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TEXT:
CNN LATE EDITION
DECEMBER 12, 1999

SPEAKERS: WOLF BLITZER, HOST, CNN LATE EDITION
STEVE ROBERTS, CNN COMMENTATOR
TUCKER CARLSON, CNN COMMENTATOR
BRUCE MORTON, CNN CORRESPONDENT
SUSAN PAGE, CNN COMMENTATOR
ALAN KEYES, REPUBLICAN PRESIDENTIAL CANDIDATE
RICARDO ALARCON, CUBA NATIONAL ASSEMBLY PRESIDENT
SPENCER EIG, GONZALEZ FAMILY ATTORNEY

U.S. SENATOR JOHN KERRY, (D-MA), SENATE
INTELLIGENCE COMMITTEE
U.S. SENATOR JOHN KYL, (R-AZ), SENATE INTELLIGENCE
COMMITTEE

BLITZER: It's noon in Washington and Havana; 9:00 a.m. in Los Angeles; 5:00 p.m. in London and 8:00 p.m. in Moscow. Wherever you're watching from around the world, thanks for joining us for this 90-minute LATE EDITION.

We'll get to our guests shortly, but first let's check in with CNN reporters covering the hour's top stories.

We begin at the White House where the Clinton administration is warning Americans to be careful about suspected terrorism around the new year. Correspondent Kathleen Koch joins us live from the White House.

Kathleen.

KATHLEEN KOCH, CNN NEWS CORRESPONDENT: Well, if it's troubling news for any U.S. citizen living or traveling overseas, the administration says that the U.S. has received specific and credible information that terrorists are targeting such Americans between now and early January, when the Muslim holy month of Ramadan ends.

The State Department is now warning all Americans abroad to be very alert, and if possible to avoid large gatherings or celebrations where it believes such terrorist attacks are mostly likely to take places.

(BEGIN VIDEO CLIP)

MADELEINE ALBRIGHT, U.S. SECRETARY OF STATE: We believe we have an obligation to let the American people know when there are potential terrorist threats, and we are concerned about Americans traveling abroad and being in large groups, and we are suggesting that if they do travel abroad, that they be in touch with the American embassy and the consulate and take care.

(END VIDEO CLIP)

KOCH: The most likely suspect behind the planned attacks, U.S. officials says, is assumed terrorist Osama bin Laden. He is suspected to have been behind the two U.S. embassy bombings in Africa last year on another target.

Today of course is the State Department's security at the State Department last week, a Russian listening device on the very same floor as the office of the secretary of state. On one Sunday morning news broadcast, a top lawmaker said: Clearly security was very lax.

(BEGIN VIDEO CLIP)

U.S. REPRESENTATIVE PORTER GOSS: I think the administration has been inconsistent. I don't think this is a priority that they've had at the top of their list. I wish they would have spent more time and energy on it. They have under invested in it.

(END VIDEO CLIP)

KOCH: Secretary of State Madeleine Albright admits that the department must do a better job of protecting itself against spies.

Reporting live at the White House, I'm Kathleen Koch.

BLITZER: Thanks, Kathleen.

We now go to Cuba where the case of young Elian Gonzalez has prompted mass demonstrations across that country. CNN's Havana bureau chief Lucia Newman, joins us now with the latest.

Lucia.

LUCIA NEWMAN, CNN CORRESPONDENT: Good afternoon, Wolf.

Well, the streets of Havana today are conspicuously quiet. There are none of the mass demonstrations that we had seen throughout the week. They have been put apparently on hold.

The interpretation is that the Cuban government has decided to call a truce in the demonstrations, at least for now, to prepare a better climate for U.S.-Cuban migration talks, which are due to start here in Havana tomorrow morning.

Now there's a lot riding on these talks. The Cuban government has made it very clear that the accords which were signed in 1994, 1995--and I should backtrack saying that these accords effectively put an end or prevent the mass exodus of Cuban boat people and rafters to the United States.

And Havana says that unless little Elian Gonzalez is returned to Cuba, these accords could flounder.

The Cuban government is also very, very much opposed to a policy that the United States has called the wet foot/dry foot policy, which effectively allows Cubans, Cuban rafters and boat people who actually make it to U.S. shores to stay there. Havana argues that this is the sort of policy that encouraged Elian Gonzalez's mother and those who were in the boat with her to try to make it to the United States, to put her own life at risk--as we know she drowned trying to get to the United States--and also to put Elian Gonzalez's life at risk...

BLITZER: Well, obviously we've lost Lucia Newman. We've had some technical problems. We are going to back to Havana and join Ricardo Alarcon--he's the Cuban official, the president of the Cuban national assembly--as soon as we get that line back.

In the meantime, let's go to Miami and speak with Spencer Eig. He's a lawyer representing Elian Gonzalez's American family, his relatives, here in the United States.

Mr. Eig, thank you so much for joining us on LATE EDITION.

EIG: Good morning, Mr. Blitzer.

BLITZER: What is happening with the boy Elian, the six year-old boy, right now?

EIG: Well, right now he and his family are taking a day off. They all need a little break, particularly the family, from the pressures of all the political events swirling around them. They have been working very hard to shield Elian from all those things, so today they have gone to Disney World to give Elian a fun day at the park.

BLITZER: Does the boy speak with his father back in Cuba?

EIG: Yes. He speaks with his father every day, usually, sometimes more than once a day. The family here and the family in Cuba have always been a close family and they are working very hard to keep to keep Elian's father involved, and to allow them the opportunity to talk, and get together.

BLITZER: Is this a close relationship that the boy Elian has with his father? Was there a loving, good relationship over these six years?

EIG: Oh, well, I think that they had a good relationship, the details of it I don't know here. Elian has never asked to go back to his father. His family says that you would expect if a six year-old boy was homesick or wanted to go back, he would cry and demand. He has never done that. He is very happy with his family here in Miami. He has said he would like for his father and his father's little baby to come and visit him.

BLITZER: Do you believe the father is a fit father?

EIG: I don't know whether or not the father is a fit father. I have no reason to particularly think not. I feel very sorry for Elian's father he has suffered a tremendous loss in this situation as well. I mean it is not an ideal situation for anyone. What we are trying to do here is make the best of bad situation. It started with divorce, the horrible situation in Cuba that compelled Elian's mother to seek freedom. Her sacrifice for her son. The situation is not a great one. Thank God, for Elian it has an opportunity to come out OK. He is really doing well and getting his childhood back.

BLITZER: The point that those who are arguing that he should be with his father, they are making is that his relatives here in the United States are pampering him with all sorts of toys and luxuries that he obviously doesn't have access to in Cuba. As you said, today they are taking him to Disney World. Obviously, every six year-old boy, when confronted with these kinds of luxuries, these kinds of toys and wonderful things, they are going to be seemingly happy on the surface, but isn't there a fundamental question, as a father, that the father should have the right to be with his son?

EIG: One of the essential parts of being a father is protecting and sacrificing for the welfare of one's child. In this case, to send Elian back to the situation in Cuba, could be so horrifying, it could cause such danger, potential of persecution, that although it is hard for his father, and I feel for his father, the best thing for Elian is that his father continue to sacrifice. And then hopefully we will be able to work out this situation.

I call upon the Cuban government, as many people have in this country, to allow Elian's father to come to the Embassy or U.S. intrasection and request a visa to visit his son here. And not just alone. Let his father come with his new child, and his new wife, and his parents, all of Elian's grandparents. Let everyone who is concerned come to America to visit Elian, see how well he is doing here. Let the whole Gonzalez family gather around the kitchen table and see if we can't just work this out as a family, not as an international incident. That is not really appropriate for a six-year-old boy.

BLITZER: If this boy were from England or France or any other country in the world, would it make a difference? The fact that he is from Cuba, is that the single reason why you don't think he should be sent back to his father?

EIG: The situation in Cuba is a major concern. It is a horrifying situation for children in Cuba. No milk ration after age seven, forced into labor camps at age 12. The state really views themselves as having custody of the children anyway, not the parents. And the children are forced to mouth slogans of "viva la revolucion" that they don't believe.

Why should Elian be subjected to that after what he has been through? He has the opportunity to live a life of dignity here. His father, I think, knowing that, from overseas if he was free to really express his view then he might say in his heart, thank God my son has reached the land of freedom.

BLITZER: Mr. Eig, you know what the Cuban's government's position so that the parents who were divorced, the mother illegally--the mother simply kidnapped the son without the father's knowledge, without the father's permission, and brought the kid--took the kid on a boat;

risked his life, the kid obviously survived, the mother did not. That's the Cuban government position, that he was kidnapped and he should simply go back to his dad.

EIG: Well, interestingly the first whole week of this, while his father and many people were talking about the situation on television, nobody mentioned kidnapping. This story somehow emerged out of the Cuban foreign ministry later. I wouldn't pay any attention to it. I think it's besmirching the name of a very courageous woman who died trying to give her son freedom and who can't answer back.

But, the situation need not continue as a tragedy and it need not continue as a political show. If the Cuban government will allow the whole Gonzalez family to come here and visit and not hold any of them behind hostage, so they can all truly express their views and see what's going on, the situation could be resolved in a way that's good for Elian, that's good for his father, that's really what's important.

BLITZER: But, when you say it should be resolved, under no circumstances do you see Elian Gonzalez's going back to Cuba?

EIG: That's certainly not in Elian's best interests. One of the steps that we have taken here in Miami, here in the United States of America in the last few days, is to file applications to assure Elian of due process of law. This way he won't be victimized in some political deal, that has nothing to do with him, but he's entitled now, to a determination of what's in his best interests. And I think it's a great, and uniquely American gift.

BLITZER: The final decision, though, will be made by the Immigration and Naturalization Service, the INS. How long do you think this process is going to be drawn out legally in potentially in court, before a final decision is made about Elian's fate?

EIG: I don't know how long it will be. But I believe the ultimately decision will be made by a judge who is independent, who can hear the evidence, and who can make a fair decision. And that's the best way, that's due process of law. That's the American way, let the decision on Elian's future be removed from politics. From international posturing, let it be about Elian and his future.

BLITZER: And if the judge rules he should be with his father back in Cuba, will you stand for that, will the family members of the boy that you represent, will they stand for that?

EIG: The family members here, all the attorney's, we all believe in the due process of the law. We all believe in America's democratic system, and we intend to utilize it all to its fullest to protect Elian's interests.

BLITZER: Finally, we're going to be speaking with the head of the Cuban national assembly, Ricardo Alarcon. There have been these massive demonstrations, as you know, in Cuba. It seems, though, as much as you and everyone else says this should not be a political football, it has become a political football between the United States and Cuba. That certainly is not in the best interests of this little boy.

EIG: Well, if it's become a political football, than perhaps Mr. Alarcon and the Cuban government should call a time out and let the families work it out in a way that's in Elian's best interests, and not manipulate a six year old boy who has already suffered so much for political advantage.

BLITZER: OK, Spencer Eig, thank you so much for joining us. Obviously this is a difficult decision, we're going to get more from

Ricardo Alarcon, the head of the Cuban national assembly.

But when we return, we'll talk with two U.S. Senators. They also will weigh in on this Gonzalez custody case, plus a security breach at State Department. Did Russia gain top secret information? We'll ask Republican John Kyl and Democrat John Kerry when LATE EDITION continues. Stay with us.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

WILLIAM J. CLINTON, PRESIDENT OF THE UNITED STATES: The question is, and I think the most important thing is, what would be best for the child?

(END VIDEO CLIP)

BLITZER: President Clinton commenting on the case of Elian Gonzalez.

Welcome back to LATE EDITION.

Joining us now are two members of the Senate Intelligence Committee. In Boston, Massachusetts, Democrat John Kerry. And in Phoenix, Arizona, Republican, John Kyl. Senators, welcome back to LATE EDITION.

And I'll start with Senator Kerry, you just heard the lawyer representing the American family of Elian Gonzalez, make the case that this little, six-year-old boy should be allowed to stay here in the United States. What's your feeling on this very, very complex situation?

KERRY: Well, my feeling is that the president hit the nail on the head, and the lawyer at several points, not always, but at several points, also said we are a country that believes in rule of law. We have very specific process for the reuniting of children with father, step-fathers, we have family law in this country. It places the child's interests foremost, and that's as it ought to be .

To whatever degree, politics enters into this. And there's obviously, now, a fair amount of sort of Cold War rhetoric. I would hope both countries would view this as an opportunity to reach beyond that, to find a new opening of opportunity for how we resolve this kind of issue.

His father ought to first and foremost, if he is really interested in his child, be willing to do anything to get him back, and that includes coming to the United States. It's very clear, we would say to him, "Look, you can go back any time you want." I mean he has choices.

And the government of Cuba ought to take advantage of this--and really work it through the process. It's really, I think, something that should be viewed as an opportunity, not a moment to renew the Cold War. And secondly, most importantly, let's put the child's interests first. Family, child, and that's what we ought to resolve through the legal process.

BLITZER: Senator Kyl, as you know, the Cuban Adjustment Act says that if a Cuban reaches the United States, steps foot on the United States, that Cuban is allowed to stay.

Now, even if the father were to come here, and show that there's a loving relationship between the father and the son, and he wants to take his son back to Cuba, do you envisage any circumstances, where that Cuban Adjustment, after assuming family members of the little boy here in the United States, want to exercise it? That he will be allowed to go back to Havana?

KYL: It's my understanding that that act simply permits American law then, to apply. That he will not be forcibly returned to

Cuba. It's also my understanding that the law of Florida, will determine the question of custody here: that his father will have to appear, either in person or through attorneys; will have to make his case for the return of Elian to Cuba, if that's what the father requests.

So it does require the participation of the father. But under the Florida law, it will be up to the judge to make a decision as to where the child goes.

BLITZER: Senator Kerry, in terms of the overall U.S./Cuban relationship, you hit upon this a little bit, is this going to be a major, major setback, in any effort that may have been underway by the Clinton administration to try to improve the relationship with Fidel Castro?

KERRY: Well, I don't think it should be. I mean it doesn't have to be. Obviously both sides have started off with a heightened rhetoric that doesn't serve either country very well.

I view it as an opportunity. We should right as an opportunity. I would hope Castro would view it as an opportunity. I mean, what do they have to fear? They have--I mean after all, the mother, the step-father, and I think it was about nine others, or eight others, left his country. Why did they leave? They left for the same reasons that countless thousands of people have tried to leave Cuba. You're not going to change that over this child.

To somehow rekindle the--you know, that fundamental reality of what life in Cuba is like, and apply it in the political realm to the resolution of what happens to this child is wrong.

BLITZER: All right.

KERRY: I think that it's a great opportunity for us to move forward in the relationship, not backwards, and I hope we can do that in the days ahead.

BLITZER: All right, Senator, stand by, we now have Ricardo Alarcon live from Havana. He's the president of the Cuban National Assembly, a senior official of the Cuban government.

Mr. Alarcon, thank you so much for joining us.

I want to get right to the question that U.S. officials that now have been suggesting: Will the father, Juan Gonzalez, Elian's father, be allowed to come to the United States, be given a visa, to make the case why this little boy should be brought back to Cuba?

ALARCON: Wolf, two weeks ago our government presented to the U.S. intrasection, a diplomatic note requesting that this child be returned to his father. Together with the note there was a formal letter by the father requesting that. Two weeks after--today--we are still waiting. If the U.S. recognizes the right of the father and his four grandparents. All of them live here. They are right to look after, to love and continue to protect their child, as they have been doing for five years.

Then, even now, there is a lot of talk--and I listen more or less to parts of your program--you have a lawyer, you have politicians who talk about the possibilities of discussing, deciding. I have to say that they forgot a very simple thing: family rights, the family institution, family values, which appear from time to time in your political debate. When are those values here now?

BLITZER: OK, Mr. Alarcon, Mr. Alarcon, excuse me for interrupting. But if the father--and the father obviously wants his son back, why not simply allow him to come here to the United States, listen to, for example, what Senator John McCain, a Republican presidential

candidate said earlier today on Fox News Sunday. Listen to what Senator McCain said.

(BEGIN VIDEO CLIP)

U.S. SENATOR JOHN MCCAIN, REPUBLICAN PRESIDENTIAL CANDIDATE: I think his father should come to the United States or even to a neutral country and then declare his intentions for this son. I don't think any father in the world wants his son to grow up under communist tyranny without a lack of opportunity that he would have in a free and democratic nation.

(END VIDEO CLIP)

BLITZER: Mr. Alarcon, that's a widespread opinion in the political establishment here in the United States. What do you say to that argument, that the mother risked her life to get her son to freedom here in the United States and he shouldn't be forced to go back to communist rule in Cuba?

ALARCON: Well, first of all, I don't know if Senator McCain was on the boat with the mother to witness what were really her will at that time. There are some stories in Miami that even question that.

But apart from that, this small boy is not the son of a senator, not the son of that lawyer that you interviewed. He's a human being that grew--as this historian in the New Herald says: "Elian grew up surrounded by loving relatives." And this is headline of the Boston Globe, I think: "In Cuba, A Shattered Family Waits"--for two weeks.

And now they are still are putting conditions: The father should come to prove that he's the father.

And at that--you know, this two weeks, this small child has been sent to a house in Hialeah where lives so-called distant relatives. They have received some sort of pressure or encouragement from the Cuban-American National Foundation that hired that lawyer that was in front of you this morning, and other lawyers, and preservationists (ph) people, investing big dollars just to prevent a child to go back to his father and to his four grandparents. Why?

BLITZER: Mr. Alarcon...

ALARCON: Because of (inaudible) senators to decide what the lawyers...

BLITZER: Tomorrow, as you know, the U.S. and Cuba are scheduled to resume talks on immigration. Will those talks go forward as scheduled?

ALARCON: Yes, certainly. I understand that the Assistant Secretary of the State that will lead the U.S. delegation is here. He arrived yesterday. We look forward to serious discussions. Addressing mainly to the fundamental point, which is the continuation by the U.S. of a policy, that encourage illegal immigration that provoke this, that provoke suffering.

Why don't you have you a Cuban--you have a Cuban Adjustment Act that justify all this wet/dry thing that--are you going to have Mexican Adjustment Act? A Haitian Adjustment Act? Are you going to change that policy or are you going to abide by the law?

BLITZER: Mr. Alarcon, will you raise the issue of Elian Gonzalez in the talks tomorrow in Havana with the U.S. government?

ALARCON: I beg your pardon. I could not...

