Cuban Interests Section, registering their concern over the father's inability to make contact with Elian via telephone for the previous two days. The line is either busy or there is no answer.

III. Issues for Discussion at Today's Meeting

1. need for USG commitment to take the actions that will be required to enforce the INS decision if upheld, remove the child from his great uncle's home, and return him to his father

2. need for detailed development of scenarios to accomplish the child's return

State feels strongly that it cannot persuade the GOC to allow the father to come to the U.S. without detailed answers to specific questions from the Cubans. The GOC must be persuaded that we are committed to delivering the child, and be provided with concrete information regarding logistical issues such as:

- *where the father will stay while awaiting outcome of the federal court litigation (a Cuban-American has approached State to offer a home in New Hope, PA)*
- *must the father travel to Florida, or can the child be delivered to the father in another state, given the state court order that bars his removal from the jurisdiction*
- *who will pay the father's expenses*
- *will the father be provided with an attorney*
- *what is the timing of the various scenarios*

3. international consequences of persuading father to come and then failing to deliver child

State has very serious concerns about GOC action at the U.N., and in particular the U.N. Human Rights Commission.

4. consequences of a decision on the father's request to transfer the child to a different uncle

5. how to respond to the consular access request

This question becomes much less pressing if the father comes, but we will have to address it if plans for the father to travel here do not take shape soon.

6. how to handle the issue of the father's telephonic access to Elian?

Wendy

Elia

February 3, 2000

H. E. Janet Reno, Attorney General
H. E. Doris Meissner, INS Commissioner

Distinguished ladies,

I am writing this letter to you because I am deeply concerned and anguished over the present condition of my six-year-old son, Elian Gonzalez, unfairly and cruelly separated from our family for over two months.

The two grandmothers were hurt and embittered to realize the grave damages caused to my son's health and emotional balance by his long and insufferable captivity. They could witness the nefarious consequences for this young and innocent child of the conditions surrounding his life as have been exposed by the media and denounced by prestigious pediatric psychologists and other experts in the United States.

For over two months, Elian has been under constant harassment and pressure from politicians, journalists, lawyers, publicity agents and others unrelated to his family. Some like Mrs. Ileana Ross-Lehtinen and Mr. Jose Basulto have repeatedly said in public that they have been meeting with my son on a daily basis throughout all this period. Others have announced that they have sustained interviews with him lasting several hours. The boy has been forced to pose for TV cameras day and night with people he does not know and who are unscrupulously manipulating him. That rude invasion of his privacy and disrespect for his childhood innocence should cease immediately and you should guarantee that such things do not happen again.

Notorious twin brothers are among those constantly appearing with my boy. These two people are so well known by now that they even receive attention from some of those who spend time in front of the house where the child is held in captivity despite the fact that both have long criminal records and have several times been convicted in the Florida courts of law. How many others with similar backgrounds are around my son? How much longer can the INS continue to put up with this situation?

The twin brothers' sister, a spokeswoman for those arbitrarily holding my son captive, announced last January 26 that psychologists are treating Elian. As a father whose full and exclusive parental rights you have recognized, I formally make the following request:

1. That my son is returned to me in compliance with your decision announced last January 5.
2. That while such decision awaits implementation, my son is transferred to the house of my uncle Manolo Gonzalez, who also lives in Miami city not far from the place where Elian remains in captivity.
3. That an end is immediately put to harassment, manipulation, psychological pressures and the violation of my son Elian's privacy.
4. That with absolute urgency and with as much accuracy as possible, the Immigration and Naturalization Service gives me information on the following:
 - a) The full name of the psychologist or psychologists who are checking on my son. The institutions where they studied, their practice certificates and professional expertise, the treatment they have chosen for the boy and if medications have been prescribed which and why;

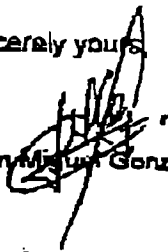
- b) The full name, present occupation and background of all those people visiting Mr. Lazaro Gonzalez house. Also, who are staying there and if they are in direct contact with the child as well as who are keeping him company while he sleeps.

I hope you can understand my feelings, which are shared by the four grandparents, the great-grandmother and the rest of Elian's family. We have lovingly cared for him in our Cardenas home and we are in deep suffering and anguish to know him the victim of mistreatment and abuse by his captors.

My son is the victim of such damage as will unfortunately leave him life sequels, and this worsens with every passing day. Those who can prevent it have a moral obligation to act with full urgency.

I look forward to your reaction.

Sincerely yours,


Juan Miguel Gonzalez

La Habana, 3 de febrero de 2000

S.E. Janet Reno, Secretaria de Justicia
S.E. Doris Meissner, Comisionada del INS

Distinguidas señoras:

Les escribo movido por la más profunda preocupación y angustia sobre el estado en que se encuentra mi hijo de seis años, Elián González, separado de su familia injusta y cruelmente hace más de dos meses.

Sus dos abuelas pudieron apreciar con dolor y amargura los graves perjuicios que para la salud y el equilibrio emocional de mi hijo ha significado su prolongado e intolerable cautiverio. Ellas comprobaron las consecuencias nefastas de las condiciones que rodean la existencia de un niño inocente y de tan tierna edad, las cuales, por cierto, han sido reflejadas en diversos medios de prensa y denunciadas por prestigiosos psicólogos infantiles y otros especialistas de Estados Unidos.

Elián lleva más de dos meses bajo el constante asedio y la presión de políticos, periodistas, abogados, agentes de publicidad y otros individuos ajenos a su familia. Algunos de ellos como la señora Ileana Ross Lehtinen y el señor José Basulto han dicho y repetido públicamente que se han reunido con mi hijo, todos los días, durante este largo período. Otros han divulgado que han sostenido con él entrevistas de varias horas. El niño ha sido forzado a posar ante cámaras de televisión día y noche junto a personas que él no conoce y que lo manipulan inescrupulosamente. Esta invasión grosera de su privacidad y esta falta de respeto para su inocencia infantil, deben cesar inmediata y totalmente y ustedes deben garantizar que tales cosas no ocurran más.

Entre las personas que aparecen constantemente junto a mi hijo--tanto, que son bien identificados y reciben homenajes de quienes permanecen siempre ante el lugar del secuestro-- se encuentran los conocidos mellizos, ambos con larga trayectoria criminal varias veces condenados por tribunales de La Florida. ¿Cuántos otros individuos de similares antecedentes rodean a mi hijo? ¿Puede tolerar el INS que esta situación continúe?

La hermana de los mellizos, vocera de quienes retienen arbitrariamente a mi hijo, declaró el pasado 26 de enero que Elián está recibiendo tratamiento psicológico.

Como padre, cuyos derechos exclusivos fueron reconocidos por ustedes, les solicito formalmente que:

1. Me entreguen a mi hijo conforme a la decisión anunciada el pasado 5 de enero.
2. Que mientras no se ejecute esa decisión, mi hijo sea trasladado al domicilio del señor Manolo González, mi tío, quien reside también en la ciudad de Miami no lejos del sitio donde Elián permanece secuestrado.
3. Que inmediatamente se ponga fin al acoso, la manipulación, las presiones psicológicas y las violaciones de la privacidad de mi hijo Elián González.
4. Que con toda urgencia, y la mayor precisión posible, el Servicio de Inmigración y Naturalización me informe sobre las siguientes cuestiones:
 - Nombres y apellidos del psicólogo o los psicólogos que visitan a mi hijo, instituciones donde estudiaron, nivel y experiencia profesional que poseen, tratamiento que le están aplicando incluyendo si le están suministrando psicofármacos, cuáles y para qué.
 - Nombres, apellidos, ocupación actual y antecedentes de todas las personas que visitan la casa del señor Lázaro González, quienes permanecen en su interior y se relacionan directamente con el niño y quién o quienes lo acompañan cuando duerme.

Espero que ustedes comprendan mis sentimientos y los de los cuatro abuelos, la bisabuela y el resto de la familia de Elián González, que con tanto amor lo hemos criado y cuidado en nuestro hogar de Cárdenas y que sufrimos bajo la angustia de saberlo víctima del maltrato y el abuso de quienes lo mantienen secuestrado.

A mi hijo se le está ocasionando un daño que desgraciadamente podrá dejarle secuelas para toda la vida. Cada día que pase el daño será mayor. Quienes pueden evitarlo tienen una obligación moral de actuar con toda urgencia.

Espero su respuesta.