BLITZER: Will the issue of Elian Gonzalez be on your agenda, when the talks resume with the U.S. government in Havana tomorrow?

ALARCON: Well, we are in touch with the U.S. representatives here in Havana, and also with the State Department in Washington. I will

tell you, on a permanent basis, discussing how to resolve this matter. And I am confident that the U.S. would act, as President Clinton suggested the other day, abiding by the laws. The laws are very clear, the boy belongs to his father, belongs to his family. And nobody should interfere with that.

BLITZER: OK.

ALARCON: Not the (inaudible), not the slandering us, this so-called lawyer used this morning. But simply respecting family rights. It's as simple as that.

BLITZER: OK. Ricardo Alarcon, I know that this issue is not going away any time soon. Thank you so much for joining us on LATE EDITION.

We have to take a quick break. When we come back, more questions for Senators John Kerry and John Kyl. I'll ask them about the revelation of a spy in the State Department, and a warning about international terrorism as the new year approaches. Stay with us.

(COMMERCIAL BREAK)

BLITZER: Welcome back to LATE EDITION. We're continuing our conversation with two members of the Senate Intelligence Committee: Democrat John Kerry of Massachusetts; and Republican Jon Kyl of Arizona.

Senator Kyl, how concerned should Americans be about the State Department warning to be very careful as the New Year approaches traveling around the world because of an alleged credible piece of evidence there could be terrorism aimed at American citizens?

KYL: I think we should be very concerned. I talked with a staff member of the Intelligence Committee this morning, who is convinced that the State Department's warning is based upon very specific and credible evidence that there could be a terrorist attack against Americans, particularly abroad.

And I believe that Americans traveling abroad should seriously take the advice of the Secretary of State to check with the American consulate to avoid large crowds, specifically situations in which there could be a large number of people killed. This is a serious proposition. It should be taken seriously.

BLITZER: Senator Kyl, is the threat that you are hearing about coming from Osama bin Laden?

KYL: The--it is not for me to say on this program where the threat specifically is coming from, but these kind of warnings are not made lightly. They are based upon specific and credible evidence and I'm persuaded that it exists.

BLITZER: Senator Kerry, is the Clinton administration doing enough to deal with these kinds of worldwide terrorist threats against U.S. interests?

KERRY: They are doing a huge amount at this point. I mean, could we all do more? Probably we could. But the fact is there are certain limitations at this point in time.

I mean, one of the problems is for instance, Russia and the capacity to get full cooperation there. We've had difficult relations with the Chinese. We are also seeking better cooperation there. So we are working with very great international difficulties and constraints, but I'm convinced there is a huge amount of attention and focus on it or this kind of warning would not be issued.

BLITZER: Are you suggesting, Senator Kerry that the Russians may have information dealing with terrorism that they are not sharing with

the United States because of other strains in the U.S.-Russian relationship?

KERRY: What I'm saying is that the disorder in Russia today and the level of criminality within the Russian system, which is well-known, has led us to have a joint conference and various efforts, which the vice president has helped initiate, on terrorism and criminality. And within that context, when you have that kind of disorder and you have that much criminality, there is a capacity for terrorists to flourish.

Part of what you are seeing in Chechnya right now is a reaction to their definition of terrorism. They have had bombs in Moscow, apartments blown up, other kinds of problems, so there is a great deal of--of--instability in a region where we would obviously much prefer to have stability because it empowers us to better be able to deal with terrorism.

BLITZER: Senator Kyl, you and Senator Kerry are members of the Senate Intelligence Committee, you are privy to all sorts of classified, sensitive information. This week a lot of Americans, and assume you, were stunned to learn that the Russian government, that the Russians had allegedly placed a very sophisticated listening device on the 7th floor at the State Department, in a sensitive conference room. How surprised were you? How serious is this?

KYL: Not at all surprised, and it's very serious. I wasn't stunned at all. American people need to realize that this kind of thing...

BLITZER: Weren't you stunned that they could get away with it? That the Russians, presumably, had that kind of expertise to go into the State Department and plant a listening device in a conference room?

KYL: Not at all. The American people have to realize that just because the Cold War is over doesn't mean that the Russians have stopped spying. Their spy organization, the successor of the KGB, called the SVR, continues to engage in all kinds of activities that they always did. They are very good at it. They are very sophisticated. We shouldn't be surprised at all.

In fact, I think the American people need to back us when we ask for more resources, both in terms of funding for new technology in a defensive mode, to protect ourselves from this kind of espionage, from the Russians, from the Chinese and from others, and also to permit us in this new age of technology to be able to gather information better ourselves.

Getting back briefly to the terrorist point, it is the ability of the United States to penetrate terrorist organizations and to intercept signals that tells us that there may be activity afoot for which we need to issue warnings. And that kind of technology advantage is slipping away with the spread around the world of the ability of these people to communicate with encryptive devices, through fiber optic transmissions and others that make it very, very difficult for us. We need a much larger effort, a more robust effort, in both our defensive and our offensive capability with respect to espionage.

BLITZER: Senator Kerry how concerned should Americans be right now, that the Russians may have had an inside--someone on the inside helping them plant this sophisticated device inside the State Department, that individual may still be at large and, the second part of the question, how concerned should we be that if this happened once, why not happen a bunch other times, in other sensitive areas of the U.S. government?

KERRY: Well, I think Americans should be concerned. I don't think we should be alarmed, if you can draw that distinction. I mean, I think it happens. John Kyl is right, I mean, look they're spying, we're spying. I mean, don't forget that. John himself just referred to the information that we need to gather in order to be safe. We are very busy around the world ourselves doing everything we can to gather every piece of information that will help protect the United States of America and the interests of our citizens. And that's how we have the ability to make a warning about the potential of some kind of terrorist activity.

We do that, our allies do that, and sometimes even, in terms of business today, there's a great deal of--of, sort of, corporate spying that goes on also in order to advantage people within the business world. I mean it's an enormous enterprise. So no one should be surprised by this.

Alarmed? I don't think it's a cause of enormous alarm, because thank God, we have made progress in terms of denuclearizing, reducing that level of threat, and not having weapons on hair trigger and pointed at each other. We continue a threat reduction effort with Russia. We're working very hard on that score with China.

So I think, I mean, is there someone probably still at large? The answer is, yes. It clearly appears that way because they have no record of Mr. Grozny (ph) going into the building, and--someone, had to do a very sophisticated job when no one was looking, in order to install that particular bugging device in the way that it was installed. So this is a very professional, technical job, and, I indeed believe, as I think most do, that there was some kind of inside help. I think they're working diligently to try to find out where that was, and my suspicion is, they will find out.

RUSSET: All right, Senator Kyl, we have to take quick commercial break but very, very, quickly, do you agree that there probably is someone still at large right now?

KYL: Yes, it appears so because Mr. Gusev apparently never had access to the State Department himself. Clearly somebody else inside the building had to be involved in the planting of the device.

BLITZER: All right, let's take a quick commercial break. A lot more to talk about with two senators, members of the Intelligence Committee, stay with us on LATE EDITION.

(COMMERCIAL BREAK)

BLITZER: Welcome back to LATE EDITION. We're talking with two members of the Senate Intelligence Committee: Democrat John Kerry of Massachusetts and Republican John Kyl of Arizona.

Senator Kyl, Boris Yeltsin was in China this week, had some tough talk about the United States, about President Clinton. Listen to what President Yeltsin said earlier this week.

(BEGIN VIDEO CLIP)

BORIS YELTSIN, PRESIDENT OF RUSSIA (THROUGH TRANSLATOR): President Clinton allowed himself to pressure Russia. He seems to have, for a second, for a minute, for a half a minute, forgotten what is Russia, that Russia possesses a full nuclear arsenal.

(END VIDEO CLIP)

BLITZER: Senator Kyl, President Clinton later shrugged that off and seemed to joke about it. Is this serious, the fact that Yeltsin is now reminding us, reminding the entire world, that Russia's a nuclear power?

KYL: I don't think that there's a suggestion that he would

actually use those nuclear weapons against the United States just because we object to his policy in Chechnya.

But it's not a joking matter, because the Russians, unfortunately, at this point in history have an inferiority complex. They're only good at one thing and that is threatening with their nuclear arsenal, and they want respect in the world. The problem is, they don't act in a way to engender respect. In fact, primary foreign policy for them these days is doing whatever they can to tweak the United States, and that includes going to China and making nice with the Chinese about Taiwan, even though they understand the United States cannot stand by and allow the American--excuse me, the Chinese to threaten the Taiwanese.

So it is a way for Yeltsin to try to remind the world that Russia is important after all because they have those weapons. But that's not what makes a great nation. A great nation would act more responsibly, would act more in line with the family of nations that has learned to get along together in a civilized fashion.

BLITZER: All right...

KYL: Unfortunately--if I can just add one thing--the elections about to take place in Russia are against a backdrop of extreme nationality, and the popular thing in Russia these days is to talk in an even more bellicose tone than Mr. Yeltsin is. That's not going to bode well for the future.

BLITZER: We don't have a lot of time, Senator Kerry, but I want to get your take. As you know, the Israelis and the Syrians resume peace negotiations in Washington this week. Very optimistic comments coming from the Syrian foreign minister earlier today. He said, "I am so optimistic to say that a few months could be enough to reach a peace agreement." He goes on to say that "we are going to Washington with good intentions. We are serious about making peace with Israel."

In Israel there are reports today that any withdrawal from the Golan Heights would require extensive U.S. financial assistance to Israel and perhaps even to Syria. Is the U.S. Senate ready, in your opinion, to come up with the money to pay for that kind of peace agreement?

KERRY: I think it depends on the structure of the agreement. I was in the Middle East a few months ago. I met with Prime Minister Barak, I met with King Abdullah, and it was very clear to me from those conversations that the moment is really ripe to move forward with Mr. Assad. I mean, there are many reasons for his wanting to do that now.

I think we have waited so long for this and worked so hard for it, that if Syria were to make peace, I have no doubt that the United States Senate--Congress would be very supportive, as long as it didn't put us in I think some sort of dangerous situation.

I can't imagine that. I don't believe that would be the outcome. I think we have a neutral, helpful role to play here. I think if our monitoring capacity of one kind or another were to lend support to that, Americans would welcome that completely. The Congress would be very excited about it, and I think it could really open other enormous possibilities in the region.

BLITZER: All right. Unfortunately, Senators, we are all out of time.

Senator John Kerry, Senator John Kyl, always good to have you on LATE EDITION. Thank you so much for joining us.

When we return, the race for the White House. We'll talk with Republican presidential candidate, Alan Keyes, about his campaign and

plans for overtaking GOP front-runner, George W. Bush. Stay with us.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

KEYES: If you can't stand on your own two feet, if you're always looking for somebody else to put words into your mouth, then at that critical moment of decision, who's going to take the place of the one who should be making the judgments?

(END VIDEO CLIP)

BLITZER: Republican presidential candidate and former UN Ambassador Alan Keyes, taking a jab at Governor George W. Bush at CNN's GOP debate in Arizona this past Monday.

Welcome back to LATE EDITION. Joining us now from the campaign trail in Des Moines, Iowa, is Alan Keyes. Ambassador Keyes, good to have you with us on LATE EDITION.

KEYES: Glad to be with you, thank you.

BLITZER: Well there's--thank you, thanks for joining us. There's a new CNN-Time magazine poll just out today, shows McCain at 37 percent, Bush at 33 percent, Steve Forbes at nine percent, Alan Keyes at five percent. You are ahead of Gary Bauer and you are ahead of Orrin Hatch. But still a lot of people, and you know this, a lot of people are saying, Alan Keyes is not going to be the GOP nominee. Why is he going through all of this hard work, clearly it's not easy running for president.

KEYES: I have no idea why people would reach that conclusion, and certainly not on the basis of a bunch of phony, manipulated polls that do not reflect anything that may happen at the voting booth. There is no record that suggests that these polls are accurate in those predictions whatsoever. And they preempt the judgment of the American people. I pay no attention to them.

I think as people are focusing on the candidates, on the substance, we're getting a very positive reaction from around the country, and I think that as these debates and other things go forward, we're going to find that the American people, do in fact, prefer substance and they're not willing to give the palm to birth and to wealth just because that happens to be somebody's criteria. I think the American people are going to make their choice based on quality.

BLITZER: The birth comment, presumably referring to George W. Bush, the wealth, I assume referring to Steve Forbes. You know, he's running a new ad in New Hampshire. Listen to what he's saying about his place in this campaign, and then I want to get your reaction.

(BEGIN VIDEO CLIP)

ANNOUNCER: December 3rd, after the debate, the Union Leader made Steve Forbes their choice in the GOP primary, stating that he is head and shoulders above the others. Conservative leadership and a determination to restore a sense of decency to the White House.

(END VIDEO CLIP)

BLITZER: Steve Forbes says he's the true conservative in this race, and that he should have that role, not necessarily you or Gary Bauer or anyone else.

KEYES: Well, I think that the people are the folks who are to make that judgment. I put the highest priority right now on meeting the moral challenge of this nation's life, which I think a lot of folks around the country recognize to be the major challenge we face. We don't have a

big economic crisis, we not in the midst of some big international crisis, but we are in the midst of the worst moral crisis in the nation's history. And I think that has to be addressed as our top priority. We've got to deal with issues that poison our allegiance to the moral principles the country was founded on, starting with the issue of abortion.

I have made this concern with the moral future of the country, the top priority of my campaign and of my public life over the last several years, and I'll continue to do so. I think that's what this election is really about, and as that issue is put before America--and we see in the context of the taxes and the control of schools, and the control of our lives and futures. I think Americans will realize that we need to have somebody in the White House who understands the deep principles of this nation, and can help the nation think through how they apply to the challenges we face today.

BLITZER: All right, Ambassador Keyes, we have a caller from Fullerton, California, please go ahead with your question for Alan Keyes.

Fullerton, can you hear me?

QUESTION: Yes.

BLITZER: Go ahead with your question.

QUESTION: Dr. Alan Keyes, I think you're a great candidate, I'd love to see you be president. The news media is not covering you as much as you you deserve. What can your supporters do to get more name recognition?

KEYES: Well, I think there is a role for the public at large. In making sure that when the media practices its repression, they call them on it, and we have been finding that around the country. Folks reported to us over the Internet, for instance, from their different communities around the country, that a lot of the newspapers acted as if I didn't even participate in the first two debates, even though there were a lot of objective indicators out there that people around the country felt I won those debates and that my performance was the strongest.

But in the news media and other media outlets, many of them didn't even mention my name. And none of them really acknowledged the strength and intensity of the reaction to my performance around the country. When that happens, people need get in touch and let their feelings be heard. Write the letters, call the news outlets. Let them know that you're aware that they are, in fact, lying to the American people, and they should stop.

BLITZER: One thing you did say in that debate, in the first debate that was very, very controversial, accusing the news media generally of racism because you are a black American, conservative black American, that the news media were ignoring you, and it was racist policy, a deliberate policy, but what evidence do you have to make that kind of very, very serious accusation?

KEYES: I have the evidence of the consistent media practice. I don't fit the stereotype of a black American, that media people seem to think is out there.

Have we forgotten that the essence of racism and prejudice is not hatred, but bigotry and prejudice? If people don't fit your stereotypes, you exclude them, you cut them out. That was at the heart of the deep problems in America, that had to do with race.

Many people in the South and the old South used to profess their great affection for black Americans, in their place. What did that

mean? Well, when they fit stereotypes that we mean to impose upon them. That's what the American media is doing, and the evidence is out there in the way that they act and have reacted.

I was talking to--I talked to other day by one of my colleagues who said that a lady whose editor at the "U.S. News and World Report," Jody Allen, had actually made the remark that if I wasn't black, I wouldn't even be in the debates. A more virulently racist remark I have never heard in my life. Completely disregarding my qualifications, completely disregarding my ability, completely disregarding my performance, in order to make a dirty, little remark based entirely on race.

It's things like that, that I think deeply hurt this country. And the media ought to stop it.

BLITZER: All right. Let's take another caller, from Sarasota, Florida. Go ahead with your question for Alan Keyes.

CALLER: Good afternoon.

My question Mr. Keyes is on that subject, when you cite racism as an element of bigotry by the left, I think you're missing the point. The bigotry practiced by the left is not against the color of your skin, sir, it's against your ideology. It's the Thomas affect.

KEYES: No, no.

CALLER: The--it's okay in this day and age to hate...

KEYES: Can I answer that?

BLITZER: Go ahead Ambassador Keyes, go ahead with your answer.

KEYES: No, I just wanted to say I used to try to make that argument. But it doesn't wash now, because we've got controls in the field. You know, a control in a scientific experiment is somebody who has all your characteristics with one change in the variable.

And as long as Gary Bauer is in this field being treated with greater respect than Alan Keyes, and he has consistently been treated with greater respect, then I think you have a problem trying to make the case that this is ideological. It's not. It's ideology combined with race.

They will not tolerate a black American, who isn't a step-and-fetch-it of the liberal left. And therefore, they exclude me. That is a bigoted reaction, and it needs to stop.

BLITZER: But Gary Bauer did do better than did you in the Des Moines--in the Iowa straw poll last August.

KEYES: Yeah, so one indicator. Orrin Hatch hasn't been treated with disrespect because he came behind. And I run consistently ahead of Gary in most other indicators of what's going on in the election out there, that the media professes to take seriously.

So you can't, you can't say that this is in any sense, a fair judgment or fair treatment. It reflects, I believe, the unwillingness to allow a black American to stand forth, express views that are not consistent with the racial stereotype of the media, and get--and let those views be presented to the American people. That's what I think is going on.

BLITZER: All right. All right. Alan Keyes, stand by. We have to take a quick commercial break. For our international viewers, World News is next. For our North American audience, another 30 minutes of LATE EDITION. We'll get the news headlines from Gene Randall and take more of your phone calls for Alan Keyes.

Then our LATE EDITION roundtable, and Bruce Morton's "Last Word." It's all ahead when LATE EDITION continues.

(COMMERCIAL BREAK)

BLITZER: Welcome back to LATE EDITION. We'll take more of your phone calls for Republican presidential candidate, Alan Keyes in just a moment, but first, here is Gene Randall with the hour's top stories.

(NEWSBREAK)

BLITZER: Thanks, Gene. Now back to our conversation with Republican presidential candidate, Alan Keyes. Ambassador Keyes, let's go through some issues in the headlines right now. First of all, as you know, the first lady this week said she doesn't support the don't ask/don't tell policy on gays in the military. The president in an interview with CBS News only yesterday suggested that he also doesn't think the policy has worked. Do you think that individuals should be judged by their conduct or their sexual orientation when they want to be in the U.S. military?

KEYES: Well, I think in this particular case, we are judging people by their conduct, and that conduct is incompatible with the morale and good discipline of the military. And therefore, folks who insist on that lifestyle should not be part of our military, in my opinion. I think we are wrong to try to use our military for these kinds of social experiments.

We need an effective tool for the defense of this country and we need to respect the requirements of the integrity of the professionalism and discipline of the military. And I think this whole business that the Clinton administration has been doing, is wrong, and I would put a stop to it as president.

BLITZER: Would you also then take the next step and say that homosexuals, lesbians and gays should not be police officers or firefighters?

KEYES: I think that my job as president of the United States, will be to decide what are the requirements for our military security for which the federal government is responsible. I would not usurp the decisions of the state and local governments with regard to their police and fire forces. I think that is something for people in the states and localities around the country to decide.

BLITZER: All right. What about this little six year-old Cuban boy who is in Florida right now. Do you envisage under any circumstances letting this boy go back to his dad in Cuba?

KEYES: Oh, well certainly. I think that in the first instance we have to make a judgment that is consistent with our respect for family bonds and obligations. We have to be careful to make a determination, one, that those families bonds in fact exist and have been respected and honored by the father. Two, that in point of fact it is his real desire that his son should return to Cuba, and that I think can only be done if you have him come out of Cuba, where he can in fact make a decision in freedom.

But the notion that we would put politics and ideology ahead of our respect for the authority of a father, if in fact he is a father who wishes to exercise his familial responsibilities. I think that is going too far in the direction of putting ideology ahead of our respect for family bonds. If on the other hand, the mother's decision to come out of Cuba was based on the existence of persecution, things that actually affect the welfare of that child, then I think we would have to let the relatives here in United States be the ones whose familial bonds we respected. But I think that has to be judgment made in best interests of the child, with respect for the family bonds and obligations that I think

even governments have to pay heed to.

BLITZER: Do you think, George W. Bush, Ambassador Keyes, is qualified to be president of the United States?

KEYES: I don't think that is a judgment for me to make. I think it is for the people to make that judgment. I do believe that he has failed in his articulation of the priorities that face this country. He wants to put the moral crisis of the nation on the back burner. He does not have the courage to address forthrightly the issues like abortion that deeply affect our moral character. I frankly don't believe he has the depth of understanding to articulate the relationship between this country's moral principles and the great serious practical issues, whether it is abortion, income taxes, social security, and so forth that we face today.

I don't think he understands that at bottom, as a people we must apply our moral principles and constitutional principles consistently if we are to maintain the integrity of our conscience and way of life. On those grounds, I do not believe he should be the Republican nominee, and I do not support him. That is why I'm in the field.

BLITZER: OK. Tough talk, blunt talk, that we have gotten used to hearing from Alan Keyes. Thank you so much for joining us on LATE EDITION. We hope you will come back.

KEYES: Thank you.

BLITZER: And when we come back, George W. Bush stumbles on the campaign trail, and Vice President Al Gore sharpens his attack on Bill Bradley. That and the week's other political developments, when we go around the table with Roberts, Page, and Carlson. LATE EDITION continues right after this.

(COMMERCIAL BREAK)

BLITZER: Time now for our LATE EDITION roundtable. Joining me: Susan Page, White House bureau chief for USA Today; Steve Roberts, contributing editor for U.S. News & World Report; and Tucker Carlson, political writer for the Weekly Standard.

As far as George W. Bush this week is concerned, listen to some of these headlines that we just picked randomly: jabs by opponents of Bush subtly poke at his intellect; George W. not so invincible; GOP rivals question Bush's experience; poor debate reviews dim Bush's luster.

Pretty bad week for George W. Bush.

ROBERTS: It was, and part of the reason is that George Bush is two different candidates. In person, he remains a very effective and even dynamic, certainly appealing figure. On TV, it turns out he's not really that good. And I don't know whether it's because he's uneasy, whether he's inexperienced, whether he's trying to be too cautious. But that natural ebullience that comes across very strongly in person is not coming across on the tube.

And it's not as if the Republicans are having buyer's remorse yet, but they're uneasy, because they've put a lot behind this guy, they've bet a lot on this guy. He's only been in two campaigns, two governors races in Texas. People are starting to get nervous whether he really has enough experience to carry through the campaign.

BLITZER: You know, Tucker, Warren Rudman, the former senator, was on Meet The Press earlier today. He's a supporter of John McCain, but he was rather blunt in talking about some of the shortfalls--fallings of Governor Bush. Listen to what Warren Rudman had to say.

(BEGIN VIDEO CLIP)

WARREN RUDMAN, FORMER U.S. SENATOR: I didn't think he looked good at all. I thought he looked programmed, I thought he looked stiff. You know, and that's just one debate. But the fact is, he did not live up to expectations and John McCain exceeded expectations.

(END VIDEO CLIP)

BLITZER: Partisan talk, obviously. But did--is there buyer's remorse among Republicans as far as George W. Bush is concerned?

CARLSON: Well, remember a couple of months ago when Senator Moynihan said of Al Gore, "Oh, he can't win." I think a lot of Republicans have bought that line. It's sort of a glib line, but they've thought all along, "Well, in the final analysis, Gore's just unelectable."

And I think this week for the first time, a lot of Republicans realize that that's not true. Al Gore can win. Al Gore could be president, especially if he faces someone who does as poorly in the debates as Bush did. And I think that's--the panic is just beginning, but I think it's beginning to dawn on a lot of Republicans that maybe Bush isn't taking it seriously. This is a big problem, and they're starting to kind of freak out.

PAGE: But, you know, there are always ups and downs in campaigns. You're never going to have a straight line. George Bush had been doing really well.

George Bush has an incredible infrastructure to fall back on. He has an awful lot of money to spend, he has an organization in a lot of states where McCain hasn't been, and he also has the advantage that his chief opponent, or the alternative to George Bush/John McCain, is widely unacceptable to the kind of establishment Republicans.

I think that this has not been a good work week for George Bush, but I think he remains the prohibitive favorite for the nomination, and we'll see how things play out in the general election.

BLITZER: You know, but Steve, a lot of Republicans still don't feel comfortable with John McCain. Listen to what Mitch McConnell had to say earlier today.

(BEGIN VIDEO CLIP)

U.S. SENATOR MITCH MCCONNELL (R-KY): Well, he would have to do a lot of work to reconvince--to convince a lot of Republican-based voters that he's one of us. Because the issues he has emphasized in recent years have all been Democratic issues.

(END VIDEO CLIP)

ROBERTS: Well, Mitch McConnell is the leading opponent in the Senate against campaign finance reform. John McCain is the leading advocate of campaign finance reform. They detest each other, and so Mitch McConnell's comments are hardly surprising.

McCain is trying to position himself as an outsider. He did come across I think pretty well in the debates. He has--there was a sparkle to him, a liveliness that George Bush did not have.

But as Susan said, that only goes so far. I mean, what does he do the Wednesday after New Hampshire? He doesn't have an organization in other states. So I think McCain is going to be the flavor of the month, but I'm not sure he has it for the long term.

BLITZER: All right. Tucker, you know, we've also seen another development this week: Al Gore coming out big time, taking off the gloves, going after Bill Bradley. In fact, in almost every speech, he rips

Bradley's policies. Listen to this little clip that we selected at random.

(BEGIN VIDEO CLIP)

VICE PRESIDENT AL GORE, DEMOCRATIC PARTY PRESIDENTIAL CANDIDATE: It's quite another thing to say--to propose a possible tax increase for no other reason than to try to cover your bases when you have this big gaping hole in a campaign proposal that you can't fill in any other way.

(END VIDEO CLIP)

BLITZER: What do you think about the new strategy from Al Gore?

CARLSON: I think it works. I mean, was it Al Gore's mother in '88 when he first ran for president said--her advice was something along the lines of: relax, be yourself and attack. That's very good advice.

I mean, Bill Bradley had advanced to the position he's advanced to by being sort of mysterious and playing this kind of anti-candidate candidate. And I think Gore is right to try and pull back the curtain on that and say, "Look, actually if you listen carefully to what Bill Bradley's saying, there's not a lot of there, and some of it's, you know, a little off."

PAGE: Well, we're reminded this week--I was out with Gore several days--what a fierce campaigner he is. He showed us before in 1988 he was the candidate who raised the issue of prison furloughs against Michael Dukakis in the primaries before the Bush people had heard about it.

PAGE: He's a very fierce campaigner, he's effective on the attack. I think he's found his footing after that some uncertain months at the beginning, and I think the other side of this is that Bill Bradley seems almost disdainful of this as old politics. It maybe old politics, but it's old politics. It has a history of working--Bill Bradley needs to respond more effectively to the complaints than the points that Al Gore is raising.

ROBERTS: But Gore is being a little disingenuous. And let's be honest, there he was attacking Bill Bradley. You know, he's going to raise taxes and then a week later, under questioning from reporters, he admitted that he probably too would have to raise taxes to finance this health care...

BLITZER: And they're both talking about tobacco taxes, which all Democrats presumably support raising.

ROBERTS: I think Al Gore, I agree that it's been effective, but I think he is in a position of magnifying his differences with Bill Bradley, when in fact they aren't very great, and he's making a lot out of these differences and also, as I say, he's attacked Bradley on the tax issue, when in fact when he was pressed, he really had to concede that he has the same position.

BLITZER: Tucker, what point should Bill Bradley come back and hammer Al Gore?

CARLSON: Well, he should do it immediately. I mean, as far as I'm concerned, never let an attack go unanswered.

BLITZER: But what about taking the high road which is what he says he doesn't want to get into that mud.

ROBERTS: Please, God.

CARLSON: I mean, I don't know. There may have been a lot of people elected to high office taking the high road. I've never heard of one. I mean, no, I think Bradley needs to hit back hard. I think this

heart thing is a problem.

I mean, Bradley was apart from however serious or not his actual heart condition is, Bradley appeared to be dishonest about it, or at least didn't reveal this earlier when lots of other candidates--every other candidate has provided the press with a long medical history and he didn't. And so I think he could run into a little of a Tsongas problem.

BLITZER: Makes it look a lot worse when it comes out like this as opposed to volunteering this kind of information.

CARLSON: Of course it does.

BLITZER: All right, stand by, we have to take a quick break. Just ahead, for the first time since his administration began, President Clinton lit the national Christmas tree without the first lady at his side. We'll ask the roundtable about the president home alone when LATE EDITION continues.

(COMMERCIAL BREAK)

BLITZER: Welcome back to our LATE EDITION roundtable. A nice picture of the Christmas tree, just outside the White House.

Susan, the president made this symbolic lighting of the Christmas tree, but the first lady was symbolically not there. Are we reading too much into it? Look at these--the video from that day. Usually, all these years we have seen Mrs. Clinton at that kind of event. She was not there this time. She's busy getting ready to run for Senate.

PAGE: Not just symbolically not there, not there in any form at all. Yes, it is a little odd. And Mrs. Clinton is clearly prepared to move to New York as soon as they have some furniture in that house of theirs.

But the vice--the president was in Arkansas this week, and he made it sound like that's where he plans to move back after the White House. I think this is going to be sort of an interesting and odd time with the first lady, both physically in a different place, and pursuing a kind of future agenda while the president is kind of wrapping up eight years in the White House at a different kind of life stage.

BLITZER: You know, the administration of the president came into office talking about gays in the military, don't ask, don't tell. Now, seven years later, Mrs. Clinton is having her own views expressed. Listen to what Mrs. Clinton said this week on this very sensitive subject:

(BEGIN VIDEO CLIP)

HILLARY CLINTON: I don't believe ``don't ask, don't tell" has worked. And I don't believe it is ultimately the policy that we should have in our military.

I don't have the carbon copy issues with anybody, including my husband. I mean I would think that we are all our own persons, who stand for public office.

(END VIDEO CLIP)

BLITZER: Although, Steve, this weekend the president seemed to jump on her bandwagon saying she's right.

ROBERTS: Well, the key words were there were ``stand for public office." Because for seven years, she has been part of the administration, she has been a representative of their policies, in the same way Al Gore has been. Both of them are going through a transition, both the vice president and the first lady, from being part of the administration to being candidates on their own. And both of them have had trouble making that transition.

And she, I think, is looking for not only issues to distance

herself, that's familiar, but also, she's thinking a bit more like a senator. Bill Clinton had to support ``don't ask, don't tell" because he couldn't get anything better through the Congress. When you're running for the Senate, you can say anything you want, you don't have to worry about getting the majority.

So she can distance herself in part, because she's also in a different place, with a different mindset.

BLITZER: She's going to be distancing herself on other issues, substantive issues in the coming weeks and months, as well. Right, Tucker?

CARLSON: Oh sure. And Harold Ickes in fact, said that on this program a couple weeks ago, that she'll be staking out her own territory. But what's interesting in this case is that the president himself said, ``Yeah, well I agree with my wife who disagrees with me."

And so you start to think that maybe he should talk to the president about it and get something done about this policy. I mean, you know, it was this kind of weird I disagree...

BLITZER: He is, he is after all, the commander-in-chief.

CARLSON: Apparently. And, but I have to say one thing about Mrs. Clinton. I mean her voice, that's hard--you know, I'm a big believer in silly, shallow things like voice and appearance making a big difference in politics. And boy, her voice is just like a rake on a chalkboard. It's hard to imagine her getting far, sorry.

BLITZER: Tucker Carlson, Susan Page, Steve Roberts: our round table. Always great to have you. You'll be back next weekend.

When we return, we'll reveal what's on the cover of this week's major news magazines. Plus, Bruce Morton's last word on the United States and Panama.

(BEGIN VIDEO CLIP)

MORTON: Leaving means closing U.S. military bases, which will cost Panamanians 18,000 jobs. But maybe they'll finally be able to feel like a real country again.

(END VIDEO CLIP)

BLITZER: Bruce reflects on the end of a long and controversial era.

(COMMERCIAL BREAK)

BLITZER: Time now for Bruce Morton's ``Last Word" on the handover of the Panama Canal. The ceremonies begin this week.

(BEGIN VIDEOTAPE)

MORTON: It was Herman Cortes, a Spanish explorer and conquistador, imperialist we would call him nowadays, I suppose, who said in 1524 that a path across the Isthmus of Panama would be worth more than the conquest of Mexico. Ten years later, Charles V of Spain ordered a survey of possible canal routes. Then things slowed down.

The French began work on a canal in 1881. The effort went bankrupt and some 20,000 workers died, mostly of malaria and yellow fever. The U.S. started it up again in 1904, after helping Panama secede from Columbia, and the canal opened in 1914. Five thousand more workers had died by then of other diseases. They'd pretty much got rid of malaria and yellow fever in the Canal Zone by then.

During the debate about actually letting panama run the canal, California Republican Senator S.I. Hayakawa reflected on the U.S. role in helping Panama secede said, ``We ought to keep it. We stole it fair and square."

We did keep it for almost a century. Everyone who worked in the Canal Zone worked for the U.S., lived in company houses, shopped in the company store. But now under a treaty negotiated during Jimmy Carter's presidency, the U.S. is leaving. The Senate approved the treaties in 1978 by just one vote more than the two-thirds majority required.

And of course, the U.S. invaded Panama in 1989 because the U.S. didn't like its dictator, Manuel Noriega, probably a way of saying, we can get you anytime. Leaving means closing U.S. military bases which will cost Panamanians 18,000 jobs, but maybe they'll finally be able to feel like a real country again.

U.S. conservatives, meanwhile, are alarmed because a Chinese company will run the port facilities. One Congressman warned this will mean China's domination of Panama.

UNKNOWN: If we do nothing, I can guarantee you within a decade a communist Chinese regime that hates democracy and sees America as its primary enemy will dominate the tiny country of Panama and thus dominate the Panama Canal.

MORTON: Retired Admiral Thomas Moore said China could sneak missiles into Panama. But the publicly traded Chinese company runs facilities in 17 ports, including Britain's three largest. Its top manager in Panama is British. The number two is American. And none of its 500 employees in Panama is Chinese.

It's the latest echo in the old "Whose canal is it anyway?" debate. But the debate is over. The transfer ceremony is December 14th, the actual turning over is December 31st. And in the new century the Panama Canal will belong, finally, to Panama. I'm Bruce Morton.

(END VIDEOTAPE)

BLITZER: Thanks Bruce. Time now for a look at what's on the cover of this week's major news magazines. Time has an exclusive on the Columbine tapes. The killers tell why they did it, on the cover.

U.S. News has a special report on Americans working harder than ever, on the cover.

And on the cover of Newsweek: people of the century, from the trenches to the streets, how ordinary Americans made history.

And that's your LATE EDITION, for Sunday, December 12th. Be sure to join us next Sunday and every Sunday at noon Eastern, for the last word in Sunday talk. Former independent counsel Ken Starr and Republican Senator John McCain. And I will see you tomorrow night at 8:00 p.m. Eastern on The World Today.

For now, thanks very much for watching, enjoy the rest of your weekend. I'm Wolf Blitzer in Washington.

END

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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CREATION DATE/TIME:13-DEC-1999 11:23:15.00

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TEXT:
CBS 60 MINUTES
December 12, 1999

`Don`t Ask, Don`t Tell`

(BEGIN VIDEOTAPE)

RET. LT. COL. ROBERT MAGINNIS: People that are gay that come into the military today have been, I think, hoodwinked in terms of thinking the military`s gay-friendly. It`s not.

JAVIER TORRES: Here is another soldier in the same position I am, and he was gay, and he got murdered over that fact.

ED BRADLEY, CBS NEWS CORRESPONDENT (on camera): What did the other guys say after Barry Winchell was murdered?

TORRES: There was some who was, like, "Hey, just one less fag to deal with. I mean, they don't really belong here anyways."

(BEGIN VIDEO CLIP)

LEO MCKERN: I was about to put to Mr. Justice Oliphant (ph) the inexcusable manner in which he sighs and rolls his eyes to heaven when summing up the case for the defense.

(END VIDEO CLIP)

MORLEY SAFER, CBS NEWS CORRESPONDENT (voice-over): If you're looking for a lawyer whose command of the English language is, more often than not, more than the other side can cope with, you just found him. Trouble is, Horace Rumpole is not available. Worse than that, he doesn't even exist except in the mind of the British novelist John Mortimer.