Atentamente,


Juan Miguel González

BOB SMITH
NEW HAMPSHIRE

opinion@smith.senate.gov
http://www.senate.gov/~smith/

CHAIRMAN,
ENVIRONMENT AND PUBLIC WORKS
COMMITTEE ON ARMED SERVICES
COMMITTEE ON THE JUDICIARY
SELECT COMMITTEE ON ETHICS

United States Senate

WASHINGTON, DC 20510-2903

February 4, 2000

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Madam Attorney General:

On January 8, 2000, I met with Elian Gonzalez and his family at the home of his great-uncle, Lazaro Gonzalez, in the Little Havana community of Miami, Florida. I have since been involved in helping that 6-year old boy receive equal protection and due process of law from the United States of America. I am writing you today on behalf of Elian Gonzalez's Miami family to request a meeting with yourself and Elian's Miami family.

The members of the Miami family that will be in Washington, D.C. on Wednesday, February 9, 2000 and Thursday, February 10, 2000 are Lazaro Gonzalez, Maris Laysis-Gonzalez, a cousin of Elian, and Georgina Cid-Gonzalez, another cousin of Elian. They have new information to share with you regarding the decision of the INS to remove Elian Gonzalez from this country.

Yesterday, you stated at a briefing, "I'm always receptive to any new information that might bear on the case, and I want in every way that I can to conduct myself as a person who is now litigating in court while at the same time being receptive to new information." These family members have assured me that they have new information.

You have met with Sister Jeanne O'Laughlin and the two grandmothers of Elian Gonzalez, Mariela Quintana and Raquel Rodriguez. I am asking you to extend the same courtesy to the Miami family of Elian Gonzalez.

Please do not hesitate to contact my office if we can be of any assistance in setting up this meeting.

Sincerely yours,



Bob Smith, U.S.S.

OFFICE OF CUBAN AFFAIRS

**U.S. Department of State
WHA/CCA, Room 3234
2201 C Street, N.W.
Washington, D.C. 20520-6263**

**Phone: (202) 647-9273
FAX: (202) 736-4476**

FAX: HELMS-BURTON UNIT: (202) 647-7095

FAX COVER SHEET

DATE: 1/21/00

TO: Wendy Patten

FROM: Nathy Torres

SUBJECT: Consular Access - DipNote Draft

URGENT

ACTION

REPLY

FYI

REMARKS:

This is still being worked on. We may need to be more forward leaning (i.e. say that we are seeking Consular Access).

NUMBER OF PAGES (INCLUDING COVER PAGE): 2

(IF THIS TRANSMISSION WAS NOT RECEIVED IN ITS ENTIRETY, PLEASE CALL 202 647-9272)

647-1512

The Department of State acknowledges receipt of note No. 001/2000, dated January 10, 2000, from the Cuban Interests Section of the Embassy of Switzerland regarding the Interests Section's request for consular access to Elián González Brotons.

As the Interests Section knows, the Immigration and Naturalization Service (INS) has encouraged the family of Elián González Brotons to work out amicable arrangements for Elián's return to Cuba, and has also indicated any legal challenge to its decision must be made in federal court. At present, Elián González Brotons is not in INS custody or detention, and the period established for the family to reach an agreement has been extended. At the same time, the Department has been advised that the father of Elián González Brotons has stated that he is able speak with Elián over the telephone every day.

The United States recognizes the importance of the freedom of consular as well as familial communications with nationals of the sending state, particularly in the case of minors separated from their parents. We have encouraged travel to the United States by Elián's family members from Cuba. The INS believes that this could help to facilitate a positive resolution to this case as well as and ensure that direct personal representatives of the father would have an opportunity to visit with Elián and ensure themselves of his well-being. ~~being beneficial to the child.~~

The Department is pleased to advise the Interests Section that INS also is prepared to attempt to facilitate the transmission to Elián González Brotons of any written communication from his father or any gifts or other items his father may wish to send to Elián. INS is also prepared, ~~will also,~~ at an appropriate time, convey to the relatives of Elián the importance of a consular visit.

Department of State,
Washington,

ASX MAR 1

Catherine Bracy
L-~~DA~~
↓
Consular Affairs

not answering
policy &
re:
consular
access

letter to a constituent. Gore that said abortion was "arguably the taking of a human life."

Finally, the Vice President demurred, saying, "I would not use that phrasing today."

So, Mr. Bradley is right. Mr. Gore has not been forthcoming about his record. But the question is, why are

Faye Wattleton, former president of Planned Parenthood, is the president of the Center for Gender Equality.

The sensationalized squabble in this year's presidential campaign is peculiar in one respect. Mr. Gore's shift over the years has been to support women's reproductive rights. Usually, when candidates change their position on abortion, the reverse is the case, in an environment

ently political that we may know his true private views. Will he continue to support Roe v. Wade? From his record, it is fair to ask, who could tell?

The same phenomenon, if in reverse, is occurring in the Republican primary, with the extreme anti-choice candidates raising questions about the real beliefs of Gov. George

government of decisions.

And that is why women shouldn't have to worry whether Mr. Gore or any other politician is consistently pro-choice. The right to abortion is a private issue. It shouldn't be a political football that candidates can kick around at will.

Last weekend, fire marshals actually turning people away from political rallies. At a high school in Nashua, you could see folks for peeking in the windows, yearning to be let inside to hear George W. Bush call for "a law that provides to teachers who enforce discipline in the schools." All the candidates were tired, but Mr. Bush's speech was getting particularly unintelligible at the same high school. He announced, "I think we need to eliminate the tollbooth to the classroom. I think we should keep the tollbooth." At a Lincoln High School in Manchester last week, handlers approached George W. Bush, the candidate who had the first-speaker slot, and told him the governor is really exhausted and would appreciate being switched places.

If you have seen the Mr. Bauer in any of the debates, glaring at Mr. F. Chucky doll in those hours, you can imagine the rest. But the crowds are so competitive, the races so competitive, the dates are practically the walls with adrenaline. Bush's audiences can't get a sense of what he says, the underlying music between "Onward, Christian Soldiers" and "Boola Boola" who always gets louder, revved up, has been so much of a bull on branding day.

Today is really about George W. and Bill Bradley — well, we may be down to a few incoherent babblings of imaginative bellowing. The dates are claiming to be this year, eschewing the heart. (The genuine is in.) But seems to be trying to do everything, including the ego, going for direct communication. He has had dealings with the folks

Why I Changed My Mind About Elián

By Jeanne O'Laughlin

MIAMI SHORES, Fla. When I agreed to provide a neutral meeting place at the Barry University president's house for 6-year-old Elián González and his grandmothers, I expected to witness a meaningful visit. But I had no idea that what I saw would be so powerful that it would change my mind, persuading me that Elián should not be returned — at least for now — to his father in Cuba.

Both the American relatives who have been taking care of Elián since he was rescued from the sea in November and the Cuban government representatives who were speaking for the grandmothers exacted multiple demands — often petty and pointless — about the ground rules for the meeting. There were attempts to control what parts of the house the different relatives would be in — even who would climb how many steps of the stairs to meet whom, and who might be on the premises.

The Cuban demands had one un-

foreseen effect: the delay of the grandmothers at the airport allowed Elián to spend an extra hour at the house before they arrived. I had a chance to see, firsthand, the strong bond between Elián and the Miami cousin who has taken care of him since his mother died in the same attempt to escape Cuba by boat that set him adrift.

His cousin is only a year younger than his mother was, and as he glanced at her for reassurance before the meeting and greeted her ecstatically afterward, it became clear to me that he has transferred his maternal love to her.

As I watched the grandmothers' Cuban escort keep close telephone contact with Havana during and after the visit, I came to feel that the Cuban government was attempting to exert control over these events. Even more troubling, I saw signs of anxiety in both the Miami relatives and the grandmothers: trembling, furtive looks, ice-cold hands.

I saw fear in Elián, too, and I became a wiser woman at that moment, wincing at my own naïveté. I considered what it would mean for this boy suddenly to be ripped away from his surrogate mother, how this second trauma might scar him permanently. I saw and felt, at that moment, how wrong it would be to return Elián hastily to Cuba.

Elián has not yet even begun to grieve the catastrophic loss of his

mother. We have to remember, too, what her wishes were: that she had weighed the cost of taking him away from his father and had chosen to come here.

It troubles me that Elián's father has not come to the United States. I realize how he must love Elián. What, if not fear, could keep a person from making a 30-minute trip to reclaim his son? And what might Elián's father fear, if not the authoritarian Cuban government itself? Could we send the boy back to a

A wounded boy cannot return soon to Cuba.

climate that may be full of fear without at least a fair hearing in a family court?

I realize that moral truth does not always mirror the law, and that Attorney General Janet Reno is bound by the laws she upholds. I also know that she shares my deep concern for this little boy.

We must resolve as a people to uphold that concern. We must turn off all the cameras and find a legal

path — perhaps it is Florida Senator Connie Mack's bill to make Elián an American citizen, which I support — so that Elián's future can be decided by a court that rules on matters of child custody.

If family members can speak to trained court personnel, free of fear and reprisal from a totalitarian regime, perhaps they can plan a future for the child that will include both his Cuban family and his American family. The Immigration and Naturalization Service cannot provide the right setting for this decision-making.

The case becomes more complicated with each passing week because of the growing bond between Elián and his Miami family. This boy has been in the torment of the seas and is now in the torment of a political maelstrom.

As he was being whisked away from my house, many saw in Elián's tiny dark eyes the collective anguish of the Cuban soul. I just saw a frightened little boy who deserves a chance.

Yes, his relationship with his father should be renewed, but he also continues to need the love of his Miami family, and to live free of fear. The final challenge of finding the best way for Elián to heal and be nurtured should lie with a court that has experience in seeking the best interests of children.

Jeanne O'Laughlin, a Dominican nun, is president of Barry University.

NVT 2-1-00

Questions and Answers
The Grandmothers' Visit
January 26, 2000

Q: When are you filing your response to the relatives' lawsuit?

A: We filed our response this morning.

Q: Do you expect a ruling this week?

A: We will have to wait and see.

Q: If they lose, can the relatives appeal?

A: Yes, of course.

Q: If you win will you take immediate steps to return Elian to his father or will you wait for the appeals process?

A: You know I don't do what ifs.

Q: The Cuban Interests Section seems to have taken over the grandmothers trip. Aren't you concerned that they are being manipulated by the Castro regime?

A: I think that anyone who has heard these grandmothers speak about their desire to see their grandchild can see that they are expressing their own heartfelt desires.

Q: We have heard that the maternal grandmother Raquel Rodriguez may be trying to defect. Are you aware of any attempts by her to do so?

A: No I am not.

Q: Can you characterize what transpired in the house?

A: We did not have anyone in the room with them. It was a private visit between Elian and his grandmothers.

Q: What was the glitch at the airport?

A: The grandmothers wanted to be reassured that there would be no security concerns. They had heard that there were riotous crowds near the residence and they wanted to be sure that they would be safe and have time alone with Elian.

Q: Wasn't it the Cuban government that was preventing them from leaving the airport?

A: My understanding is that representatives of the Cuban government also expressed

concern for the grandmothers safety.

Q: Were you personally involved in arranging to hold the visit at Sister O'Laughlin's residence?

A: Commissioner Meissner made the request of Sister Jeanne.

Q: It's been reported that INS agents were at the Miami airport Tuesday prepared to seize Elian and return him to Cuba if he had been brought there. Is that true?

A: No. There were INS personnel at the airport but they were just escorting the grandmothers. There were no plans whatsoever to remove Elian.

Q: Are the grandmothers going to leave for Cuba now?

A: I am not aware of the grandmothers plans. They are here on tourist visas which allow them to stay up to six months.

Q: Are they waiting for the court to act so they can take Elian with them?

A: I do not know what they are thinking.

Q: Would you consider transferring Elian to his grandmother's care while he remains in the U.S.?

A: There are no plans to alter the arrangements for Elian's care at this time.

Q: What do you think of Congressional efforts to declare Elian a citizen? Will it have an impact on the case?

A: We have not taken a formal position on any legislation to change Elian's status, but I agree with the President that this process should be left to the courts at this time.

Q: Have you determined whether Congress can lawfully bestow citizenship on a minor child over the wishes of his parent?

A: I would not express the point in terms of Congress' legal power, but I am concerned that the legislation seems to undermine the principle of family reunification. [Indeed, the sponsors of this legislation acknowledge that their purpose is to remove this case from the jurisdiction of federal officials who have determined that the boy should be returned to his father.] If the situation were reversed, and there was an American father and four grandparents who loved their son and were trying to secure his return from a foreign country in which the boy was stranded, I think we would be concerned if that foreign country decided, instead of promptly returning the boy, to grant that child a foreign citizenship over his American family's objection.

Q: Would you advise the President to veto a citizenship bill or one that grants Elian legal

permanent residence?

A: I would not speculate.

Q: Why did the federal government intervene on behalf of the grandmothers?

A: The grandmothers asked for the Attorney General's assistance in arranging a visit with their grandchild.

Q: Have the grandmothers asked you to transfer him to their care?

A: No.

Q: Cuba says this is kidnaping. Wouldn't we call it that if a boatload of Americans sunk, the mother died, the son washed onto Cuban shores, and a Cuban family refused to give the child back to the father in America?

A: Throwing around rhetoric like that is not constructive. We have made our position clear: we believe this boy belongs with his father.

Q: Why are Haitian treated differently than Cubans?

A: There are different situations in different countries and different laws apply.

Q: What about the Burton subpoena? Does that bar you from sending the child back?

A: We are still reviewing the subpoena to determine what if any effect it has.

Q: Will you recognize the guardian ad litem that the State Court plans to appoint for purposes of representing the child in any federal proceedings?

A: Since no guardian ad litem has yet been appointed, much less sought to represent anyone in federal proceedings, it would be inappropriate to speculate. [Note: We are not aware that any guardian ad litem has been appointed.]

Q: Why did INS originally say that the whole matter was a state court custody matter?

A: In the first few days after Elian's arrival in the United States, when it was suggested that INS's placement of Elian in the care of his great-uncle amounted to a grant of custody, INS indicated that it could not grant custody and that such a request would have to be put before the state courts. As the case evolved, it became clear that Elian's father, who was still in Cuba, was asserting a parental relationship with Elian, and had adequately expressed his wish, under the immigration laws, for Elian's petition for admission to this country to be withdrawn. In these circumstances, INS was obliged to determine whether the father was the appropriate person to speak for Elian on immigration issues.

Q: Did the INS agree to allow some **Haitian** woman's children to return to Miami to be with their mom while her claim for asylum is being considered?

A: Yes. This decision was made because the children were inadvertently separated from their mother. She was brought into the U.S. because she needed medical attention, and normally her children would have been brought in with her. However, neither INS nor the Coast Guard was aware that her children were on board the vessel.

Patten, Wendy L. (MULTI)

From: WHSR
Sent: Saturday, February 05, 2000 6:24 PM
To: Allen, Charles A. (LEGAL); Babbitt, James F. (VP); Baker, James E. (LEGAL); Clarke, Richard A. (TNT); DeRosa, Mary B. (LEGAL); Feldman, Daniel F. (MULTI); Guarnieri, Valerie N. (MULTI); Hollis, Caryn C. (INTERAM); Krass, Caroline D. (LEGAL); Lackey, Miles M. (LEGIS); McCarthy, Mary O. (INTEL); Mclean, Matthew K. (MULTI); Naplan, Steven J. (MULTI); Patten, Wendy L. (MULTI); Schwartz, Eric P. (MULTI); Stromseth, Jane E. (MULTI); Tavarides, Mark J. (LEGIS); Vaccaro, Jonathan M. (Matt) (MULTI); Valenzuela, Arturo A. (INTERAM)
Subject: RELATIVES FILE COMPLAINT OVER BOY'S MEETING WITH GRANDMOTHERS
Classification: UNCLASSIFIED
Distribution: SIT: ALLEN BABBITT BAKER CLARKER DEROSA FELDMAN GUARNIERI HOLLIS KRASS LACKEY MCCARTHY MCLEAN NAPLAN PATTEN SCHWARTZ STROMSETH TAVLARIDES VACCARO VALENZUELA
Identifier: A9caeb20
Originator: AP/East
Precedence: RUSH
TimeOfReceipt: 02/05/2000 18:23:11 ET

a0619

^AM-Cuban Boy, 1st Ld-Writethru, a0613,0473

^Relatives file complaint over boy's meeting with grandmothers

^Eds: INSERTS new 11th graf, 'But in...' to ADD that Cubans say grandmother's acts not unusual.

^AP Photo FLWL101

^By RACHEL LA CORTE= ^Associated Press Writer=

MIAMI (AP) Relatives of Elian Gonzalez have filed a complaint with police over the recent meeting between the 6-year-old and his Cuban grandmothers, a police source said Saturday.

The relatives were outraged after one of the grandmothers described playfully biting the boy's tongue and unzipping his pants during the reunion.

The source at the Miami Beach Police Department, who requested anonymity, said the complaint was filed Friday.

"There was a report filed and there is going to be an investigation made into the complaint made on that report," said the source, who would not provide further details.

Elian played outside of his relatives' home Saturday before leaving for the weekend with his Miami family to an undisclosed location.

Armando Gutierrez, spokesman for the Miami relatives, would not confirm that the complaint was filed.

Through Sen. Bob Smith, R-N.H., Elian's relatives requested a meeting with Attorney General Janet Reno to discuss unspecified new information about the case, Justice spokeswoman Carole Florman said. The request was being considered.

In an interview on Cuban television Tuesday, Elian's paternal grandmother, Mariela Quintana, said she had "played jokes" with the boy during a U.S. government-ordered meeting Jan. 26 at the home of a Roman Catholic nun in Florida.