GEOFFREY ROBERTSON (ph): John's great achievement in Rumpole is to create a lawyer that the world could love. I mean, we--we have far fewer lawyer jokes in Britain than you do in America, largely thanks to Rumpole.

CHRISTIANE AMANPOUR, CNN CORRESPONDENT: The reason the U.S. dumped millions and millions of gallons of Agent Orange on South Vietnam was to destroy thick jungle like this that provided cover for the Viet Cong and the North Vietnamese army. But the American servicemen who sprayed it didn't know that it also contained a deadly byproduct, dioxin.

DR. TRAN MAN HONG (ph) (through translator): Areas that were sprayed by Agent Orange have 10 to 20 times more birth defects than normal. This girl is 6 years old, but she still cannot speak. She can't even sit up by herself.

(END VIDEOTAPE)

MIKE WALLACE, CBS NEWS CORRESPONDENT: I'm Mike Wallace.

SAFER: I'm Morley Safer.

BRADLEY: I'm Ed Bradley.

STEVE KROFT, CBS NEWS CORRESPONDENT: I'm Steve Kroft.

LESLEY STAHL, CBS NEWS CORRESPONDENT: I'm Lesley Stahl. Those stories and Andy Rooney tonight on 60 MINUTES.

(COMMERCIAL BREAK)

BRADLEY: The conviction this week of a soldier at Fort Campbell, Kentucky, for the murder of a fellow soldier who was gay has placed more light on the Pentagon's "Don't ask, don't tell" policy than the Pentagon ever wanted. The policy, which President Clinton signed into law six years ago, was designed to make it possible for homosexuals to serve in the U.S. armed forces.

Before that, gays were banned outright. Now, while open homosexuality is still against the law, gays are allowed to serve as long as they don't publicly reveal their sexual orientation. And commanders are forbidden from asking any members of the armed forces if he or she is gay.

Despite that, the latest figures from the Pentagon show that nearly twice as many gay troops are being discharged from the military now as when the policy was first adopted. And a group that tracks verbal and physical harassment cases against gays in the military says

they've reached an all-time high, none more horrifying than the murder of Private Barry Winchell.

(BEGIN VIDEOTAPE)

(voice-over): Winchell was 21 years old when he was beaten to death this past July by Private Calvin Glover, who was sentenced to life in prison this week for repeatedly striking Winchell in the head with a baseball bat while he was asleep in his barracks. Private Winchell had never publicly disclosed that he was gay, but his mother, Patricia Kutteles, says that according to testimony in the case, there was a perception that he was gay, and that he had been harassed on a daily basis by his fellow soldiers at Fort Campbell.

PATRICIA KUTTELES: I found he had been harassed for three or four months, labeled as being gay.

BRADLEY (on-camera): By other soldiers.

KUTTELES: By other soldiers, and nothing was done to stop it.

BRADLEY: So there were superior officers at Fort Campbell, in his unit, who knew that he was being harassed?

KUTTELES: Yes, they knew he was being harassed daily.

BRADLEY: And what did they do about it?

KUTTELES: They did nothing. They didn't intervene. His sergeants asked him if he was gay. That shouldn't have ever even happened under the "Don't ask, don't tell."

BRADLEY: "Don't ask, don't tell" means the sergeant is not supposed to ask him.

KUTTELES: Right. It's against the law. He's not--he's not to ask him.

BRADLEY: What does that say to you about the "Don't ask, don't tell" policy?

KUTTELES: Oh, that it's useless.

BRADLEY (voice-over): At the time Barry Winchell was murdered, a private named Javier Torres, who is no longer in the Army, was also stationed at Fort Campbell and, like Winchell, also concealing his homosexuality.

JAVIER TORRES: Here is someone else, another soldier, in the same position I am, and he was gay, and he got murdered over that fact. When I heard it, inside I was scared. I was shocked. But on the outside, I pretended to be, like, "Cool. No big deal. Just a fag," you know? And that was the part that hurt the most because here I am, gay--I mean, obviously, I was scared. I was fearful of my own life.

BRADLEY (on-camera): What did the other guys say after Barry Winchell was murdered?

TORRES: There was some who was, like, "Hey, just one less fag to deal with. I mean, they don't really belong here anyways." You know, I mean, "It's their fault for putting themselves in that position. They should know better."

BRADLEY (voice-over): The "Don't ask, don't tell" policy also explicitly forbids gay harassment of any kind, but Private Torres says not a single day went by when he didn't hear slurs against homosexuals, like the time his entire platoon chanted an anti-gay slogan during a five-mile run around Fort Campbell.

TORRES: It was pretty much, from what I can remember, "Faggot, faggot down the street, shoot him, shoot him till he

retreats."

BRADLEY (on-camera): Who was responsible for this? I mean, was there a sergeant there?

TORRES: It was a sergeant who was singing it.

BRADLEY: So the sergeant is singing this for the platoon?

TORRES: Yes. It's supposed to be our motivation to run.

BRADLEY: "Faggot, faggot down the street, shoot him, shoot him till he retreats?" Was this before or after the murder?

TORRES: It was after.

BRADLEY: So after a soldier is murdered because the soldier who killed him thinks he's gay, a sergeant is leading his men on a run with an anti-gay chant? What did you do?

TORRES: I sang it. I had to. I mean, I couldn't be the only one not singing it.

BRADLEY: So when you hear all of this talk during this time that you're in the military, did it ever occur to you that maybe you should say something to someone?

TORRES: Of course, but who? You have no one you can go to in complete confidence and say, "Hey, this is going on, and this is bothering me because of this reason."

BRADLEY: What about the chaplain? You couldn't go to the chaplain and say...

TORRES: They'll turn around and go to your chain of command. "Don't ask, don't tell," you know? You told, so they have every right to go and tell whoever needs to know about it.

BRADLEY (voice-over): Finally, Private Torres decided he'd had enough and told his superiors he was gay.

TORRES: I decided I can't live like this anymore. I can't. I can't put myself in this position where I have to live a lie every day. I mean, I was to a point where I was crying in my room because I was so alone. I have never felt so alone in my whole life. I wanted to serve my country. I wanted to make myself better, but I didn't want to do it this way.

BRADLEY: So after almost two years in the Army, because he publicly revealed his homosexuality Javier Torres was discharged on September 16th.

Lieutenant Colonel Robert Maginnis, who believes homosexuals should not be allowed to serve openly in the military, was one of the authors of "Don't ask, don't tell." Now retired from the Army, he has reached the startling conclusion that the policy he helped to write is inherently unfair and may even be dangerous for gays.

LT. COL. ROBERT MAGINNIS (RET.): People that are gay that come into the military today have been, I think, hoodwinked in terms of thinking the military's gay-friendly. It's not. We've deceived them into joining the military with promises that we're not going to be able to fulfill. And unfortunately, we may have set ourselves up for terrible crimes such as the one that was committed at Fort Campbell.

BRADLEY (on-camera): Does anyone like this policy?

MAGINNIS: No one likes this policy. I haven't found a single person.

BRADLEY (voice-over): How did such a policy, which no one seems to like, become the law of the land? It was a compromise

between President Clinton, who wanted to lift the long-standing ban on homosexuals in the military, and opponents at the Pentagon and in Congress who fought to keep it in place. While ``Don't ask, don't tell" may appear more accommodating to gays, the fact is they still can't serve openly, and for good reason, according to retired Lieutenant Colonel Maginnis.

(on camera): When you say that homosexuality is incompatible with military service--why?

MAGINNIS: OK. Cohesion, first of all. Cohesion is the glue that hold small units together. But also...

BRADLEY: So how do homosexuals break down this cohesion?

MAGINNIS: Well, one of the things...

BRADLEY: Give me an example.

MAGINNIS: One of the things we did in Ranger school--we would, for instance, take this--this poncho liner, which was something that we would wrap ourselves in when it was cold, so you're sharing body heat. If there's anything of a perception of--of inappropriate behavior that you think that might result from that--you have to have total trust that not only are they going to, you know, go out there and pull your wounded body off the battlefield, but that they won't do anything untoward in that setting.

BRADLEY: So if you were under that poncho, sharing that body heat with...

MAGINNIS: And I've done that.

BRADLEY: ... a soldier who was gay, that would make you uncomfortable.

MAGINNIS: Oh, it definitely would make me uncomfortable.

BRADLEY (voice-over): Pentagon officials insist anti-gay sentiment is not to blame for the rising number of homosexuals being discharged from the military. Rather, they claim the majority of gay servicemen are leaving voluntarily and declaring their homosexuality as an excuse.

MAGINNIS: Recruits today are softer physically, and they just don't have the mental--you know, they can't deal with the stress of what they--they're experiencing. So I see this as an easy out.

BRADLEY: But Army Reserve Lieutenant Steve May, who is gay, says he's not looking for an easy way out. May is also a state representative in Arizona, and during a political debate in the legislature over the issue of medical benefits for gay partners, he acknowledged his homosexuality. And for that the Army is trying to force him out of the military.

(on camera): On the face of it, you've clearly violated the ``Don't ask, don't tell."

STEVE MAY: Well, obviously, people know. My soldiers know that I am gay.

BRADLEY: Well, doesn't that then give the Army grounds to take some kind of action against you? I mean, it is ``Don't ask, don't tell," and you told.

MAY: And I told, but I told, of course, while I was a civilian. I think the policy, on its face, is immoral. At the same time the Army tells me I'm supposed to be honest and live my life with integrity, they're asking me to lie about who I am. And while my constituents expect me to be open and honest with them--not to talk about

my private life, but not to lie about it--the Army is asking me to lie about it.

BRADLEY (voice-over): Lieutenant May, who still commands a platoon in the Army Reserves, is planning to sue the U.S. Army over the constitutionality of the "Don't ask, don't tell" policy, which he says promotes a violent anti-gay atmosphere that is driving homosexuals out of the military.

MAY: The military says homosexuals are unfit for military service, therefore we must discharge them as soon as we find out that they are gay or lesbian. That's their official policy. So this, of course, all gets translated by the soldier into "Gays are bad. They shouldn't be here."

BRADLEY (on-camera): Why would you want to be part of an organization that rejects you because of who you are, your own identity?

MAY: My obligation is to serve my country. I'm willing to defend my nation. I'm willing to die for my country, and I have been since the first day I put on that uniform. The fact that the military has an absurd policy that in my opinion is immoral in no way decreases my obligation to be willing to die for my country.

BRADLEY: Since the murder of Barry Winchell, the Pentagon announced new guidelines that require all military personnel to receive anti-harassment training throughout their careers. That's in addition to required briefings on the "Don't ask, don't tell" law that all members of the armed forces were supposed to be receiving since 1994.

We asked the Pentagon to show us any of their training programs concerning gays in the military. They told us there weren't any going on at the present time.

TORRES: Two weeks before I got discharged, we had one of those meetings, and it lasted about a good, oh, between 20 and 30 seconds. And the first thing he says, "This is a meeting about fags. Don't bother them. They won't bother you. If you know someone's gay or a fag, just let it be. Go your own way, and let them go their own ways. And that's all that has to be said. So leave the fags alone."

BRADLEY: So the sergeant is using the term "fag."

TORRES: Uh-huh. It was making the whole situation a joke, like it really didn't matter. You know, "I'm supposed to talk to you about this stuff. Just bear with me for about 20 or 30 seconds, and then we can all go on our little happy ways." I mean, pretty much, everyone was laughing.

BRADLEY (voice-over): The debate over the rights of homosexuals to serve in the military may be taking a new turn. The armed forces are now facing a recruitment crisis, one of the worst manpower shortages in decades. And while the military has a \$268 million ad campaign this year for new recruits, it has also been discharging more and more gay service members.

MAY: The Army, the Air Force, the Navy will not be able to continue to defend the nation if they continue this policy of mandatory discrimination. Just today the Army announced they were going to offer \$20,000 signing bonuses for two-year enlistments. That almost doubles the income of a young private. At the same time, they're discharging three to four service members every day not because of qualification, not because of performance, but simply because these soldiers have said "I am gay."

BRADLEY: Since ``Don't ask, don't tell" became law, nearly 4,500 people have been discharged from the military because of their sexual orientation. And legal advocates for gays say they've documented more than 2,000 cases where commanders violated the policy by asking about a service member's sexual orientation, by investigating their private lives or by condoning harassment. At the same time, no one has ever been officially punished for those violations of the policy.

So what does the Pentagon have to say about all of this? They declined to be interviewed, but officials there told us that they have a zero-tolerance policy regarding the harassment of gays and that ``Don't ask, don't tell" is being implemented fairly and lawfully.

(voice-over): But don't try telling that to Barry Winchell's mother.

KUTTELES: The idea he was murdered is overwhelming. That it's--that it was a soldier, that he was asleep on a military base, where I thought he was protected--it's beyond words. He had tried to be the best soldier the Army had, and it doesn't matter. He's dead.

(END VIDEOTAPE)

BRADLEY: In a CBS NEWS CORRESPONDENT interview yesterday, President Clinton, under whose leadership the ``Don't ask, don't tell" policy became law, now says the policy is way out of whack and is not being carried out as he intended and the military promised in 1993. The president also said the entire policy toward gays in the military should be reexamined.

END

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "LEXIS ("LEXIS /NEXIS Print Delivery" <lexis-nexis@prod.lexis-nexis.com> (R) (R) [UNKNOWN])

CREATION DATE/TIME:13-DEC-1999 11:29:48.00

SUBJECT: immigration

TO: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TEXT:
LEXIS-NEXIS Universe Update Report: December 13, 1999 at 11:27

Results from this Update: 28

Next Update: December 13, 1999 at 12:00

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Agence France Presse

December 13, 1999, Monday 10:22 AM Eastern Time

SECTION: International news

LENGTH: 141 words

HEADLINE: US immigration officials meet father of custody battle boy

DATELINE: HAVANA, Dec 13

BODY:

US immigration officials on Monday met with the father of a six-year-old boy at the center of a custody battle between Cuba and the United States.

The meeting took place in Cardenas, the home town of the father, Juan Miguel Gonzalez, 150 kilometers (90 miles east of Havana), the president of the Cuban parliament, Ricardo Alarcon, said here.

The son, Elian Gonzalez, was rescued from the sea last month when a boat taking him, his mother and step-father from Cuba to the United States sank. His mother and step-father drowned.

Elian's father is demanding the boy's return to Cuba but relatives in Miami want him to remain in the United States.

US immigration officials are seeking documents from the father proving his paternity in an effort to resolve the custody dispute which has dragged on for nearly three weeks.

cb/cw

LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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AP Worldstream

December 13, 1999; Monday 10:20 Eastern Time

SECTION: International news

DISTRIBUTION: Europe;Britian;Scandinavia;Middle East;Africa;India;England;Asia

LENGTH: 417 words

HEADLINE: URGENT HAVANA: anti-Castro exiles.

BODY:

In an appearance Sunday on the ABC television program "This Week," National

Security Adviser Sandy Berger urged: "This boy should not be a political football; he should not be a political pawn."

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

Wearing a cowboy hat and a broad smile, Miami construction worker Osvaldo

Benitez stepped off a flight at Havana's Jose Marti airport carrying a gym bag loaded with presents.

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

Cuba claims U.S. policy has been contradictory.

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

Vice President Al Gore suggested Saturday that the father should be allowed to visit the United States to discuss the boy's best interests.

The Miami relatives Elian's great-aunt and great-uncle argue he would have a better life in the United States. The Cuban government news agency Prensa Latina said this week that under that argument, poor children in the United States should be taken from their parents and given to rich families.

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

Valdes said U.S. laws create a 115-kilometer-wide (73-mile-wide) "no man's land" between Cuban and U.S. waters across which people are lured by the promise of automatic citizenship, at risk to their lives.

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

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

ears."

LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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Copyright 1999 Associated Press

AP Online

December 13, 1999; Monday 10:17 Eastern Time

SECTION: International news

LENGTH: 800 words

HEADLINE: Cuba Boy's Dad Meets U.S. Officials

DATELINE: HAVANA

BODY:

U.S. immigration officials met early today with the father of Elian Gonzalez, the 6-year-old Cuban boy who has become the subject of a custody battle that has escalated tensions between the two countries.

The move, announced by Cuban National Assembly President Ricardo Alarcon outside U.S.-Cuba immigration talks, could determine whether boy returns to the communist island-nation.

A U.S. official in Havana confirmed the meeting between INS representatives and the father took place, but would not give any details about what was discussed.

It was not clear whether Cuban officials were present during the meeting. The U.S. government had insisted on a meeting with the father to determine whether the boy should be returned to his homeland, but the Americans said U.S. officials should meet with the father alone.

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

U.S. officials want the immigration talks, which are held twice a year, to focus on issues such as methods for issuing visas. But they fear discussion may

be dominated by Cuban protests over the case of the little boy.

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

"All immigration issues are on the table," he said before entering meetings. But many wonder if the talks will even get to a conclusion.

"The Cubans may walk out of the talks," said Nelson P. Valdes, who heads the Albuquerque, N.M.-based Cuba Research and Analysis Group. "But I don't think a massive exodus of refugees is in Cuba's interest."

Elian was found Thanksgiving Day, clinging to an inner tube off the coast of Fort Lauderdale, Fla., after a boat accident that killed his mother during an attempt to illegally enter the United States. He has been staying with his relatives in Florida since his rescue.

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

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

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

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

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LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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AP Worldstream

December 13, 1999; Monday 10:16 Eastern Time

SECTION: International news

DISTRIBUTION: Europe;Britian;Scandinavia;Middle
East;Africa;India;England;Asia

LENGTH: 185 words

HEADLINE: URGENT HAVANA: little boy.

BODY:

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

"All immigration issues are on the table," he said before entering meetings. But many wonder if the talks will even get to a conclusion.

"The Cubans may walk out of the talks," said Nelson P. Valdes, who heads the Albuquerque, New Mexico-based Cuba Research and Analysis Group. "But I don't think a massive exodus of refugees is in Cuba's interest."

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

The U.S. State Department has said the boy's return is in the hands of the Immigration and Naturalization Service and Florida courts.

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

MORE

LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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December 13, 1999, Monday 07:45 AM Eastern Time

SECTION: Domestic, non-Washington, general news item

LENGTH: 368 words

HEADLINE: Father of Cuban boy to meet US officials: report

DATELINE: WASHINGTON, Dec 13

BODY:

The father of a six-year old Cuban boy at the center of a custody battle between Cuba and the United States will meet with US officials near Havana, Cuba Monday, to establish his right to have the child returned to him, US media reported.