"I even opened up his zipper," she said. "I told him, 'Let me see, let me see ... if it has grown.'"

Gutierrez said the family was furious. "That is not a Cuban custom," he said.

But in Cuba, none of several dozen people asked about the incident in recent days found anything strange about Quintana's behavior.

Uva de Aragon of the Cuban Research Institute at Florida International University said Quintana's behavior might seem odd to people in the United States, but it was probably innocent.

"The way the woman said it on national television shows it wasn't something perverted," de Aragon said. "She was joking with a little kid, trying to get him to respond, the same as if she were tickling him or trying to see his muscles."

She said in the Cuban culture, fathers, particularly in lower

classes, often boast about the size of their sons' genitals, associating that with bravery and virility.

Elian was rescued on Thanksgiving after clinging to an inner tube for two days following a shipwreck that killed his mother. The first-grader has been living in Miami with his great-uncle Lazaro Gonzalez, and his U.S. relatives hope to keep him despite an immigration order to send him back.

APE- 02/05/00 18:13:54

Total Pages: 6

LRM ID: LJM72

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, January 27, 2000

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: *Richard E. Green*
Richard E. Green (for) Assistant Director for Legislative Reference

OMB CONTACT: Lisa J. Macecevic
E-Mail: Lisa_J_Macecevic@omb.eop.gov
PHONE: (202)395-1092 FAX: (202)395-3109

SUBJECT: STATE Report on Elian Gonzales

DEADLINE: Noon Friday, January 28, 2000

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: Please send any comments on the attached letter concerning Elian Gonzales by **NOON TOMORROW** so the letter may be transmitted to Congress TOMORROW.

Thank you.

DISTRIBUTION LIST

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LRM ID: LJM72 SUBJECT: STATE Report on Elian Gonzales

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Lisa J. Macecevic Phone: 395-1092 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: 1-28-00 (Date)
Wendy Patten (Name)
NSC (Agency)
6-9141 (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

☐ Concur

☐ No Objection

☐ No Comment

☒ See proposed edits on pages _____

☐ Other: _____

☒ FAX RETURN of 3 pages, attached to this response sheet

The attached edits reflect our view that the letter's central message — that failure to return Elian to his father in Cuba would harm U.S. efforts to secure the return of U.S. citizen children abroad — is lost in excessive detail both on the legal framework and on consular functions.

NSC will need to see the revised draft letter in order to clear on final language.

Thanks.

STATE LEG AFF.

01/27/00 13:53 202 647 2762

**DRAFT**

United States Department of State

Washington, D.C. 20520

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

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

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

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

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

more this sentence as referred to after the failure sentence.

as Elian Gonzalez.

Insert as edited at * on next page.

not of children.

01/27/00 13:54

202 647 2762

STATE LEG AFF.

DUMESTIC

DRAFT

~~travel by minor U.S. citizen children is governed, under Department of State regulations and practice, by the wishes of their parents. We are also a party to the Hague Convention, which establishes procedures to secure....~~

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

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

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

repeats
in more
detail
point

made above at X. - some of this language could be weaved into the point at X

DRAFT

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

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

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

Sincerely,

Mary A. Ryan

Assistant Secretary for Consular Affairs

NATIONAL SECURITY COUNCIL

MULTILATERAL AND HUMANITARIAN AFFAIRS

FAX COVER SHEET

**NATIONAL
SECURITY
COUNCIL**

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

Did you get a complete,
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please call:

(202) 456-9141

From: Wendy Patten

To: Lisa Macecevic / OMB

Agency:

Fax Number: 395-3109

Date/Time: ~~1-28-00~~ 2-1-00

No. of pages to follow: 4

Message: NSC comments on state
letter re: Elian Gonzalez.

*** TX REPORT ***

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NATIONAL SECURITY COUNCIL

MULTILATERAL AND HUMANITARIAN
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FAX COVER SHEET

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To: Lisa Macecevic/OMB
Agency:
Fax Number: 395-3109
Date/Time: ~~2-1-00~~ 2-1-00
No. of pages to follow: 4

Message: NSC comments on State
letter re: Elian Gonzalez

THE WHITE HOUSE
WASHINGTON

FAX COVER SHEET

TO: *Wendy Patterson*
Fax: *6-9140*

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

DATE: *1/28/00*

PAGES: 4 **INCLUDING COVER**

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

COMMENTS:

File Dept WTB

01/27/00

13:53

202 647 2762

STATE LEG AFF

DOMESTIC POLICE

E-002

**DRAFT**

United States Department of State

Washington, D.C. 20520

Dear,

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

01/27/00 13:54

202 647 2762

STATE LEG AFF.

DOMESTIC POLICY

DRAFT

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

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DRAFT

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

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Sincerely,

Mary A. Ryan

Assistant Secretary for Consular Affairs
~~Dept of State~~

He

t CQ.com On Congress

CONGRESSIONAL RECORD
SENATE
PAGE S3
Jan. 24, 2000

ELIAN GONZALEZ

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

S. CON. RES. 79

Whereas Elián González, a 6-year citizen of Cuba, lost his mother in a tragic boat accident and floating alone for days in treacherous conditions off the coast of Florida;

Whereas Elián González was found November 25, 1999, alive but physically and emotionally drained, brought ashore and examined at a hospital, and released temporarily by the <Immigration> and Naturalization Service (<INS>) into the care of his great-uncle and cousins in the Miami area while it evaluated his case;

Whereas the natural father and sole surviving parent of Elián González, Juan González of Cuba, has repeatedly requested that the United States Government return his son to him immediately;

Whereas the President rightly determined that the fate of Elián González should be determined by United States statutes and regulations related to <immigration> cases involving children;

Whereas the <INS>, after interviewing Juan González twice in Cuba and carefully reviewing all relevant laws, rules, and evidence, correctly determined on January 5, 2000, that Juan González is a caring and involved father, that Elián González faces no credible threat of political persecution if returned to his father, and as a result, that Juan González possesses the sole authority of speaking for Elián González regarding his son's <immigration> status in the United States under Federal <immigration> law and universally accepted legal norms;

Whereas the <INS> resolved to return Elián to Cuba by January 14, 2000, to live with his father Juan González, in accordance with his father's request;

Whereas on January 12, 2000, the Attorney General fully supported the <INS> ruling, reaffirmed <INS> jurisdiction over the matter, and said that a decision by a Florida State court judge granting temporary custody of Elián González to his relatives in Miami, establishing a March 6, 2000, date for a hearing on permanent custody, and calling for the father's presence at that hearing had no force and effect;

Whereas only the Federal courts have the jurisdiction to review the Attorney General's decision;

Whereas what Elián González needs most at this time is to be with the father and both sets of grandparents who raised him so that he can begin the process of grieving for his mother, in peace;

Whereas despite the existence of important political disagreements between the Governments of the United States and Cuba, these differences should not interfere with the right to privacy of a 6-year-old child or his sacred bond with his father; and

Whereas any unusual or inappropriate changes to immigration law made by Congress to naturalize a minor without the parents' consent would have the effect of encouraging parents in other nations to risk the lives of their children under the false hope that they might receive special treatment outside standard channels for legal immigration: Now, therefore, be it

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

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

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

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CONGRESSIONAL RECORD
SENATE
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Jan. 26, 2000

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

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

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

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

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

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

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

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



DATE: 1-24-00

PAGE: 1A

Back in Cuba, a different story emerges

By Jack Kelley
USA TODAY

CARDENAS, Cuba — At Marcelo Salada Primary School, his empty desk and little blue chair are revered as icons and are draped with his pictures, poems and Cuban flags.

On nearby Coslo Street, where he lived with his father, banners, buttons and signs herald him as "Cuba's patriot," and songs describing his plight are played over loudspeakers.

And inside his dad's small concrete house, his school portraits hang next to those of Cuban President Fidel Castro and revolutionary leader Ernesto "Che" Guevara.

"To Cuba, Elian has become a communist legend," says his

father, Juan Gonzalez, 31, picking up the boy's Power Ranger from atop his bed and playing with his pet parrot that still squawks his name. "But to me he is my 6-year-old son, and I want, and need, him back. This has gone on for too long."

As his custody battle is pursued in federal court and even Congress, the family and friends of Elian Gonzalez sit sadly and impatiently by their phones and hand-held radios eager to hear the latest twist in what Cuba's communist newspaper calls "this crazy case of kidnapping."

During the weekend, all eyes were on Elian's grandmothers, who arrived in New York to appeal for the right to bring Elian back to Cuba.

"This trip may be the best

chance we have to return Elian to the father and the country he loves," Raquel Rodriguez, Elian's maternal grandmother, said Friday morning as she packed her bags and applied her makeup for the trip. "We believe the world will be watching, and if we can explain our case, it will be behind us."