NBC news reported that the father of Elian Gonzalez will meet with officials to show documents proving his paternity, in an effort to resolve the custody dispute which has dragged on for nearly three weeks.

Until now Juan Gonzalez had refused to meet US immigration officials investigating the matter, demanding that a date for the boy's repatriation to Cuba be set in advance of any talks.

The emotionally charged debate over Elian's fate comes as Washington and Havana are scheduled to hold talks Monday to discuss Cuban immigration to the United States in general.

Havana claims the US immigration rule that allows Cubans to claim asylum once they have set foot on US soil prompts many would-be emigrants to risk their lives to cross the 150-kilometer (90-mile) stretch from Cuba to Florida, often in flimsy vessels.

Elian, who survived a November 25 shipwreck in which his mother and stepfather drowned, is in the care of relatives in Miami and has been given a temporary residence permit as a Cuban refugee.

The boy's biological father, Juan Miguel Gonzalez, who lives in Cuba, asserts that the boy's mother, from whom he was divorced, took Elian away without

his
permission.

Two US officials reportedly will travel to Juan Gonzalez's small fishing village 80 miles (132 kilometers) east of Havana in a bid to settle the dispute.

Elian is being cared for by relatives in Miami while US immigration authorities process an application for admission. Relatives took Elian to Disneyworld in Orlando, Florida Sunday, for a day of recreation.

Juan Gonzalez, who reportedly met with Cuban President Fidel Castro about the matter Sunday, is said to be concerned that his son could be coerced by relatives to tell US officials that he wants to remain in Miami.

US lawyers representing Elian filed an application for political asylum last week on grounds that the boy has "well-grounded fears of persecution" if he is returned to Cuba.

sg/ga

LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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CNN

SHOW: CNN EARLY EDITION 07:00 am ET

December 13, 1999; Monday 7:33 am Eastern Time
Transcript # 99121303V08

SHOW-TYPE: LIVE REPORT

SECTION: News; International

LENGTH: 354 words

HEADLINE: Custody Battle Over 6-Year-Old Boy Casts Pall Over U.S.-Cuban
Immigration Talks

BYLINE: Leon Harris, Lucia Newman

HIGHLIGHT: The international dispute over a 6-year-old Cuban boy has not diminished. The custody battle has been a strain on U.S.-Cuban relations and it casts a pall over the immigration talks between the two countries set for today in Havana.

BODY:

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

LEON HARRIS, CNN ANCHOR: The international dispute over a 6- year-old Cuban boy has not diminished over the weekend. The custody battle has been a strain on U.S.-Cuban relations and it casts a pall over the immigration talks between the two countries set for today in Havana.

And our Havana bureau chief, Lucia Newman, is covering both the custody battle and the immigration talks. Lucia joins us now live from Havana.

Good morning, Lucia.

LUCIA NEWMAN, CNN HAVANA BUREAU CHIEF: Good morning, Leon.

Indeed, the U.S.-Cuban immigration talks are set to start here in a Havana hotel in about three hours. The heads of both the U.S. and the Cuban delegations are trying to sound optimistic, saying that they're looking forward to discussing a wide range of immigration issues. But it's very clear, given the tensions between both countries over Elian Gonzalez that these immigration talks are probably going to be the most heated since the U.S.-Cuban immigration accords were signed five years ago, Leon.

HARRIS: Lucia, can you tell us whether or not -- we've been hearing rumors that there maybe some communications between U.S. officials and the father and the father's -- the rest of his family there in Havana. Do you know of anything like that underway right now?

NEWMAN: Well, I can say that the Cuban government publicly has not said whether it would or would not allow the father to go to the United

States, as
some people in the United States have been suggesting, including Vice
President
Al Gore. As of at least five minutes ago, an official from the U.S.
diplomatic
mission here in Havana said that there has been no visa request made as
of yet
by Mr. Gonzalez to go the United States. And, of course, if there's any
change
in this, we'll be back with you with the latest, Leon.

HARRIS: All right, Lucia Newman reporting live this morning from Havana.
Thank you much.

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LANGUAGE: ENGLISH

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THE DAILY TELEGRAPH(LONDON)

December 13, 1999, Monday

SECTION: Pg. 10

LENGTH: 235 words

HEADLINE: International: Asylum sought for shipwrecked boy

BYLINE: By Philip Delves Broughton in New York

BODY:

LAWYERS for the family of a six-year-old Cuban boy found clinging to an
inner
tube off Florida after his mother died trying to reach America have
requested
political asylum for him.

Elian Gonzalez has become the subject of a dispute between America and
Cuba,
with members of his family and politicians in both countries arguing over
where
he would have a better life.

With encouragement from President Fidel Castro, an estimated two million
Cubans have demonstrated for the return of Elian during the past week,
with
600,000 surrounding the US diplomatic mission in Havana on Friday waving

Cuban
flags and chanting "Free Elian".

His father, Juan Miguel Gonzalez, who was not married to his mother, has asked for his son to be sent back to Cuba but has refused to travel to the United States to petition for his return.

The boy is staying with his great-uncle and great-aunt in Miami.

They have said he will have a far better life in America, something his mother was ready to die for, than with his father in Cuba.

Vice-President Al Gore said at the weekend that he believed Elian's father should be granted a visa to travel to America to make the case for his son's return.

"The child's mother sacrificed her life for her dream so that this boy would grow up in freedom," he said.

"I would like to see the boy's father express himself without intimidation or fear concerning this boy's future."

LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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THE ORLANDO SENTINEL

December 13, 1999 Monday, METRO

SECTION: A SECTION; Pg. A12

LENGTH: 85 words

HEADLINE: REPORT: FOREIGNERS HELD YEARS ON MINOR CHARGES

BODY:

DALLAS - The Immigration and Naturalization Service has jailed nearly 300 foreigners for more than three years, including some people never convicted of a crime in the United States, The Dallas Morning News reported Sunday. Some have been jailed for arriving with inadequate travel documents. And some of those who

have been convicted of crimes in this country - the INS says the majority have serious criminal histories - are being held despite having completed their prison sentences, the newspaper said.

LANGUAGE: ENGLISH

COLUMN: OTHER NEWS TO NOTE

SOUTH

LOAD-DATE: December 13, 1999

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St. Louis Post-Dispatch

December 13, 1999, Monday, THREE STAR EDITION

SECTION: NEWS, Pg. A5

LENGTH: 636 words

HEADLINE: NATION

BYLINE: From News Services

BODY:

WASHINGTON

"Don't ask, don't tell" remains valid, aide says

The U.S. policy on gays in the military of "don't ask, don't tell" is still valid even though the rule hasn't always been enforced fairly, a top administration aide said Sunday.

Sandy Berger, President Bill Clinton's national security adviser, offered a softer version of remarks Saturday by Clinton, who said the policy is "out of whack" and not being carried out properly by military leaders, according to press reports. Clinton said the rule has been used in some cases to harass gays in uniform, the opposite of its goal.

Berger said on ABC's "This Week" that Clinton isn't abandoning the rule or blaming military leaders for failing to implement what was one of

Clinton's
first policy moves after taking office in 1993.

Berger said the administration will see if new regulations put in place
by
Defense Secretary William Cohen enable more uniform enforcement of the
policy.

ELLICOTT CITY, Md.

Judge will consider prosecution of Tripp

A state judge will take up the question this week of whether Linda
Tripp can
be prosecuted under Maryland's wiretap law for recording a telephone
conversation with Monica Lewinsky from her home in suburban Washington.

Howard County Circuit Judge Diane Leasure will oversee two pretrial
hearings
that could be an albatross for Democrats who pushed for the prosecution,
because
the case will resurrect the White House sex scandal while Vice President
Al Gore
is fighting for his party's presidential nomination.

Tripp, the former White House secretary whose disclosures led to
Clinton's
impeachment, is scheduled to come to trial Jan. 18, six days before the
Iowa
caucuses.

Lawyers say the proceedings could be postponed until later in the year,
possibly when the presidential race is in full stride.

BOSTON

States may work together to control drug costs

New England legislators are considering combining their six states'
populations into a purchasing group to wrest deep discounts for
prescription
drugs from drug makers, The Boston Globe reported Sunday.

The notion of concerted state action is gaining momentum in New England
as
the best course to rein in prescription drug expenditures that are rising
by 15
percent a year, the newspaper said.

Pharmaceutical cost increases are outstripping all others in the health
sector and threaten to surpass total hospital expenditure in the next
year or
two, the Globe said. Prescription drug spending in the six New England
states

totals about \$ 5.4 billion annually, the newspaper said.

A Vermont state legislator, Sen. Peter Shumlin, told the Globe that he will host a meeting Thursday in Montpelier of legislative leaders and policy advisers from the other states to discuss how they might work together to control the costs of prescription drugs.

SOUTH

DALLAS

Report details jailing of nearly 300 foreigners

The Immigration and Naturalization Service has jailed nearly 300 foreigners for more than three years, including some people never convicted of a crime in the United States, The Dallas Morning News reported Sunday.

Some have been jailed for arriving with inadequate travel documents. And some of those who have been convicted of serious crimes in this country are being held despite having completed their prison sentences, the newspaper said.

Until 1996, foreigners ordered deported generally could be held for a maximum of six months. But the law now requires the immigration service to indefinitely detain foreigners who pose a flight risk or a public-safety threat until they can be removed from the United States.

A panel of five federal judges recently ruled that the agency violates foreigners' fundamental right to due process by holding people indefinitely.

LANGUAGE: English

LOAD-DATE: December 13, 1999

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The Washington Times

December 13, 1999, Monday, Final Edition

SECTION: PART A; COMMENTARY; EDITORIALS; Pg. A18

LENGTH: 568 words

HEADLINE: A child, not a pawn

BODY:

Elian Gonzalez has become a pawn. The six-year-old Cuba boy was rescued Thanksgiving day by the U.S. Coast Guard off the coast of Florida after surviving two harrowing days at sea, clinging to an inner tube. To U.S. and Cuban governments, however, he is not a young individual whose rights should be respected. He is merely a vehicle for reaching political ends.

Elian's mother and stepfather perished at sea when an overloaded power boat holding thirteen Cuban refugees capsized. The boy's father claims he wants Elian to return to Cuba. The boy's great-aunt and great-uncle in Miami have also petitioned Florida state courts to have permanent custody of him.

The White House insists that in deciding custody of Elian, it will uphold the best interests of the child. It has become increasingly clear, however, that the administration is pursuing what best serves of U.S.-Cuban relations. This is a tragic turn of events for a courageous little boy.

Cuban dictator Fidel Castro has orchestrated massive anti-U.S. public protests over U.S. refusals to have Elian returned to Cuba without due process. Mr. Castro should be careful lest his people take a liking to public demonstrations. The United States, meanwhile, shouldn't be bullied by the dictator's posturing.

This, however, hasn't been the U.S. reaction. Instead, the White House has taken a series of steps to politicize the case. In a reversal of policy, U.S. officials said the Justice Department rather than state courts in Florida will decide the future of Elian Gonzalez. The Justice Department has concocted a convoluted legal argument for sending Elian back to Cuba.

Cubans who reach U.S. soil normally are "paroled" into the United States, a procedure that permits them to live in the country for one year before their immigration status is decided. But Justice Department officials have argued that since Elian was taken directly to a hospital, he was therefore never

formally paroled into the country - even though he was later turned over to his relatives in Miami. INS officials have similarly said they were not legally obliged to let Elian remain in the United States because he was given only temporary entry. Interestingly, INS spokesman Mike Gilhooly told The Washington Times that he knew of no previous case where a Cuban refugee had been given a deferred inspection and was later forced to return to Cuba.

"The question is - and I think the most important thing is - what would be best for the child. And there is a legal process for determining that," said President Clinton last week. Well, the fact that Elian would be sent back to a country ruled by a brutal dictator ought to figure into legal considerations. This detail hasn't been explicitly recognized by Mr. Clinton, the Justice Department, or the INS.

The Cuban government has responded to the administration's overtures rather uncooperatively. Last week, the Cuban government blocked delivery of a letter from the State Department to Elian's father, Juan Miguel Gonzalez, asking him to present proof that he is the father of Elian. In this repressive context, it is still quite unclear what Mr. Gonzalez truly wants for his boy.

Elián deserves to have his rights under American law upheld. Beyond that, he deserves a process that looks at what is in his best interests, taking all the aspects of the case into account.

LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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BBC Monitoring Latin America - Political
Supplied by BBC Worldwide Monitoring

December 12, 1999, Sunday

LENGTH: 781 words

HEADLINE: Cuba: National Assembly president says immigration talks with USA

to go
ahead

SOURCE: Prensa Latina news agency, Havana, in Spanish 1130 gmt 10 Dec 99

BODY:

Text of report by the Cuban news agency Prensa Latina

Havana, 10th December: Cuba and the United States will hold immigration talks on 13th December according to schedule although the meeting will be held in a tense atmosphere where numerous questions will be pending.

National Assembly President Ricardo Alarcon de Quesada confirmed last night the date for the next contact between the two countries in this capital, when addressing participants of the International Meeting of Non-Governmental Organizations (NGO), which opened here on 6th December.

During his ample lecture on Cuba-US relations, he reviewed at length the topic that has caught the attention of 11 million Cubans and caused the concern of every sensible person in many countries of the world: The return to Cuba of six-year-old Elian Gonzalez, who is being withheld by US authorities against his father's wish.

The minor was saved after being located out at sea, following the shipwreck of a small boat with 14 people on board. Eleven of those people died, including the boy's mother and stepfather; two others are also in US territory.

Referring to this, the Cuban parliament's president confirmed that the child had to be returned immediately to the country according to the law.

He explained that the issue regarding Cuban-US relations, albeit affected by the latest events, would be discussed with respect to basic issues in order to offer a general overview.

Alarcon commented that the year ends with very clear circumstances concerning the confrontation between the two countries, a fact that has been personally admitted by President William Clinton, other US people, the US Congress, and US institutions.

Talking about the level of ties, he said this is exemplified by the

fact
that Cuba is the only country in the world to which the United States
forbids
and prevents the sale of food and medicine.

Regarding this, he emphasized that, nevertheless, the US propaganda
insists
on showing that the economic, trade and financial blockade the United
States
imposes on Cuba has been eased, particularly by allowing trade in vital
areas.

He denied such a situation and considered that, even if legal trade were
possible with that country, the existence of the blockade would render
practically non-existent the actual possibilities of carrying out those
purchases in the US market.

Regarding the attempts to reach a better understanding on issues of
common
interest, the parliamentarian leader recalled the failure of the internal
efforts exerted in that direction given the negative reaction of
right-wing US
groups.

He commented that the US president could do nothing regarding Cuba in
this
respect because the Helms-Burton law left him without the authority to
modify
the policy towards Cuba.

Alarcon alluded to an interview granted by Clinton to the mass media in
November, when the leader discussed that issue and said that Helms and
some
legislators refused to allow the trade of food and medicine with Cuba.

Part of the blockade policy is the systematic effort, strictly exerted
throughout the world, to cause confusion and to give an impression of the
situation that does not correspond to reality. The most critical issue is
possibly that of food and medicine, Alarcon emphasized.

He referred to the Cuban issue that frequently appears in all the
media,
dealing with a crisis that currently prevails in the bilateral relations
and
that is linked with the manipulation of information. The assembly
president
commented that the situation deals with attempts to hide the truth and
take the
war against Cuba to the level of ideas and propaganda. Ricardo Alarcon
told the
NGO representatives that they had had the opportunity to learn aspects of
this
dealing with the kidnapped boy's incident and immigration. He added that
the
events that had occurred represented clear evidence of a manipulation

intended
to show that immigration was a phenomenon that only exists here.

He mentioned countries like Haiti, Santo Domingo and Mexico, where immigration is much larger than in Cuba; and he commented that, nevertheless, the adjustment act favours Cubans in an exceptional way.

The Cuban Adjustment Act explains that it is applicable to every Cuban citizen who arrives in the United States in any way, even if he does not pass through any immigration unit, and this gives him the automatic right to obtain a residence permit. Cuban Parliament President Ricardo Alarcon said that, despite these facilities, over 95 per cent of the Cuban people who legally travelled to the United States had come back, during the most difficult years of the dispute.

LANGUAGE: English

LOAD-DATE: December 13, 1999

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Copyright 1999 The Dallas Morning News

The Dallas Morning News

December 12, 1999, Sunday THIRD EDITION

SECTION: NEWS; Pg. 1A

LENGTH: 2537 words

HEADLINE: INS faulted in extended detentions;
Agency defends lockups despite lack of charges

SOURCE: Staff Writer of The Dallas Morning News c1999, The Dallas Morning News

BYLINE: Dan Malone

BODY:

Nearly 300 foreigners from more than 30 nations - including some who have never been convicted of a crime in the United States - have been imprisoned for more than three years in an international quagmire that offers little hope for

release, according to records obtained by The Dallas Morning News.

The U.S. Immigration and Naturalization Service said it is not holding the foreign prisoners in secrecy, but it refuses to identify these 294 longest-held prisoners and about 5,000 others.

Some of the foreign inmates have been jailed for infractions as routine as arriving in the U.S. with inappropriate travel documents. But even those who have been convicted of crimes in the U.S. - and the INS says the majority have serious criminal histories - are being held "post-punishment" after having completed their prison sentences.

The immigration agency says a Justice Department privacy policy prohibits it from disclosing their names. The federal Privacy Act, though, does not cover foreigners who are in the U.S. illegally. The law limits its scope to "a citizen of the United States or an alien lawfully admitted for permanent residence."

Even as the government has broadened the privacy rights of undocumented immigrants, a panel of five federal judges recently ruled that by indefinitely jailing the immigrants, the agency has violated their fundamental right to due process.

INS' dilemma

"We can't win," said David Venturella, INS assistant commissioner for detention and removal. "If we try to remove people and we detain who we think are serious criminals, we get banged over the head for that. Then when we release someone and they end up committing a crime, we get banged over the head for that. It's very frustrating."

Some of the prisoners face ostensible life sentences because the U.S. won't release them, and their homelands won't accept them. Resolving their status is further complicated by strained or nonexistent diplomatic relations with the countries involved.

The practice of jailing some prisoners indefinitely, on long-resolved criminal charges ranging from murder to shoplifting, has drawn criticism

from
the American Bar Association, immigrants' rights groups and a former U.S.
parole
commissioner.

"Is it going to be that these people are confined for decades and
decades
for simply stealing a loaf of bread?" said Llewelyn G. Pritchard, a
Seattle
lawyer who chairs an ABA committee on immigrant affairs. "Their
punishment so
far outstrips the gravamen of their crimes, it is appalling. This is
outrageous
in America, that we're treating people like this."

Oliver Keller, former U.S. parole commissioner and past president of
the
American Correctional Association, said the practice is "as evil as any
Soviet
or Chinese abuse of prisoners."

Marc Mauer, who studies sentencing trends and is the author of *The
Race to
Incarcerate*, said the identities of prisoners "has always been assumed to
be a
matter of public record."

"In a totalitarian society, the whole prison system is shrouded in
secrecy,"
Mr. Mauer said. "Nobody knows who's there or why they're there. The whole
notion
of access to information about the deprivation of liberties is
fundamental to a
democracy.

"None of this suggests that the INS has anything to hide, but we don't
known
that unless they provide the information."

International impasses

INS spokesman Russ Bergeron said the agency has no choice but to keep
some
of the immigrants behind bars.

"We have absolutely no desire to keep any individual in detention one
minute
or one day longer than necessary," Mr. Bergeron said. "However, we have a
responsibility to protect the public. If we release them and it's your
mother or
father or wife or daughter who is the victim of their next crime, how do
we
explain to you why we released them?"

The INS said it has deported almost 177,000 people this year. But
impasses
between the United States and the prisoners' home countries have, at least
temporarily, prevented the agency from deporting an additional 3,500.

The agency has long acknowledged detaining foreigners it cannot deport
but
has said the number of prisoners held for substantial periods of time is
"infinitesimally small."

As of April 2, 1999, according to INS records obtained by The News
under the
federal Freedom of Information Act, 294 people from 34 countries had been
incarcerated for three years or more in facilities scattered across the
country.

Until 1996, foreigners ordered deported generally could be held for a
maximum of six months. But changes in the law now require the INS to
indefinitely detain deportable foreigners who pose a flight risk or a
public-safety threat until they can be removed from the U.S.

Within the INS' far-flung patchwork of federal institutions and county
jails, these indefinitely detained prisoners are known as "lifers."

A costly policy

The indefinite-detention policy is expensive. At a daily cost of \$ 55
per
person, according to INS estimates, the group's prolonged detention has
cost
taxpayers at least \$ 17 million during the last three years.

While the majority of the prisoners, according to the INS, have been
convicted of serious crimes, the agency has declined to release any
records
detailing their specific crimes. The only personal information the INS has
disclosed about the 294 prisoners is where they are from and, in some
cases,
where they are being held and how long they've been imprisoned.

The information that the INS has released paints only a partial
portrait of
those in long-term custody.

Officials say their records don't include any of the 1,750 so-called
Mariel
Cubans being held by the INS. The Marielitos were among the 125,000
Cubans who
came to the U.S. in 1981 in a succession of "freedom flotillas." The
agency
provided no information on how long the Mariel Cubans have been
incarcerated but
said none have been held continuously since their arrival in the U.S. 18
years

ago.

INS also acknowledges that the 294 figure does not include people such as Nasser Ahmed, an Egyptian who was released this month after being held for more than three years. Mr. Ahmed, jailed on allegations that he had links to terrorists, was not convicted of a crime.

Mr. Venturella said he has no exact figures but he believes that the INS is holding other foreigners similarly accused. "There probably are individuals like that, not many, but there probably are," he said.

Conflicting records

Some people, such as Bi Meng Zheng, have been held by the INS for long periods despite never being charged with a crime. Mr. Zheng was picked up after illegally entering the U.S. from China. Before his release in February, he spent more than four years in INS detention.

The News learned that the INS has held some foreigners for as long as three years in a 1998 interview with Mr. Bergeron, the agency spokesman. The newspaper filed a request under the Freedom of Information Act in May 1998 to obtain the names of those the prisoners in question.

In a response dated Aug. 31, 1998, the INS notified The News that it could not find any records of prisoners "detained by the INS for three years or longer." When Mr. Bergeron was asked where he got his information, he said the statistical records upon which he relied no longer existed.

In the interim, however, The News obtained from a person outside the agency a copy of an INS report, written on INS letterhead and dated Aug. 14, 1998, that identified the number and nationality of the prisoners.

Finally, in October 1999, the INS released sketchy and conflicting information that documented the existence of some of its longest-held prisoners.

One document, titled "Long-term detainees in INS custody for over three years as of 10-1-99," enumerated 61 people from Cuba, Vietnam, Laos and Cambodia who were in INS custody.

Some crimes violent

In interviews, agency officials said those people all had committed crimes in the United States, some violent, that required their deportation.

Another record dated April 2, 1999, documents 294 people from 34 countries who had been "in INS custody for three years or longer." The documents do not note how many of the 294 had committed crimes.

Of the total, 247 people come from places, such as Cuba or Southeast Asia, where diplomatic relations with the United States are strained or nonexistent, and to where deportation is difficult.

INS records also show that the agency has jailed 47 people from 30 other countries - including Venezuela, Poland, the Philippines, Mexico, Jamaica and India - that have well-established relations with the United States.

Judicial opinion has been divided on the constitutionality of incarcerating people whom the INS cannot deport. Some federal courts, such as the 5th U.S. Circuit, which oversees Texas cases, generally have approved of the practice.

But last summer, a panel of five federal judges in Seattle ordered the INS to release some foreigners it was holding because the government had no real hope of ever deporting them. "It is excessive to detain an alien if deportation will never occur," the panel wrote.

"We must necessarily balance the likelihood that the government will be able to effectuate deportation against the dangerousness of a petitioner and the likelihood that he will abscond if released. . . . As the probability that the government can actually deport an alien decreases, the government's interest in detaining that alien becomes less compelling and the invasion into the alien's liberty more severe."

Blasted by judge

The federal judges also criticized the INS, saying it failed to

"meaningfully and impartially review" the cases of the jailed immigrants to see whether they should be released. The INS this year began a new review of the foreigners it is incarcerating.

In one case, the judges ordered the INS to release Binh Phan, a 27-year-old Vietnamese whose last conviction was for selling \$ 20 worth of cocaine. They concluded that he "has served more time in INS custody than he served on his sentences for all his prior crimes."

In another case, convicted burglar Son Thai Huynh, the 31-year-old son of an American soldier and a Vietnamese mother, was ordered released from INS custody after the judges found that the agency had made scant effort during the last two years to deport him.

"It is clear there is no definitive end to Mr. Huynh's detention," the judges ruled. "The INS' only formal request to Vietnam for his travel documents occurred in November 1997, nearly two years ago."

The panel also wrote that "Mr. Huynh's criminal history, though lengthy, does not suggest any grave danger to society."

The INS' policy of shielding the identities of those in its custody stems from the 1994 U.S. Senate race in California between Dianne Feinstein and Michael Huffington, according to Carl Stern, who was the Justice Department spokesman from 1993 to 1996.

Both candidates had been accused of hiring undocumented immigrants. Mr. Stern said media interest in those cases led the Justice Department to revise rules on what information the INS can disclose about foreigners.

Extending privacy

On June 21, 1996, U.S. Attorney General Janet Reno approved a policy that extended privacy rights to everyone in the United States, regardless of immigration status.

"The object was to give aliens the same protection under the Privacy Act that was provided for U.S. citizens and permanent resident aliens," Mr. Stern said.

It is that policy that the INS now cites in declining to release the names of people it has in detention.

"Prior to those decisions, we routinely released information on these individuals," Mr. Bergeron said. "It's out of my hands."

Philip S. Anderson, immediate past president of the American Bar Association, said withholding the identities of the foreign prisoners is "contrary to the basic precepts of this country."

"I think any desire of the government to prevent a legitimate inquiry into the identity of these people should be challenged in court," said Mr. Anderson, who practices in Little Rock, Ark. "This goes to the heart of the way the INS is doing its job."

The INS policy of withholding the identities of its prisoners is at odds with the practice of several states and even some other agencies of the federal government.

For example, virtually every state, as well as the federal government and the military, will provide lists of inmates on their death rows, and some states go much further.

Public record

Glen Castlebury, a spokesman for the Texas Department of Criminal Justice, said he considers the identities of prisoners in the nation's second-largest prison system to be public record. Many states, he said, publish a list of their inmates on the Internet.

In Florida, the state's Web site provides prisoners' names, birth dates, personal information, criminal backgrounds and photographs.

"It's pretty fundamental when the state takes custody of someone, they have to account for what they've done with that person," Mr. Castlebury said. "I sometimes wonder if they [INS officials] are reluctant because they don't know where their people are."

In the early 1980s, most foreigners held for long periods by the INS were housed in large, central facilities such as the Atlanta Federal Penitentiary and the Federal Detention Center in Oakdale, La.

Today, the INS houses prisoners in about 190 facilities in more than two dozen states, including the Dallas County Jail and the Texarkana Federal Correctional Institution.

Dispersing the prisoners across the country, sometimes in remote locations, and frequently transferring them from one facility to another makes it "very difficult for these people to retain any kind of [legal] representation," said Christina DiConcini, the director of an ABA project on immigrants' affairs.

Where are they?

It can also make it difficult for the INS to keep up with where its own prisoners are housed.

For example, an Oct. 1, 1999, document states that the INS had five of its longest-held 294 prisoners in Tangipahoa Parish Jail in Louisiana. But a Tangipahoa Sheriff's Department spokesman said the INS removed all five prisoners from the jail two weeks earlier, on Sept. 17.

The INS said it has been forced to house its prisoners in other agencies' jails because of congressional funding restraints.

The agency said it has been unable to deport the immigrants because their home countries won't accept them, but in some cases foreign officials question the prisoners' nationality.

The INS, for example, said nine of the 294 longest-held prisoners are from Laos and it has not been able to persuade the Laotian government to accept their return.

But a spokesman for Laos said the inmates whom the INS wishes to deport don't have the paperwork needed to prove that they are Laotian. Mai Sayavongs, a spokesman for the Laotian Embassy, said his country would accept the repatriation of any of its citizens, even those who have been incarcerated in U.S. prisons, as long as they have proper identification.

"It is our duty," Mr. Sayavongs said. "We have to protect our citizens."

GRAPHIC: PHOTO(S): 1. Nasser Ahmed. 2. Bi Meng Zheng. CHART(S): (1-2 DMN)

1. One

Agency, Two Accounts. 2. People Without A Country.

LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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The Dallas Morning News

December 12, 1999, Sunday THIRD EDITION

SECTION: NEWS; Pg. 1A

LENGTH: 1484 words

HEADLINE: Boy revives U.S.-Cuba bitterness;
Custody fight fires up Castro loyalists, exiles

SOURCE: Staff Writer of The Dallas Morning News

BYLINE: Tracey Eaton

DATELINE: MATANZAS, Cuba

BODY:

MATANZAS, Cuba - Juan Miguel Gonzalez, a modest, small-town doorman, sat dazed as thousands of Cubans waved color posters of his son, Elian, suddenly the most famous first-grader in the Americas.

The mass demonstrations in Matanzas and 16 other cities Friday were the largest of their kind ever held on the island, Cuban officials say. More than 2.2 million Cubans - a fifth of the population by government estimates - streamed into parks and plazas to demand that 6-year-old Elian be returned to his father.

Cuban President Fidel Castro has vowed that "heaven and earth will be moved" to get the boy home.

Fishermen found the boy clinging to an inner tube off Florida's coast
on
Thanksgiving Day after a voyage that had killed his mother and nine
others.

Almost overnight, the shy boy was thrust into the center of a bitter
custody
dispute laced with all the venom of Cold War politics.

On one side are the Cubans, who say the boy belongs with his father, a
Communist Party member who lives in Cardenas, a town of 95,000 east of
Havana.

On the other side are the boy's relatives in Miami - and a host of
Communist-hating exiles - who say U.S.-style freedom for the child is more
important than the father's rights.

The battle over Elian is sure to come up Monday when U.S. and Cuban
officials meet to discuss extending a 5-year-old migration pact between
the two
countries, a Western diplomat said Saturday. The Cubans "have made it
clear this
will be topic Number 1."

On Friday, attorneys for the boy's Miami relatives filed an asylum
petition
in Dallas that says the boy faces persecution if returned to Cuba.

Immigration officials first must decide whether to formally admit
Elian to
the United States, a question that was deferred when he went to the
hospital
after being found in the ocean. That decision will come after a meeting
on the
boy's fate that the Immigration and Naturalization Service has scheduled
Dec.
23, said Roger Bernstein, a Miami attorney for Elian's U.S. relatives.

Asylum petition

Even if the government decides Elian should not be admitted, perhaps
because
of the father's custody claim, attorneys hope the asylum petition would
block
the boy's return to Cuba.

"There is a well-founded fear of persecution," said Linda Osberg-Braun,
another of the family's attorneys.

The asylum petition was filed at a Dallas INS center that processes
immigrant applications from the southeastern United States.

Elian's fateful journey began Nov. 22 when he and his mother, Elizabet
Broton, and 11 others climbed aboard a 16-foot boat and headed north.

By the second day, the boat's outboard engines failed, and it soon began to sink. The passengers clung to inner tubes, but one by one got tired and slipped into the sea, a survivor later told reporters. Only Elian and two adults survived.

After his rescue, the boy spoke to his father by phone and told him he had seen his mother drown.

Father's surprise

In Cuba, the boy's father said he didn't know his ex-wife was taking their son out of the country.

"All she told him was that they were going camping for the weekend," said Noel Ramirez, a friend and co-worker of the father. "We were surprised when we found out she had left."

Mr. Gonzalez, 31, and Ms. Broton, 30, a hotel maid, divorced 3 1/2 years ago, but they had a "very civilized" relationship, Mr. Ramirez said.

"She was a good mother, and he was very close to his son," he said. "After school, he'd usually go to his father's house and spend the afternoon there. Then at 6 o'clock, he'd be taken to his mother's place."

On many weekends, Mr. Gonzalez brought his son to where he has worked for the last 11 years, Josone Park in the seaside resort of Varadero, west of Cardenas. Tourists and locals visit the park for its lush gardens, lake, restaurants and swimming pool. Mr. Gonzalez let his son play there while he worked, greeting guests, showing them around and opening doors.

"He was a great father and should get his son back," said Mr. Ramirez, a waiter at the park. "I know a lot of Americans would agree. And if the Statue of Liberty weren't made of bronze, I bet she would bow in shame, touch the water and put out the flames in her torch."

After the divorce, Mr. Gonzalez married Yosbel Perez, 27, a cook. They had a baby boy, Gianni, about three months ago. A relative told Cuba's state-run Juventud Rebelde newspaper that she worried that Elian would be jealous,

"but
the opposite happened. The baby is his pet. He's crazy about him."

Fatal trip

The boy's mother moved in with a man named Lazaro Romero, who also
died in
the fatal trip across the Florida Straits. Mr. Castro accused Mr. Romero
of
organizing the voyage, illegal under Cuban law, and called him "an
absolute bum
who never worked."

The Cuban president also said that Mr. Romero had evidently made an
illegal
trip to the United States last year and returned to Cuba.

"The man's story was that he had gotten bored, that he couldn't
adjust" to
life in the United States, Mr. Castro said. Once back in Cuba, "he was
jailed
for 14 or 15 days and then freed."

Mr. Romero's family couldn't be reached. One of his acquaintances
wasn't
quite as critical of him, saying he survived like many Cubans, selling
things on
the black market and getting money any way he could - "by inventing," as
locals
put it.

Mother praised

In Miami, exiles praise Elian's mother as one who risked everything for
freedom. Radio stations call her son "the last hero of the millennium,"
and his
new friends there have showered him with gifts, everything from portable
radios
to bicycles.

On average, six Cubans every day secretly pack their belongings and
board
rickety smugglers' boats bound for Florida.

U.S. officials say people leave because of the grim economic
conditions.
Cuban officials blame a U.S. law that allows Cubans - and no other
immigrants -
to obtain legal residency if they're able to reach American soil without
getting
caught.

The number of Cubans willing to take the risk has risen in recent
years.

About 2,200 made the perilous trip across the Florida Straits from October 1998 to September 1999, up from 600 the previous year, U.S. officials say.

But the tragic voyage of Elian Gonzalez has energized Cubans.

Island protests

About 120,000 people gathered in Matanzas, east of Havana, on Friday. Organizers placed Elian's tiny desk from school on stage, and his classmates stood around it, chanting, "Free Elian! Free Elian!"

Children sang tributes to the boy and protesters screamed, "Down with imperialism! Homeland or death!"

"We will win," Elian's father, looking weary, told the crowd.

Castro loyalists call the protests spontaneous outbursts.

"These help strengthen the revolution, but it's not planned that way," said Marta Rojas, a prominent Cuban author.

Others accuse the Castro government of staging the huge rallies to distract people from their everyday economic troubles.

"I agree the boy should be returned, but these protests are getting to be too much," said a female hotel worker who requested anonymity. "Everywhere you go, it's 'Free Elian! Free Elian!' It's like we're getting a daily injection of Elian. It's on TV all the time, and there's no getting away from it."

Back in Cardenas, the boy's hometown, his grandmother is making him a uniform for karate class, and neighbors are guarding his house.

"We're sure the boy will come back," said one neighbor, Juana Hurtado, 60.

"The United States doesn't have anything he needs. He and his mother had everything they needed here in Cuba. School is free, education is free. And as far as material things, money isn't everything. There are a lot of people who have money, but they're unhappy."

Photos of Elian were plastered on doors and houses. Cardboard signs read, "11 million Cubans are committed to your liberty" and "The people are Elian's lawyer."

Across town, the boy's classroom - No. 21 at the Marcelo Salado Primary School - has been turned into a kind of shrine.

Students take turns looking after Elian's books and desk, and locals file in by the hundreds to sign a book demanding the child's return to Cuba.

"For the freedom of little Elian" reads a message on the first page. It's signed simply, "Fidel Castro."

The boy began attending the 972-student school in August.

"He is very timid, but intelligent. You have to push to get him to answer a question, but once he answers he has something to say. He's very sensitive and usually got to school early, not late," said his teacher, Yamelin Morales.

"I gave him the job of sharpening other students pencils so he'd meet people and lose some of his shyness. He was cute walking around with his little sharpener, shaped like a crocodile.

"We just miss him and want him back."

Staff writer David LaGesse in Washington, D.C., contributed to this report.