So far, the world has watched the boy's every move since he was found clinging to

an inner tube off the coast of Fort Lauderdale on Thanksgiving Day.

His mother and 10 others, including her boyfriend, drowned as they tried to leave Cuba for Miami. Only three people, including Elian, survived.

His case has sparked an international tug of war between his father, who wants him returned to Cuba, and his extended relatives, who want him to remain in Miami.

"Elian belongs in the United States. His mother died to give him freedom from Castro's repressive, communist regime," says Jorge Mas Santos, chairman of the Cuban American National Foundation (CANF), a powerful Miami-based exile group that is helping to spearhead the fight to keep Elian in the United States.

But more than two dozen interviews with family members, friends, co-workers and even dissidents who are against Castro's government reveal a different story of Elian's mother, Elizabet Broton.

Before telling their stories, family members insisted that they were free to say what they wanted and had not been coached by anyone in or related to Castro's government. No officials were present during the interviews.

"Up until now, only one side of the story has come out, and it has been full of lies," says Mariela Quintana de Gonzalez, Elian's paternal grandmother. "It's about time we tell the other side."

'Our miracle child'

The four grandparents, sitting in Gonzalez's small sofa and one chair, begin by sharing black-and-white pictures of Gonzalez and Broton when they met as high school sweethearts at age 14. Records show that the two were married in

1984; the couple had hopes, the grandparents say, of starting a family.

But Broton suffered seven miscarriages before Elian was born, says Raquel Rodriguez, Broton's mother, and was ready to give up when Elian was conceived. The two parents were so excited at the birth that they combined letters from their first names — Elizabet and Juan — to come up with the name Elian.

"He is our miracle child," Rodriguez says of Elian, her only grandchild. He is also Gonzalez's only son with Broton, though he now has a three-month-old boy from a second marriage.

Nearly everyone, including neighbors and co-workers, describes Gonzalez as an "ideal father" who treated his son to hamburgers at a local café, drove him to school in his 1956 Rambler and even brought him to work on school holidays.

Rodriguez says Elian was so close to his father that he wouldn't take a bath or get his hair cut without him.

Broton, co-workers say, was just as committed. She attended parent-teacher meetings, school records show. Together, she and Elian played Nintendo, watched TV and danced to Cuban music in her small apartment, neighbors say.

"The two of them were obsessed with that boy," says neighbor Isabel Alarcon, 54. "You could even say Elian was spoiled. The parents had dollars, you know."

Both Gonzalez and Broton worked in the tourist industry and were paid in hard currency along with Cuban pesos. Their dollar paychecks enabled them

to buy hard-to-find, or expensive, foods such as beef and eggs at stores that are off-limits to most Cubans.

Broton worked as a housekeeper at the Paradiso-Puntarena Hotel in the nearby resort city of Veradero. Gonzalez is a guard at an amusement park and shopping mall.

The two divorced in 1997, apparently after strains that developed with her inability to first conceive. But they remained "good friends" and caring parents, co-workers say.

A home video, stamped with the date Sept. 1, 1998, shows Elian and his father dressed as pirates and playing with toy swords. It also shows Gonzalez and Broton dancing at a party as Elian plays in the background.

During the week, Elian lived with Broton in the apartment that she shared with her mother above an open-air pharmacy. On weekends, and whenever Broton had to work late, the boy slept at his father's house, the grandparents say.

"Except for the living arrangements, it was hard to tell they were divorced," says Regla Garcia, administrator of Marcelo Salada Primary School, where Elian attended first grade. "Elian was the center of that family. Everything revolved around him."

Lured by love

Soon after her divorce, Broton began dating Lazaro Munero, the grandparents say. It was a passionate affair, Quinta-

Cont'd

na de Gonzalez, the paternal grandmother, says, but one that she always felt uneasy about.

"I didn't like him from the moment I met him," she says. "He manipulated her and was even violent." She refused to elaborate.

But police records in Cardenas show that Munero spent three years in jail in his early 20s for cutting off a man's finger with a knife during a bar brawl. "He was tough, maybe hardheaded (and) a hustler," concedes Dagoberto Munero, Lazaro's uncle who lives across town. "He was troubled."

By June 1998, relatives say Lazaro Munero had become disillusioned with job prospects in Cuba and decided to travel 90 miles across the Florida Straits in a small boat to Miami. But after only a year there, Munero grew dissatisfied with the meager jobs he was offered, friends say. He was also homesick for Broton. He reportedly stole a boat and made the return trip to Cuba.

Upon his arrival, police records show, he was arrested for illegally entering the island and spent 62 days in prison. The jail time, family members say, only heightened his resolve to leave Cuba again.

Upon his release, Munero resumed his love affair with Elizabeth, her co-workers say. After what her mother describes as a "bad" argument with her daughter several months ago, Broton stormed out of the apartment and moved in with Munero. Elian then began spending most of his time with his father, co-workers say.

"I regret that day," Rodriguez says. "But I had to tell her that seeing him was wrong."

Weeks later, Munero began

telling his family that he was returning to Miami and taking Broton with him.

He told his uncle that he had bought an old 17-foot aluminum boat and a 50-horsepower engine with money he had saved. He then quietly offered to take his family and friends to Miami for \$2,000 a piece, according to Munero's uncle and statements that the two other survivors gave Miami-Dade police upon their arrival.

Second attempt

On the morning of Saturday, Nov. 20, a group of 15 people, including Broton and Elian, set off in the small boat but were soon spotted by a Cuban patrol ship and forced to turn back, eyewitnesses say. Minutes later, the boat's engine failed. The group was forced to row back to shore, Munero's uncle says.

The next morning, the passengers tried again. But minutes before pushing off, one of them, a 22-year-old single mother named Arianne Horta-Alfonso, decided the trip was too risky for her 5-year-old daughter, Stephanie, and left her behind, Munero's uncle says. Horta-Alfonso was one of two adult survivors of the trip.

Broton also had misgivings about the voyage, Munero's uncle says. He says he watched as Lazaro took Broton aside in the mangroves in an attempt to persuade her. Minutes later, she entered the boat with Elian. Two other relatives also confirmed the story. They, along with a co-worker, also say Munero and Broton had kept the trip a secret from Broton's family and Gonzalez.

"No one on his side of the

family knew," says Giralda Perez, 28, who worked with Broton as a housekeeper at the Paradiso-Puntarena Hotel. "She was scared but wanted to follow her man. She was lured by love."

During the voyage, a storm erupted and the boat sank, Coast Guard officials speculated. Gonzalez says he learned of the voyage only after his son was missing from school.

"He was in tears for days," Juan Gonzalez, Elian's grandfather, says. "Now, he's very quiet. He has stopped going to work, stopped talking, (and) stopped showing emotion."

Waiting impatiently

Here in Cardenas, a city of 100,000 about 90 miles east of Havana, dozens of friends and relatives come by bike and horse-drawn carts to offer encouragement to the family. Hundreds of others visit Elian's school to sign a book of condolences.

Many of them bring a toy, often homemade, for the boy in case he returns.

His family acknowledges that Elian's toys, like the scooter made of scrap wood and the kite built by his uncle, are primitive compared with the motorized dune buggy and designer jacket that his relatives in Miami gave him for Christmas.

"We may be poor compared to people in the U.S., but we can offer the boy something he can't get in Miami, and that's a father's love," Gonzalez says, staring out his son's bedroom window. "I just want my son back," he whispers between tears. "This is killing me."

PODESTA talking points

CUBAN BOY
January 26, 2000

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

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

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

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

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



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

STATEMENT

January 25, 2000

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

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

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

-INS-

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USA
Interview/Bill Clinton

Race, pardons, and a small boy from Cuba

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

Francine Klefer and James N. Thurman (thurmans@csps.com)
Staff writers of The Christian Science Monitor

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

**MORE FROM THE
MONITOR**

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transcript](#)

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

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

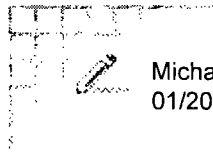
The president outlined his views in an interview with the Monitor while on an anticrime visit to Boston this week. Relaxed and talkative after a breakfast of "good grits" at Mike's City Diner earlier in the day, Mr. Clinton covered an array of topics - from cyberwarfare to forgiveness.



On Elian Gonzalez: "We need to think long and hard whether we're going to take the position that any person who comes to our shores who is a minor, any minor

Alternatively pensive and impassioned in the 50-minute interview, sitting cross-legged one moment and stirring the air with his fingers the next, Clinton:

- Suggested that the White House will eventually issue an executive order to "get rid of" racial profiling by federal law-enforcement authorities.
- Cited learning in the past two years of the importance of forgiving others - even to "seventy times seven," as the Bible puts it - if he expects to be forgiven.
- Noted that his 2001 budget, due out Feb. 7, will move the nation toward eliminating the \$5.7 trillion national debt in 15 years.
- Intimated that he will look to grant more pardons this year, despite the controversy that erupted over the clemency he gave several Puerto Rican nationalists last fall.



Michael A. Hammer
01/20/2000 11:30:36 AM

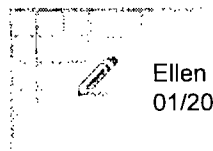
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THE WHITE HOUSE

Office of the Press Secretary
(Boston, Massachusetts)

For Immediate Release

January 18, 2000

INTERVIEW OF THE PRESIDENT
BY THE CHRISTIAN SCIENCE MONITOR

Park Plaza Hotel
Boston, Massachusetts

5:13 P.M. EST

Q Mr. President, I know your time is valuable. Let me start my recorder here. The first thing I wanted to ask you, there have only been a couple of times in this century that

Congress has come together, got their heads together enough, both sides of the Congress, to come together and pass legislation to give somebody citizenship. It happened with Winston Churchill, a few other people. I wanted to know if Congress does -- it looks like the first thing they're going to do when they come back into town is work on the Elian Gonzalez case. If they did pass a private bill in both Houses and they feel like, politically, they've got enough backing to do that, what would you do with that bill if it got to your desk?

THE PRESIDENT: I don't know, I haven't thought about it. I think it would be -- this is not Winston Churchill, for one thing. You know, I don't think that Congress should put its -- unless they know more about the facts than I do, I don't think they should put themselves in the position of making a decision that runs contrary to what the people who have had to do all the investigation have done.

I think that, obviously, if they believe the INS made a mistake, their decision is subject to challenge in federal court. And the Congress -- even members of Congress can petition to be heard there. But I think that we're setting a -- I think that it would irrevocably lead people to the conclusion that this was much more about politics than it was whether that little boy ought to be taken away from his father.

They're basically taking a position that if you live in Cuba, if we can take you away from your father you're better off -- your parents. And I think that's -- the INS reached a different decision, having exhaustively looked at what was best for that child.

As you all know, I have no sympathy for the Castro regime. I signed the present bill. I think it is tragic how they have blown every conceivable opportunity to get closer to the United States. Just as we were making progress, they murdered those pilots. So I'm not sympathetic there. But I think that we need to think long and hard whether we're going to take the position that any person who comes to our shores who is a minor, any minor child who loses his or her parents should never be sent home to another parent, even if that parent is capable of doing a very good job, if we don't like the government of the country where the people lived.

And again, I say I am not -- I have no brief for the Castro government or for many of their policies. I think the way he has attempted to politicize this is also terrible. It's not just the Cuban Americans that have attempted to politicize it. He has responded by attempting to politicize it. So this poor little boy is six years old. He has scars from his mother's death of which he can only be dimly aware, and making a judgment about what is in his best interest and what is most likely to give him a stable, healthy, whole childhood and allow him to grow into an adult as a solid person I'm sure may not be free of difficulty. And I just think that the decision ought to be made insofar as possible independent of countervailing political

pressures.

Q Mr. President, the State of the Union is right around the corner, so I guess is the State of the Union part of the interview. In the previews that you all have made available of what's coming up, it seems like most of it is beefing up programs that you already have, like today's announcement, and returning to --

THE PRESIDENT: It's quite a beef up. This is the biggest thing ever done -- yes --

Q Quite a beef up -- which is -- or trying to get back to unfinished business. And I was wondering whether you were planning on trying to go for some new breakthrough issue this year, or whether that's not really possible in a last year.

THE PRESIDENT: Oh, I think that when you see everything we recommend in the aggregate, you might think that in terms of specifics, it's the most ambitious set of proposals since my first year.

Last year was a very ambitious speech, but in terms of what I asked the Congress to do, it required some willingness on their part to meet with me and work through a joint position on Social Security, for example, or joint position on Medicare. I still think we may get a joint position on Medicare and we may get partway there on Social Security. I'm still going to try to persuade them to take all the interest savings that we get from not spending the Social Security surplus and putting that in the trust fund -- that will take Social Security out to 2050, beyond the life of the baby boom generation.

So I'm still not sure we won't make that, but if you just look at the specific policy proposals I will make, not just in the unfinished business area, but in the new area -- and the unfinished business is important. I mean, you've got the patients' bill of rights, closing the gun show loophole, and banning the import of large ammunition clips. You've got the minimum wage. You've got the hate crimes legislation, the Employment Nondiscrimination Act, the prescription drug for Medicare. So we've got a huge -- even though we got a great deal done at the very end of the last Congress, there's a big unfinished business list. And then, as you know, I've been rolling out a lot of these new proposals.

And, actually, there will be a couple of things that will be quite new that I'm not prepared to release yet. But I will have a couple of new proposals. But I think that the most important thing to me is to keep the country moving in this direction and aggressively embracing change, the right kind of change. That, I think, is critical to keep the recovery going, to keep bringing more people into the process of prosperity, and to keep bringing the country together. I think that's very

important.

So a lot of what I will recommend that is new is certainly consistent with what I've been doing for seven years. I came to office with a very clear idea of where I thought America was off-base, what I thought we ought to do, what kind of governing strategy I would have. And I believe that it's working. And I think people -- some people will say, well, he does things in increments. But if you walk down the road seven years and you look back -- I mean, if I told you seven years ago, after 12 years of quadrupling the national debt, I'll give you in year six and seven the first back-to-back balanced budget surpluses in 42 years, from a \$300 billion debt, you'd say that's not an incremental change, that's a big change. But you do those things in small steps.

If you look at the millions of people -- we've cut the welfare rolls about in half -- it happened in incremental steps. But it's a huge thing in the aggregate. And all the economic changes -- we've got the lowest African American, Hispanic unemployment rate ever recorded, the lowest female unemployment rate in 40 years, lowest poverty rate in 20 years, lowest single parent household poverty rate in 46 years. So you take it in steps, but if you keep walking in the same direction, all of a sudden your steps constitute a giant leap forward.

Q In that larger mosaic, how do you -- of your record and your legacy in what you've done incrementally -- down the road, how important will it be if, 15 years from now, we haven't made significant advances on the debt? I mean, already your budget soon will break the '97 Balanced Budget Act. And certainly the surpluses are far greater than was predicted at that time. But how will history judge this generation of leadership if significant --

THE PRESIDENT: I think we should pay the debt off. And I think we should do it in 15 years. And the proposals that I will make are consistent with that, based on our latest numbers.

Now, I have two things to say about the '97 budget caps. They were very severe and they were thoroughly shredded by the Republican majority last year by turning everything into an emergency. I mean, the census was an emergency, Head Start was an emergency. Continuing defense expenditures were emergencies. So the caps are not disappearing this year, the caps were shredded last year.

So the real question is, the question I asked our people to look at, and we spent lots of time on it the end of last year, is whether we could present to the Congress a budget that was not full of gimmicks, that reflected what the Congress spent last year, inflation in areas where with had that -- for example, in the defense area where we know they intended -- and

still could we do that based on what we now believe the figures are and what our costs are in health care programs and other things, and still get this country out of debt in 15 years, and still not spend the Social Security surplus.

And the answer, we believe, is yes, that you can avoid spending the Social Security surplus, continue to get the country out of debt in 15 years, and have a spending program for the next five years that reflects the decisions made by the Congress in the last year, without all those gimmicks. And you could still have a modest tax cut -- nothing anywhere near the high end of what people had talked about in the campaign and what the Congress tried to do last year, but you could still have a modest one.

So I think this is an honest budget that is fiscally responsible and still get us out of debt. And I believe that we ought to embrace these big challenges, and I think that our children will judge us very well if we do, and somewhat harshly if we don't. Because in my lifetime -- you've heard me say this over and over again, but I'm not young anymore. I'm 53 years old. In my lifetime we've never had this combination of economic prosperity, social progress, national self-confidence, with the absence of internal crisis or external threat. Not that we have no problems at home or no threats abroad, but none of it is sufficient to derail us from trying to imagine the future and then go after it.

And it seems the one that one of the elements of that future ought to be a commitment to take America out of debt. Another element of the future ought to be a commitment from going to -- what I said today -- trying to make our country the safest big country in the world. Another element of that future ought to be trying to prove that we can grow the economy and dramatically reduce the global warming by maximizing technology. We ought to be able to prove that we can equalize the economic opportunity, that we can -- without holding anybody back, that we ought to be able to bring economic opportunity to these poor people in poor places that haven't had it.

And I think in all those areas, in the education area, in the health care area, I think we will be judged by whether we made the most of what is truly a magic moment. The last time we had this sustained rate of economic growth with low inflation was in the early '60s, about 40 years ago. And if you look at the indicators now compared to then in the aggregate, I think you would say our economy is stronger today, but there were a couple of years there where unemployment averaged under 4 percent and without much inflation.