GRAPHIC: PHOTO(S): (1. Agence France-Presse) Cuban protesters launch a kite, demanding the return of 6-year-old Elian Gonzalez. 2. Elian Gonzalez . . . Fidel Castro vows that "heaven and earth will be moved" to get the boy home.

LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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THE INDIANAPOLIS STAR

December 12, 1999, Sunday ,CITY FINAL EDITION

SECTION: NEWS; Pg. A24 ,BRIEFLY NATION/WORLD

LENGTH: 677 words

HEADLINE: Briefly Nation/World

BODY:

U.S. citizens are warned of possible terrorist acts

WASHINGTON

Americans throughout the world were warned Saturday by the State Department that there is "credible evidence" terrorists could strike at large holiday gatherings.

A worldwide caution issued by the department told U.S. citizens abroad to avoid large crowds and gatherings and to keep a low profile.

The statement gave no details of the evidence but said "the information indicates that attacks could be planned for locations throughout the world where large gatherings and celebrations will be taking place" from now until early January.

24 Cuban refugees get to shore in Florida Keys

MIAMI

Two dozen Cuban refugees were taken into custody Saturday as they came ashore in the northern Florida Keys.

The U.S. Coast Guard and U.S. Border Patrol agents rounded up 24 refugees, several of whom were believed to be members of the same family, just off Tavernier Key.

The Cubans were found on a mangrove islet off Tavernier Key.

The group was handed over to the U.S. Immigration and Naturalization Services for processing.

Under U.S. immigration policy, Cuban refugees who reach land usually are allowed to remain in the country. Those intercepted before setting foot on U.S. soil usually are returned to Cuba.

WTO protestors crash rally for Seattle police

SEATTLE

Critics of the Seattle Police Department, under fire for its handling of protests during the World Trade Organization meetings, nearly upstaged a rally by supporters at a downtown park Saturday.

"Hey, hey. Ho, ho. Police brutality has got to go," demonstrators chanted as city and law enforcement officials took the podium to thank more than 400 citizens packed into Westlake Park.

The speakers spoke loudly into the microphone to ensure that all could hear above a steady stream of protest chants.

The Seattle Police Officers Guild staged the rally and was selling "Battle of Seattle" T-shirts commemorating events during the WTO talks Nov. 30 through Dec. 3, which included the smashing of downtown store windows, slashing of squad car tires and more than 500 arrests of demonstrators.

Mediator could be named next week in Congo war

KINSHASA, Congo

A mediator to help negotiate talks to end Congo's civil war could be named as early as next week, U.S. envoy Richard Holbrooke said Saturday as he neared the end of a tour of Africa in search of solutions to the 16-month conflict.

The U.S. ambassador to the United Nations has said it is not possible for the organization to get deeply involved in settling the war unless the parties themselves name the facilitator for talks intended to chart the political future of this huge central African nation.

Congolese President Laurent Kabila agreed Saturday that a mediator was immediately needed, Holbrooke said, adding that the other parties to the war had earlier agreed.

The ambassador said he had spoken by telephone with Salim Ahmed Salim, secretary general of the Organization of African Unity, who planned to convene a meeting Tuesday to try to decide on a facilitator.

Ill for several months, Arafat's eldest sister dies

GAZA CITY, Gaza Strip

The eldest sister of Palestinian leader Yasser Arafat died Saturday. She was 82.

Inam Abdel Raouf Arafat Al Kidwah died at Al Amal Medical Center, where she

had undergone treatment for various illnesses for seven months. The exact cause of death was not immediately known.

She is the oldest of Arafat's five siblings. She was described in various Arafat biographies as the mother figure in the Palestinian leader's life after his mother died when Arafat was a young child.

On Arafat's request, his sister's funeral service was a private one, with only family, close friends and high ranking Palestinian officials attending, a Palestinian official speaking on condition of anonymity said.

A Palestinian official said Arafat was crying during the service and was very emotional at the burial site.

President Clinton called Arafat on Saturday to express condolences, said White House spokesman Barry Toiv.

LOAD-DATE: December 13, 1999

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National Public Radio (NPR)

SHOW: WEEKEND EDITION SUNDAY (1:00 PM ET)

December 12, 1999, Sunday

LENGTH: 252 words

HEADLINE: MIX OF POLITICS, DIPLOMACY AND LAW IN THE CASE OF

ANCHORS: LIANE HANSEN

BODY:

LIANE HANSEN, host:

The case of six-year-old Cuban refugee, Elian Gonzalez, which has been

making
news this past week, pits political and diplomatic interests against legal considerations. And as NPR's news analyst Daniel Schorr observes, the combination does not mix well.

DANIEL SCHORR:

Bad cases, they say, make bad law. Add politics, you get worse law. In 1995, the Clinton administration, appalled by the influx of Cuban boat people, some of them criminals, made an agreement with the Castro government. It provided, and I quote, "Cuban migrants intercepted at sea by the United States, and attempting to enter the United States, will be taken to Cuba," unquote. Congress enacted an exception for immigrants with extraordinary ability in the sciences, arts, education and athletics. That opened the door to defecting Cuban baseball stars. For the rest, the law was clear: Cubans who wanted to come to this country would have to apply for visas in Havana.

Then a dilemma arose in the form of a six-year-old boy found clinging to an inner tube off the Florida coast. His mother and stepfather lost with nine others in a powerboat that had sunk. Young Elian Gonzalez, was turned over to his great-uncle and great-aunt in Miami, and by extension, to the Cuban-American community; a poster boy for America's long-standing feud with Castro's Cuba.

In Cuba, there were huge demonstrations for the return of Elian. The State Department unmoved said, 'Elian's custody was a matter for the Florida courts.'

In the United States, we have laws that we follow and uphold, the spokesman said rather self-righteously, what laws did he have in mind? American laws uniformly recognize the custody rights of a biological parent. And the Cuban-American agreement of 1995 was clear about return of migrants intercepted at sea.

President Clinton, clearly embarrassed about the question at his news conference last Wednesday, sought to distance himself from the dispute with a plea to do what was best for the child. Slowly, the unmovable bureaucracy began to move. Forget about having to argue in the Florida courts, an agent of the Immigration and Naturalization Service would visit the father in Havana

and ask
him to establish his parenthood by a birth certificate or other
document. And
then, hold your, breath, and then the Clinton administration might face
up to
the passions of the Cuban-American community and send the boy home to his
father. This is Daniel Schorr.

LANGUAGE: English

LOAD-DATE: December 13, 1999

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NBC News Transcripts

SHOW: NBC NIGHTLY NEWS (6:30 PM ET)

December 12, 1999, Sunday

LENGTH: 256 words

HEADLINE: POLITICAL TENSIONS GROW OVER CUBAN REFUGEE ELIAN

ANCHORS: JOHN SEIGENTHALER

REPORTERS: ANDREA MITCHELL

BODY:

JOHN SEIGENTHALER, anchor:

What will become of six-year-old Elian Gonzalez, still in Miami after
being
spirited out of Cuba on Thanksgiving day? The cat and mouse game between
Cuba
and the United States is a daily event. NBC's Andrea Mitchell is in
Havana
tonight.

ANDREA MITCHELL reporting:

As easily as the government turned the protests on, today it turned
them off.
No marches. No speeches. After a week of escalating tensions, Havana
turned
its attention to preparing for Christmas. A pause in demonstrations,
officials
said, to open a window for diplomacy. But in Miami, Elian Gonzalez'
relatives
are not about to let him go. Today's strategy, a photo opportunity to
show him

playing, to support their claim that he is better off in the US. The family says the Clinton administration should honor the last wish of Elian's mother, who died trying to escape from Cuba.

Mr. ROGER BERNSTEIN (Family Lawyer): What the American people should be asking themselves is why would--why would this--why would Elian's mother and stepfather flee Cuba and get on a raft and risk this young boy's life?

MITCHELL: All this raises the stakes for Bill Clinton, who arrived in the Miami area for a political fund-raiser today, makes it harder for the administration to return the boy to his father in Cuba. Elian's father has still not agreed to meet with US immigration officials and document his parental rights, not until the US agrees to a very limited interview.

Ms. PAMELA FALK (Cuba Policy Analyst): It looks like he'll say that he wants his son back in Cuba, back in his home environment. But you never know, and so I think that is why the Cuban government has discouraged him from even meeting with the--the immigration officials here.

MITCHELL: Despite the political confrontation, the US flag was actually unfurled on the outskirts of Havana today, a soccer game between high school students from Hoomfield Hills, Michigan, and a Cuban team. The calm in Havana today is deceptive. It could be only temporary. If this standoff continues for too long, there will be too much political pressure on both sides for a diplomatic solution. The stakes are very high for Fidel Castro. Just today, more refugees were picked up off the Florida coast. There is always a threat that if Elian Gonzalez is not returned, Cuba could once again flood the US with refugees. Andrea Mitchell, NBC News, Havana.

LANGUAGE: English

LOAD-DATE: December 13, 1999

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Copyright 1999 The San Diego Union-Tribune

The San Diego Union-Tribune

December 12, 1999, Sunday

SECTION: NEWS Pg. A-1

LENGTH: 1917 words

HEADLINE: Rich in diversity; The future of California can be seen in
southeastern San Diego, one of the most racially mixed areas in the county

SOURCE: STAFF WRITER

BYLINE: Leonel Sanchez

BODY:

Kevin Nash came back to Southeast San Diego a few years ago.

Only it was not the place he remembered. It wasn't even called
Southeast San
Diego anymore.

African-Americans like him no longer were the majority. There was no
majority.

Much has been said about changing demographics in the state, where
minorities
soon will outnumber whites. That already has happened in southeastern San
Diego. To look at that community, one of the most diverse in San Diego
County,
is to glimpse the future of California.

The community once was mostly white, then blacks were the largest ethnic
group. Now, at the turn of the century, it is truly multicultural.

Nash, 35, works at the San Diego Mediation Center's office at 47th and
Market
streets. He mediates disputes, mostly between landlords and tenants, in
the
area where he grew up.

He returned to San Diego three years ago after living in San Francisco
for 15
years.

While he was gone, Latinos and Asians grew in numbers while the number
of
whites declined and the African-American population stayed about the
same. These
four groups range in size from 17 percent to 36 percent of the area's
total
population of about 150,000 people.

African-Americans remain a powerful voice in the densely populated area

that
is east of state Route 15, north of National City and mostly south of
state
Route 94, which is better known as the Martin Luther King Jr. Freeway.
The Urban
League, the Black Contractors Association, the Voice and Viewpoint
community
newspaper and other well-known African-American-led organizations are
based
here.

Most of the region is within the city's 4th District. In the early
1990s,
Councilman George Stevens, who still represents the area, led a campaign
to
banish the term Southeast San Diego, saying the name had become
associated with
crime and minorities due to negative media coverage.

Residents formally buried the name in a casket at Mount Hope Cemetery
and
urged people to use the proper names of individual neighborhoods that
make up
the area, names such as Encanto, Mountain View, Chollas View, Skyline,
Valencia
Park, Emerald Hills and Paradise Hills.

Nash is getting to know the community again. He is finding out it is a
place
of many voices.

Crime is still a problem, but it does not define this community. The
crime
rate in the 4th District is lower than the citywide average. Home
ownership is
high and redevelopment is producing jobs. A multicultural hub is
emerging at
Euclid Avenue and Market Street, where the Malcolm X Library and the
Tubman-Chavez Multi-Cultural Family & Youth Center opened in the
mid-1990s.

The rainbow-themed murals along Imperial Avenue in Encanto celebrate the
community's diversity. The Tubman-Chavez center's name was inspired by
area
schoolchildren's essays about black abolitionist Harriet Tubman and
Mexican-
American farm labor leader Cesar Chavez.

Drive around these canyons and hills, and you will see a melting pot of
influences where different cultures live side by side.

'We all bleed'

At the regular meeting of the Forever Young Seasoned Consumers Club,

the talk
among the seniors turns back time to the 1940s, when African-Americans
like
Jewell Hooper were moving to San Diego.

Now 80, Hooper is still active in the southeastern community as a
volunteer
at the 4th District Seniors Resource Center at the Tubman-Chavez center.

Hooper, a retired federal worker, became active in the late 1960s after
moving to Broadway Heights, a part of Encanto. There she met Verna
Quinn, who
was white.

Quinn talked Hooper into getting involved with the Broadway Heights
neighborhood group.

"We were the terrible two," Hooper said, recalling their years taking
on City
Hall.

Hooper misses her friend, who died last year. The athletic complex at
the
Encanto Recreation Center was renamed in Quinn's honor.

Race was never an issue between the two. When they met, "Verna tried
to keep
whites from moving because we were moving in," Hooper said.

"She'd say 'Look, they're people. We can be friends. We all bleed the
same
color blood.' "

Civil rights

High on a hill that overlooks San Diego Bay, Catherine Montgomery looks
from
her house at the community she helped to shape.

In the 1960s, Montgomery held civil rights meetings in her Emerald Hills
house and participated in marches. She was the first African-American to
serve
on the city's planning commission. For years, she worked for a state
agency
that investigates housing and employment discrimination.

Now in her 70s, Montgomery is less involved but her choice of projects
aims
to benefit an increasingly diverse community.

Montgomery helped lead the campaign to build the Malcolm X Library.
Her goal
now is to raise \$100,000 for the library's technology fund, which bears
her

name.

She is halfway to her goal, but she needs help.

The fund's biggest contributor died last year. Montgomery was in a car accident recently. She was not seriously hurt, but the accident got her thinking that it is time to "start smelling the roses."

Mexican candy

In Mountain View, Rosa Hernandez is helping a local organization founded by an African-American to reach out to Spanish speakers.

Hernandez, 41, works part-time as a bilingual tutor for the Homeys Youth Foundation on Federal Boulevard. Her years studying English at the nearby Educational Cultural Complex are starting to pay off.

She visits Spanish speakers in their homes and teaches them how to prepare their children for elementary school.

The foundation's founder, Clinton Pearson, said he hired Hernandez, a Mexican immigrant, after hearing about her volunteer work at the elementary school her five daughters attended.

Pearson, who grew up in the area, said Hernandez is a role model for Latino parents. She earned her high school equivalency diploma and passed the U.S. citizenship test in recent years.

There is a resiliency in this family's character.

Hernandez and her husband, Marco, were the only Latinos on their block when they bought their home in the early 1980s. Now they are among the many.

When the house burned down in 1987, they built a bigger one.

During tough times, the family has sold Mexican candy to keep the girls enrolled in a Mexican dance group that meets at Christ the King Catholic Church just outside the neighborhood.

The girls are bilingual, but they speak Spanish to their parents.

Hernandez has shown that she can hold her own among English speakers. A math teacher once urged her to drop his course because he did not believe she

could
keep up with the rest of the English speakers in the classroom.

Hernandez insisted on staying. She got a B.

People power

Teresa Lucas was a university professor in Manila when she emigrated to the
United States to join her family in 1990. Lucas was one of the last
members of
her family to leave the Philippines.

Over a 20-year period, her parents, three brothers and three sisters
have
made the trip to America and settled in Paradise Hills, which has a
sizable
Filipino population.

Lucas was fluent in English when she arrived. Like many Filipinos, she
learned English at an early age in the Philippines. She also learned
about
democracy there through her work as an activist.

Now in her 40s, she still is organizing Filipinos, but in a different
country, in a place where racial differences can get in the way of
community
harmony.

Lucas, who works for the Union of Pan Asian Communities in San Diego,
helped
organize forums last year that brought together Filipinos and African-
Americans
to discuss tensions after the fatal shooting of a black Morse High School
student and the arrests of two Filipino teen-agers.

Earlier this year she helped form the Paradise Hills Collaborative, a
group
made up mostly of Filipinos.

The group is concerned about reducing crime and improving schools in the
Paradise Hills area. But it also has set more modest goals, such as
securing
more bus stops along Paradise Valley Road to ease the strain of walking
for
seniors who live in the area.

Lucas hopes to attract people of all color to the group. She has faced
bigger challenges.

In 1986, she participated in the "People Power" revolution in the
Philippines
that peacefully brought down a dictator and installed a democratically
elected

president.

Lucas was among the hundreds of thousands of Filipinos who mobilized against the government of Ferdinand Marcos. Their success was exhilarating.

"We felt so liberated," she said.

Finding answers

Kevin Nash majored in urban studies at San Francisco State University. But he looks at the area where he works through the eyes of a native son.

Most of the disputes he mediates do not involve race, but he has become a student of race relations. With the help of translators, he shows recent immigrants and refugees how to resolve conflicts.

Nash bridges one gap by using the Spanish he has learned in recent years.

The diversity of southeastern San Diego is intriguing to him because of the many possibilities. One of his favorite symbols is the Tubman-Chavez center because of the unity it represents between Latinos and African-Americans.

"That's what it's all about," Nash said one day while driving around the area doing outreach work.

Recently he witnessed two racially charged events that told him a lot about hopes and challenges of the diverse communities that live in southeastern San Diego.

At O'Farrell High School, he attended a community forum to discuss the fatal shooting of an African-American by San Diego police who were trying to arrest him in Mission Beach. Latinos joined blacks in denouncing the shooting. They vowed to march together through downtown San Diego.

Nash was pumped himself after watching people speak out, but he missed the march, which took place without incident. That same day, though, he witnessed a brawl outside his office between dozens of young African-Americans and Latinos.

After police restored order, Nash asked some of the youths what

happened. Two youths were arguing and then started swinging. No one seemed to know what they were arguing about.

What he saw disappointed him.

"It reminded me how much work has to be done," Nash said.

He wasted no time offering his services at the middle school attended by some of the youths who brawled. In March, he plans to do something bigger.

On March 24, the Mediation Center, which has four offices, has scheduled activities throughout San Diego County that aim to educate people about conflict resolution through discussion.

"We're calling it a 'Day of Resolution,' " Nash said.

Southeastern snapshot

White Black Latino Asian

1960 61,497 39,397 (no breakdown)

1970 42,667 37,302 (no breakdown)

1980 32,164 44,363 34,013 12,227

1990 30,119 39,068 46,705 31,597

1998 26,293 39,243 55,656 35,324

San Diego's ethnicity

The racial and ethnic makeup of San Diego has shifted dramatically in recent decades. The Latino and Asian populations have increased throughout the city and the county, partly because of high immigration rates. From 1990 to 1996, some 102,561 legal immigrants were admitted into San Diego County by the Immigration and Naturalization Service. More than half hailed from three countries: Mexico, the Philippines and Vietnam.