And it all came apart, first trying to come to grips with the civil rights crisis at home, and then trying to pay for the war on poverty and the war for equal opportunity and civil rights, and the war in Vietnam abroad. So that, basically, we

had a moment there that we lost, not only because we became divided as a people politically, but because our system simply could not accommodate building the America of our dreams.

Q So what do you see as a threat to that? I mean, if the Vietnam period and all of that was a threat, what's the threat to that now?

THE PRESIDENT: I don't think there is one. That's why I think we have no excuse not to really -- this should be a truly historic moment in America. I can't think of any time in our history when we've had this sort of opportunity. You might argue that it was similar, that the times which produced Theodore Roosevelt's administration, and then Woodrow Wilson's, were similar, where we were an emerging global power, we were basically at peace, where the world was becoming more integrated.

You go back and read McKinley's speeches around the turn of the century -- he was the first President of the last century -- he said a lot of this. It's quite interesting. And so you might argue that that was a time like this. But I think that -- and I think it is a time in our history that most closely parallels this.

If you go back to the early 19th century, you can find historical parallels in the exploration of Lewis and Clark, and the acquisition of the Louisiana Territory. But the world was so different then, it's hard to do.

So I just don't think we ever have had a time like this. It's not to say we have no foreign crises or security threats; we do. But they can all be managed. And the cost of managing them now is not inconsistent with what our obligations are in science and technology, in education, in economic opportunity, across the range of other areas.

Q Mr. President, you spoke a while ago about how you wanted to keep pushing for change. And I was thinking what's happened to minorities under your administration, that they have seen a pretty drastic improvement in their standard of living because of the strong economy. But one could also say that attitudes toward race maybe haven't changed that much. And I was wondering whether there was something that you thought you could still do about attitudes towards race in your last year.

THE PRESIDENT: Well, I think they have -- first of all, I dispute the premise. I think they have changed. I think that we continue to see evidence that it's still a real problem. I mean, the unfortunate comments that the Atlanta baseball player made -- that's really troubling. On the other hand, the fact that Hank Aaron and Andy Young met with him is encouraging. I mean, you know, 30 years ago that wouldn't have happened.

I think -- last night I watched -- I was working on the

State of the Union last night, and I had basketball on, on TV, muted. And I was watching the Minnesota Timberwolves play the Indiana Pacers. And they beat them on a buzzer-beater shot. And then they interviewed Kevin Garnett, who is a very young man. I think he's the highest paid player in basketball, but he's very young. Didn't finish college. And they asked him what Dr. King meant to him, and how his life had changed -- and you could just see -- of course, 30 years ago, no young African American would be making that kind of money and would have the kind of slant he had.

So I think things are changing. But I think what I have to do -- I think there are three things generally I should be doing. Number one, I think we have to continue to try to close the differential in education and economic advancement. For example, the African American high school graduation rate right now is about equal to the white, non-Hispanic high school rate, which is quite extraordinary. But the college-going rate is different. And the Hispanic dropout rate is still quite a bit higher, largely because of the immigrants, first -- immigrants.

So I think that this economic empowerment agenda I have, and the education agenda, the Hispanic education initiative, all those things, closing those gaps, that's important.

Number two, I think we need to continue to have a vigorous enforcement of the law and highlighting those things we do not agree with. And number three, I think we have to continue the activities of the President's Office on One America. I think we need to continue to appoint more people from different backgrounds; we need to continue to have more meetings; we need to continue to highlight the problems. And I need to continue to speak out and work on this in America.

I said three, but I like to say the fourth thing is I think that when our country continues its mission to try to end racial and ethnic and tribal and religious conflicts around the world, I think that has a reverberating effect here at home. I can give you just one, very concrete example.

Chelsea and I went to Kosovo together, and we went to the military camp. And you have this highly racial and ethnically diverse American military. Very conscious of what they were doing in Kosovo and trying to end ethnic cleansing. And also very aware that insofar as they work together and live together and created a genuine community where everybody was treated equally, the power of their example could have as big an impact on the people of Kosovo as the force of their arms.

So I don't think this -- this is the sort of work that may never be done since, in all of human history, we haven't succeeded in rooting out people's fear or suspicion of those who are different, and there always will be those radicals which seek

to advance themselves by demonizing groups of others. But I think we're doing better there. I think we're doing -- and I think there is a lot more we can do.

Q The Chinese Army's daily newspaper has signaled its willingness to aggressively use the Internet as a venue for warfare, to attack our military websites and our military -- attack us through on-line methods. You in your critical infrastructure report recently sort of achieved parity with that and -- with your ROTC Corps idea and that sort of thing. But I'm wondering what precedence that sets. Even what we did in the conflict with Serbia, the precedence that that sets is sort of like fighting each other, attacking each other's satellites -- are you concerned about the precedent that using on-line warfare in any form will have for future generations, since we are the most vulnerable set on the planet from e-commerce to a lot of our government installations?

THE PRESIDENT: Because we're more open, you mean?

Q Yes, sir, because we're more open.

THE PRESIDENT: And more Internet --

Q So we bring down -- in a hypothetical conflict, we bring down the PLA's air defense system, and they just take out our 911 systems and all that -- turn out all the lights at every 7-11 in the country.

THE PRESIDENT: Well, I think, first of all, it is unrealistic to think that such systems would not be the targets of our adversaries. I think they're far more likely to be the targets of terrorists, organized criminals, narco traffickers, than other countries.

I believe that the answer is that we have got to be as strong as we possibly can be in the whole area of cyberspace safety. We've got to be as resistant to cyberterrorism and assault as we possibly can.

And interestingly enough, this is something we get to practice on every day a lot, because every day there are always people trying to break into our computers, break into the Defense Department computers, break into various security computers. And so we get to work at it every day. And we've given a lot of thought to how you protect power systems, how you protect telephone systems, how you protect financial records.

And so all I can say is that the question you asked confirms what I said at the National Academy of Sciences, I guess over a year ago. I think that's when I spoke there. We have got to be prepared to deal with the explosion of technology in ways that could threaten our security, not only on data systems themselves, another thing you're going to see -- everything

involving technology is getting smaller, the miniaturization of everybody. Everybody's got their little notepads now.

Q I just got the palm pilot.

Q He's way ahead.

THE PRESIDENT: You ought to see old Kris's palm pilot. It's got everything from his great grandfather's birthplace -- I just saw the newest AT&T and Nokia telephone that fits right inside the palm of the hand. Now, that same miniaturization process is bound to go on with weapons. So you're not only going to have the attempt that you mentioned to invade, to invade telecommunication systems and computer systems, but you're also going to have a miniaturization system that will affect chemical and biological weapons and other sophisticated traditional weapons, which will make them harder to detect, easier to use, easier to comport. You may have composite materials that don't show up on airport scanners. All these things are going to happen.

That's why we're going to make cars out of different materials, make weapons out of different materials. And in the whole history of combat among nation states and before that, feudal groups or tribal groups, the normal thing that happens is a weapons system will be developed and it will enjoy a period of success, and then a defense will be developed to it, and then there will be equilibrium until a new weapons system is developed that will give some dominance and then you'll have some equilibrium.

What we're trying to do with this massive investment we're making against bioterrorism, chemical terrorism, nuclear terrorism, cyberterrorism, is to collapse the time span between offense and defense. One of the things, for example, that we really hope that will come out of the human genome is that we'll be able to develop software programs that will immediately adjust the antidote for certain viruses.

If there's a biological warfare attack and you've got a mad scientist somewhere who changes the -- I'm just making this up -- but who changes the anthrax virus, for example, in some way it's never before been changed, and so then this person -- and then they spread it over 400 people in some town, and they begin to come around -- what we're attempting to do with the human genome project, what I think one of the corollary benefits will be is that you'll have software packages developed so that you will be able to immediately analyze that and someone will tell you exactly how you would have to modify the antidote to anthrax to meet the new strain that is resistant to all known antidotes.

So this whole struggle as things change faster and faster and faster, and you have the miniaturization of weapons

systems to parallel with the miniaturization of other communication systems, will be to keep closing the gap between offense and defense, until there is close to no difference as possible.

That is the struggle for security in the 21st century. And I have tried to put America on that path. Without frightening the American people, without raising alarm bells, I've tried to make sure that when I left office we would have in place a properly funded, properly staffed system to prepare for the security threats of the 21st century. All the press goes to the high-dollar hardware systems -- should we have a strategic defense initiative, a missile defense.

Q Mr. President, we're running out of time here, so do you mind if we move on to some other topic?

THE PRESIDENT: This is a big issue. All I'm saying is -- I'm not -- missile defense is important if we can do it. And missile threat is important. But you should know that I consider both the cyber threats and the miniaturization of these other threats very significant. But I do believe when I leave office we'll have for my successor and for our country a system that will enable us to deal with it.

Q Since you are talking to the Christian Science Monitor, we are interested in your spiritual journey which you've mentioned a couple times. And you've talked about how amazed you've been by the power of forgiveness, especially in the last 18 months. And I was wondering if you could share with us what your own spiritual growth has been. Have you found any Bible passages particularly dear? Have you found any concepts that you've held on to that have helped promote your own spiritual growth? Could you just describe what's been happening with your own growth in the last 18 months?

THE PRESIDENT: Well, this is a subject I think people in public life should address with some amount of humility and reluctance. Not because people shouldn't be willing to affirm their faith, but because we should remember the story that Christ told, in effect, bragging about the people that prayed in their closets instead of on the street corner. So I say that with all -- but having said that, I think the thing that has struck me is that in this journey I have made to try to -- that really has been a lifetime journey for me, and it's certainly something that's deepened since I've been President, and something that I had to really focus on the last two years, I think the thing that I have really had to work on is trying to gain some spiritual anchor that will enable me to give up resentments and disappointment and anger -- and to understand that in seeking forgiveness I had to learn to forgive.

It's easy to ask for forgiveness. A lot of people think it's hard, but I think it's -- when you plainly need it,

it's easy enough to ask for. But we're taught over and over again that we can't get it unless we give it. And I think what is -- you know, there's the wonderful Scripture where people are admonished to forgive those not just in the same measure that they're forgiven, but 70 times 7.

I think that what I have gained more than anything else is a certain humility in recognizing how important forgiveness is, but how it doesn't count and it can't count unless you can give it as well as ask for it. And that basically -- I used to see life as a struggle for always learning more things, cramming more things in my head, anywhere I could do more things, you know. Now I see the search for wisdom and strength is also a process of letting go. A lot of things you have to let go of.

And I've been helped a lot by a lot of these ministers that have met with me and the Scriptures they've given me to read; by a lot of Christians and even sects of Christians have written me around the country with tracts on forgiveness, how you merit it in what you do and how you have to give it in turn; and also a number of people with whom I have worked as President.

I learned a lot -- I've had on more than one occasion the opportunity to talk to Mr. Mandela about how he came to forgive those who were his oppressors, you know, and how he felt about it, and how he -- what kind of forgiveness he ever sought for himself. I've really tried to deal with this in a very serious way and I think I've learned quite a lot about myself in the process. And it's an ongoing effort. But I have to remember every day that human nature is so prone to find self-respect in some element of one's character that you think is superior to someone else, and a lot of this is a matter of letting go. You just have to learn to let that go, just get up every day, try to do the best you can, be the best person you can be, and continue that individual journey of growth.

And I work on it -- hard. And it's been a very humbling experience, but I think very much worthwhile for me, personally.

Q Mr. Lockhart is giving me the one more question signal, so I thought what I might do is use an old Wolf Blitzer trick which is --

THE PRESIDENT: Which is what -- ask three questions?

Q Ask a question with the second question.
(Laughter.) Well, briefly, you mentioned Chelsea just a moment ago. And as you know, the White House can be a pretty tough place on first kids. But the thing you always hear everybody talk about is the poise and the grace that she has now as a young woman. I'm wondering basically what you attribute that to, and how you feel the press has been on her -- if they've kind of been giving her a fair shake as the kind of parameters were laid out

from the very beginning?

And secondly, not at all related to that, is you were heavily criticized for the FALN commutations, and there's a lot of irony in that in that you're the least pardoning President in the modern history. You've issued fewer pardons than any President in the modern era. I'm wondering why you haven't availed yourself of that presidential power more, since aside from the FALN thing, there's typically very little fallout for that, using that power.

THE PRESIDENT: Well, let me say first, I think -- let me answer the first question first. Say exactly what you asked me about Chelsea again.

Q The thing you hear everybody talking --

THE PRESIDENT: Oh, how the press treated her.

Q How the press treated her, but how she, under the hothouse environment that the White House can be with all the looking in --

THE PRESIDENT: I feel, first of all, very grateful that even though I don't agree with everything -- first of all, I think it's impossible to generalize about "the press," and it will become harder and harder to refer to something called "the press." Where is the press in the publications in the merger of America On-Line and Time-Warner, right? So I'm always reluctant -- I sort of knew what that was, I thought, when I got elected. I'm not sure I know what that is anymore. But I think that, by and large, all elements of the press, with some very few exceptions, have been willing to let my daughter have her life and try to grow up and deal with all the challenges that entails, and the extra burdens of her parents being in public life, and all the controversies and ups and downs we've exhibited, without trying to shine the glare on her. And I am profoundly grateful for that, because I think every young person needs the chance to find his or her own way to maturity. And it's very difficult when your parents are as publicly exposed and prominent in daily life as her parents are.

And it's made more difficult if you are prematurely turned into a public figure. I think to some extent she is one anyway, whether she's in the press or not. But I think basically the press has been sensitive to that. And I am profoundly grateful for that.

And I hope that the life that her parents have lived in public life has been -- has offered more good than bad for her, as a child growing up. And she's a young woman now, and I hope that, on balance, it's been a positive thing. We love her very much and we hope that it's -- and believe that on balance it's been good.

Now --

Q On the related question of the pardons.
(Laughter.)

THE PRESIDENT: Let me say about --

MR. LOCKHART: She's going to get a pardon.
(Laughter.)

THE PRESIDENT: I want to say something here that nobody has ever given me a chance to say in public before. This is important to me. And I've been working on this hard. I did not know until -- ironically, until the controversy over the FALN thing that I had, apparently, both commuted fewer sentences and issued fewer pardons than my predecessors. I did not know that, but you should know what my generic attitude is.

Generically, I believe a President should rarely commute sentences, and should have good reasons for doing so if he does, knowing that that will always be somewhat controversial. That is, if you attenuate a jury or a judge's sentence. That's what I did in the FALN case. I did it after Chuck Ruff, my lawyer, did an extensive survey. I thought it might be controversial. I regret it became as controversial as it was. I still think, based on the facts of those cases, I did the right thing. I still believe strongly that I did the right thing.

And I can tell you categorically there was no politics in it, that Chuck Ruff handled this and everything he says about it is true. I think everyone knows him as being an extremely truthful person. He handled it entirely, and only he handled it. And then he dealt with me on it.

Now, should we do some more commutations? Perhaps we should. But I think I would probably always be on the low side of that. On the other hand, I tend to have a much more generous attitude on pardons, particularly because under the federal system -- I think people ought to get their voting rights back; I don't think they ought to be discriminated about in getting jobs or keeping jobs or getting contracts. If they have discharged their sentence and they've been out in law-abiding society.

Now, over time, before I ever got there, there developed a whole apparatus in the Justice Department which is its own independent bureaucracy for evaluating these things. And the tradition is that the President doesn't rule on them, one way or the other, until you get all these recommendations sent to you. And I think what I believe is that -- although this operation has a life of its own, I've asked -- I've tried to review it now because my instinct is that we should be granting more pardons. I don't mean we should just be cavalier, I mean if you still think somebody might be involved in something wrong --

not so much to wipe away the past as to free people up to live in the present and the future.

There are all kinds of -- suppose when you're 18 you commit some offense which gets you a five-year sentence. And suppose -- and let's suppose under the sentencing guidelines then applicable, you served two years of the sentence. Well, my view is if you served the two years, then you get out and you've got three years on parole; so the five years is discharged -- then you have to serve -- then you live a couple more years and you have a totally exemplary life. I don't think that your past mistake should unduly cramp your present and future life.

If you do something really terrible, you're going to be in prison for a long time. But I mean, people are just getting out all the time -- 90 percent of the people who go to jail get out. When they get out, we do not have a vested interest in seeing them continue to be punished. Our interest as citizens after they pay their debt to society is to see them be successful. I mean, when somebody pays -- then when they get out, surely we don't want them to keep on paying -- if they have to keep on paying, that's why you end up with more crime and a less successful, less healthy society.

So my instinct is that -- again, I speak for myself. Each President will be different on this -- is that the President should be pretty reluctant to shorten sentences, but should be willing to do so in appropriate cases; but that the President should be more forthcoming in being willing to grant pardons when it's not really for the purpose of pretending that it didn't happen, but of liberating people to make the most of their todays and tomorrows.

Because every single American has a big stake in people who actually do get punished later going on and living their lives in a straight and effective way. So that's my take on this. And we're looking to see whether there are any kind of changes we can make to be more effective in that regard.

Q Thanks.

THE PRESIDENT: I'm glad you asked me. You're the only person who ever asked me that.

END

5:55 P.M. EST

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