The city of San Diego's population by race:

White Black Asian Latino

1980 76.1% 8.8% 6.5% 14.9%

1990 59% 9% 12% 21%

1998 55 % 9% 13% 23%

GRAPHIC: 1. Many voices: Kevin Nash, who grew up in southeastern San Diego, talked with new homeowner Gloria Barraza in his old neighborhood. Nash is getting to know the community again after living in San Francisco for 15 years.

2. Tradition: Friends helped Milagro de Campo count dollar bills that were pinned to her during dances at her birthday party recently at Paradise Hills Community Park.

3. Keeping traditions alive: Cousins Virginia Gonzalez (left) and Judy Del Rio greeted with a kiss at the Folklorico Cristo Rey evening dance class. Rachel Toledo (seated) and Anita Villanueva (right) are also in the class. (A-23)

4. Coming together: During an Associated Student Body activity planning session, Morse High School students discussed new T- shirt logos for promoting school spirit. (A-23)

5. Learning: Tamika Dean, a counselor with Head Start, held Tuandrea Beasley, 4, while watching an animated storytelling session at Malcolm X Library. (A-23)

6,7,8,9. Melting pot; The collection of neighborhoods in the southeastern region of the city is one of the most diverse places in San Diego. The southeastern part of the city is roughly the same as San Diego City Council's 4th District, which includes these neighborhoods: Chollas View, Webster, Mount Hope, Lincoln Park, Mountain View, Paradise Hills, Bay Terraces, Jamacha, Lomita Village, Skyline, Oak Park and Emerald Hills. (A-23)

6. Southeastern snapshot (A-23)

7, 8,9. San Diego's ethnicity; The racial and ethnic makeup of San Diego has shifted dramatically in recent decades. The Latino and Asian populations have increased throughout the city and the county, partly because of high immigration rates. From 1990 to 1996, some 102,561 legal immigrants were admitted into San Diego County by the Immigration and Naturalization Service. More than half hailed from three countries: Mexico, the Philippines and Vietnam. (A-23)

1,2,3,4,5. PEGGY PEATTIE / Union-Tribune photos

LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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The Houston Chronicle

December 11, 1999, Saturday 3 STAR EDITION

SECTION: A; Pg. 26

LENGTH: 764 words

HEADLINE: Grozny refugees leave ravaged homes for tent cities;
Many elderly must stay behind, others refuse to flee homeland

SOURCE: Knight-Ridder Tribune News

BYLINE: DAVE MONTGOMERY

DATELINE: ZNAMENSKOYE, Russia

BODY:

ZNAMENSKOYE, Russia - Terrified refugees from the Chechen capital of Grozny began thronging into makeshift tent cities Friday on the eve of a "leave or die" ultimatum by the Russian military, while possibly thousands remained in the besieged city, either too defiant or too infirm to leave.

Three thousand tents were erected in this Chechen city awaiting an expected flood of refugees from the Russian military's threat to lay waste on Saturday to Grozny, less than 40 miles south of here. The first wave of refugees described Grozny as a devastated city without food or water, where many, including elderly residents of a nursing home, were still holed up as the deadline approached.

"My father and uncle are still there," shouted Visani Elmursayev, 24, as he was processed at the local immigration office. "They decided to stay against all odds to look after our home. If my father is killed, I'll go fight against the Russians."

The promised offensive marks a new phase in the 2-month-old military attack on the breakaway republic by as many as 100,000 Russian troops, and appears linked to Russia's approaching Dec. 19 parliamentary elections. Having lost a

1994-96 war with Chechen rebels, the Kremlin wants to capitalize on widespread support for the current campaign and to boost the fortunes of its anointed political party, Unity.

Russian Prime Minister Vladimir Putin, designated by President Boris Yeltsin as his choice in next year's presidential election, also is reaping political benefits from the offensive and has soared steadily in public opinion polls since the onset of the fighting.

However, the ultimatum - which Russian generals have since described as merely a warning - has touched off an international uproar, prompting the United States and other Western nations to condemn Moscow's conduct. Russian leaders have defiantly pursued the military campaign anyway, and on a state visit to China this week, Yeltsin brushed aside criticism from President Clinton, pointedly noting that Russia is still armed with nuclear weapons. Putin later sought to soften the international uproar.

On Friday, leaders of the European Union meeting in Helsinki, Finland, said they planned to dispatch a delegation to Moscow to urge the Kremlin to ease its Chechen policy. At the same time, Putin said contacts have been under way with Chechen envoys, including two vice premiers and President Aslan Maskhadov's government, but thus far there have been no breakthroughs.

As Russian troops moved within four miles of Grozny Friday, Chechen rebels fought back by exploding a huge chlorine tank, unleashing a toxic cloud over the city. Although the tactics apparently were aimed at thwarting the advance of federal troops, Russian military officials said the release of the gas caused an undetermined number of civilian casualties. There are at least 26 such tanks in the city, the officials said.

Nearly 200 refugees were registered in Znamenskoye in northern Chechnya at midday Friday, but Russian officials said they expected the numbers to swell in the final hours before the ultimatum. Maj. Gen. Vladimir Bayramov, a deputy commander in Chechnya who oversees the refugee settlements, said

estimates vary
widely on the number of citizens still in Grozny.

Arriving refugees said that thousands of citizens stayed behind rather
than
leave their homes.

Several refugees said a group of elderly residents remained in a nursing
home, unable to escape.

Some refugees said they believed that many residents without a radio
might be
unaware of the ultimatum.

The refugees said that Grozny was already under fierce shelling when
they
left, and most said they braved heavy fire to escape.

"In a word, it's a disaster for civilians," said 27-year-old Hamsat
Yunsov.
"Everything is under fire. Firing was so heavy, it was difficult to leave
town."

In announcing the ultimatum, Russians opened up a new refugee route
extending
from Pervomayskaya at the northern edge of Grozny through Znamenskoye to
the
northwest boundary of the small self-proclaimed independent republic, but
several refugees said they were harassed by Russian troops as they reached
Pervomayskaya, and some were ordered to turn back.

Vladimir Yevgenyev, 69, an employee of a now-destroyed oil refinery in
Grozny, said he was reluctant to leave the city of his birth, but said he
decided by midweek to flee.

"It was unbearable," he said. "They were shooting all the time with all
kinds
of weapons - airplanes, mortars, artillery. We left everything behind.
All I
have now is what I'm wearing."

LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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Press Journal (Vero Beach, FL)

December 11, 1999, Saturday

SECTION: A section; Pg. A13

LENGTH: 514 words

HEADLINE: CUBAN BOY'S LAWYERS ASK FOR ASYLUM STATUS

BODY:

MIAMI (AP) - Lawyers for the 6-year-old Cuban boy at the center of an international custody dispute filed a petition Friday for political asylum in the United States, which could extend his stay with his Miami relatives for at least 60 days.

The lawyers for Elian Gonzalez said they were worried that he might be sent out of the country if the application was not filed.

Roger Bernstein, one of the boy's five lawyers, said the Immigration and Naturalization Service has 60 days to respond to the petition and give the boy a hearing. "We are very confident he will be given a full opportunity to explain why he fears returning to Cuba," Bernstein said.

Elian was found clinging to an inner tube off the coast of Fort Lauderdale on Thanksgiving Day, having survived a boating accident that took the life of his mother during an apparent attempt to illegally enter to the United States.

U.S. authorities placed him with his great-aunt and great-uncle living in Miami, who said they could provide him with a better life in the United States.

Elian's father, Juan Miguel Gonzalez, has demanded that his son be returned to Cuba and has refused to go to the United States or a neutral country to petition for his son.

INS spokeswoman Maria Elena Garcia could not discuss the specifics of Elian's case, due to privacy laws.

She said a person who is granted asylum is given permanent residency status after a year. If the person comes from a country that does not have relations with the United States, such as Cuba, he would not be deported if the asylum

petition is denied.

In Cuba, mass demonstrations demanding the boy's return spread across the island Friday.

Tens of thousands of people crowded around the U.S. Interests Section in Havana for the fifth day in row, waving red white and blue Cuban flags and placards bearing Elian's image. "Free Elian! Free Elian!" the demonstrators cried.

Earlier in the day, state television showed hundreds of thousands of citizens gathering at provincial capitals across the island. This week's protests are the largest pro-government demonstrations on the island - except for annual May Day celebrations - on the island since 1980.

The custody dispute cast a shadow over U.S.-Cuban migration talks scheduled Monday in Havana, but both American and Cuban officials said the meeting is expected to continue as planned.

The dispute comes amid Cuba's growing anger over what it says is the U.S. government's failure to abide by 1994 and 1995 migration accords signed to stop a flood of people leaving the island on rickety rafts and inner tubes.

Under the agreements, U.S. officials are to send Cubans rescued at sea back to Cuba and allow those who make it here to stay. Cuban officials are to prevent people from leaving the communist island illegally.

Sen. Bob Torricelli, D-N.J., whose state has the nation's second-largest Cuban-American population, said at a news conference in Little Havana, Miami, that the boy's fate should be determined by U.S. laws in U.S. courts.

LOAD-DATE: December 13, 1999

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Copyright 1999 Star Tribune

Star Tribune (Minneapolis, MN)

December 11, 1999, Saturday, Metro Edition

SECTION: NEWS; Pg. 7A

LENGTH: 302 words

HEADLINE: Lawyers for U.S. relatives ask court to grant political asylum to Cuban boy

SOURCE: News Services

DATELINE: Miami, Fla.

BODY:

Lawyers for the 6-year-old Cuban boy at the center of an international custody dispute filed a petition Friday for political asylum in the United States. The lawyers for relatives of Elian Gonzalez said they were worried that he might be sent out of the country if the application wasn't filed.

Roger Bernstein, one of five lawyers working for free in support of Elian's relatives in Miami, said the Immigration and Naturalization Service has 60 days to respond to the petition.

Elian was rescued off the Florida coast on Thanksgiving Day, having survived a boating accident in which his mother was killed while apparently trying to illegally enter the United States.

U.S. authorities placed him with his great-aunt and great-uncle in Miami, who said they could provide him with a better life in the United States. Elian's father, Juan Miguel Gonzalez, has demanded that his son be returned to Cuba and has refused to go to the United States or a neutral country to petition for him.

In a crescendo to a week of protest, an estimated 2.2 million Cubans demonstrated in the main plazas of the island's 14 provincial capitals Friday to demand that the United States return the boy. They echoed President Fidel Castro's outrage over what he calls "a flagrant kidnapping by American authorities."

While U.S. attorneys are attempting in federal court to block the boy's return, their efforts are unlikely to overcome U.S. law and international agreements that normally require children to be returned to their closest living relative, legal analysts say.

Elian attorney Carmen Morales said, "We have a child who lost his mother while bringing her child to freedom. We are not against the father. We are

against Elian growing up under a totalitarian regime."

LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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THE INDIANAPOLIS STAR

December 10, 1999, Friday ,CITY FINAL EDITION

SECTION: NEWS; Pg. A23

LENGTH: 598 words

HEADLINE: Cuban protesters seek rescued boy's return

Most want 6-year-old found off Florida coast to come home as talks with
U.S.
continue.

BODY:

HAVANA -- Thrusting fists in the air and chanting political slogans,
hundreds
of thousands of Cubans flooded Havana's coastal highway Thursday to press
for
the return of a 6-year-old boy who was rescued off the Florida coast two
weeks
ago.

Schoolchildren, workers and housewives marched by the U.S. Interest
Section
shouting, "We want Elian! We want Elian!" as Fidel Castro's government
revved up
its propaganda campaign in the fight to bring Elian Gonzalez home.

Throughout Havana, employees were instructed at workplaces to
participate in
the march, and teachers brought their students after classes ended for
the day.

The communist daily Granma promised a turnout of at least 300,000.
Officials
used buses to bring marchers in from as far away as 100 miles.

The protests were the largest pro-government demonstrations seen on the
island in recent years.

Although the demonstrators were obligated to participate, most Cubans

feel
true sympathy for the shy kindergartner who was rescued on Nov. 25 off the
Florida coast. His mother died in the apparent attempt to emigrate
illegally to
the United States.

The child was placed under the care of his paternal great-aunt and
great-uncle in Miami, but his father, Juan Miguel Gonzalez, has demanded
that he
be returned to Cuba. The Miami relatives want the boy to stay and say
they can
provide the boy with a better life in the United States.

The case grew complicated on Wednesday when Castro said in a letter
read at a
protest that evening that Gonzalez was not willing to go to the United
States or
meet with U.S. officials in his quest to be reunited with his son.

The father did not want to meet with U.S. functionaries until they
could tell
him when and how his son would be returned to him.

The U.S. government Wednesday night proposed that Gonzalez be
interviewed by
U.S. immigration officials in Havana to determine that he is the boy's
father
and has assumed his parental responsibilities to the child before
deciding if
the boy will be returned.

The chief of the U.S. mission in Cuba said Thursday she was awaiting
word
from Cuban officials.

"They said they would not have an answer for us until this evening,"
said
Vicki Huddleston, head of the U.S. Interests Section. By the late
afternoon, no
decision had been made, but Cuban authorities had asked some questions, a
move
U.S. authorities viewed as positive.

The proposal asks that Gonzalez bring along any documents to establish
his
parenthood and parental rights, said Justice Department spokeswoman Carol
Florman.

The custody dispute cast a shadow over U.S.-Cuban migration talks
scheduled
Monday in Havana, but both U.S. and Cuban officials said the meeting is
expected
to go ahead as planned.

The dispute comes amid growing anger by the Cuban government over what it says is the U.S. government's failure to abide by 1994 and 1995 migration accords signed to stop the flood of tens of thousands of people who left the island on rickety rafts and inner tubes the summer of 1994.

Under the agreements, U.S. officials are to repatriate Cubans rescued at sea, and Cuban officials are to prevent people from leaving the communist island illegally.

Another potential immigration dispute flared up on Monday, when six Cubans hijacked a fishing boat at knifepoint and took two crew members hostage. The boat was picked up by the U.S. Coast Guard off the Florida Keys, and the suspected hijackers were arrested.

The six suspected hijackers -- five men and a woman who appeared to be in their teens and early 20s -- were turned over to Cuban authorities.

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THE INDIANAPOLIS STAR

December 10, 1999, Friday ,FINAL EDITION

SECTION: EDITORIAL; Pg. A38

LENGTH: 428 words

HEADLINE: The Cuban boy

BODY:

The mother's wishes for her son couldn't have been clearer. She gave up her life in the pursuit of a new and better life for her family in the United States.

Now the 6-year-old boy who survived a hazardous raft ride from Cuba is at the center of international controversy.

Florida relatives of Elian Gonzalez say they can give him the better life his mother sought. His biological father wants him back in Cuba. Fidel Castro

insists on it.

The dispute "will not stop until the boy Elian is returned to Cuba," Castro vowed in a statement read Wednesday night at a gathering of tens of thousands outside the U.S. interest section in Havana.

With the mother and stepfather dead, having drowned in the waters near Miami's coast, it seems reasonable to send Elian back to his home country. But what's reasonable and what's right aren't always the same.

First and foremost, the United States must verify the father's identity and true wishes for his son.

On Wednesday, U.S. immigration officials sent a letter to the man requesting a meeting at the American interest section of Havana where State Department personnel are stationed. The letter asked him to bring along any birth, baptismal, medical or school records, family photographs or testimony of neighbors to establish his parenthood and any divorce or other records to establish his claim to exercise parental rights.

Yet that may be insufficient to assess the father's state of mind, free from Castro's pressure. If the Cuban dictator is so confident of the answer, he should let the father travel to Miami for an interview.

Perhaps Castro is not so sure. His Wednesday night statement made clear the father will not go to the United States. Nor will he accept an interview with U.S. officials if he is not first told the day and the hour of his son's return.

The United States has already done enough to satisfy Castro's concerns and the demands of international law. Earlier this week, American officials recognized that Elian's father can assert his claim to take his son back to Cuba. They also agreed to return a group of six suspected boat hijackers to the island.

Coincidentally, the incidents occur just as U.S.-Cuban migration talks are to start Monday in Havana.

It's sad that the hope for freedom leads some Cubans to ride on rickety rafts or commandeered boats at gunpoint in order to realize their dream.

Elian's mother had a dream. In her memory, and in honor of her courage in fleeing a repressive communist regime, the United States must try and get Elian's father on U.S. soil.

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The Cincinnati Enquirer

December 5, 1999, Sunday

SECTION: METRO, Pg. B06

LENGTH: 967 words

HEADLINE: UPS didn't promote pilot to high enough job to fire him

BYLINE: BEN L. KAUFMAN

BODY:

United Parcel Service didn't deny promoting pilot Frank Robbins Dorsey just so it could fire him for union organizing.

However, UPS failed to promote him high enough to remove him from the protection of federal labor law.

In a clear decision, 6th Circuit Judges Gilbert S. Merritt, Eric L. Clay and Ann Aldrich sent the case back to the trial judge in Louisville with orders to:

Grant summary judgment to Mr. Dorsey.

Let jurors decide how much UPS owes him for violating his rights.

"It is undisputed that UPS first transferred Dorsey from one job to another, then refused to allow him to return to his old job and discharged him - all expressly because he engaged in union organizing activity," Judge Merritt wrote.

UPS never denied it.

The pivotal question was whether U.S. District Judge John G. Heyburn II erred

when he said Mr. Dorsey was a manager whose union organizing was not protected from retaliation by the federal Railway Labor Act.

He wasn't, the 6th Circuit said. Instead, he was a "subordinate official" protected by that law.

Judge Heyburn also said Mr. Dorsey failed to claim the transfer itself was impermissible retaliation under the law.

That misread the complaint, Judge Merritt wrote, and Mr. Dorsey wins that point, too.

The 1926 Railway Labor Act was amended in 1936 to add airline employees to workers whose right to unionize was protected.

Mr. Dorsey was a flight training supervisor who tried to organize other flight training supervisors, assistant chief pilots, and supervisors of systems operations, flight standards and flight testing.

UPS responded by making him an assistant chief pilot, a position with more management responsibilities.

Whether that made him management forced the 6th Circuit to look for definitions.

They said neither a federal appellate court nor the Supreme Court had defined "subordinate official" and the term "official" is not found in other labor rulings.

So the judges turned to the definition used by the National Mediation Board, which oversees disputes under the Railway Labor Act. The court concluded that a protected "subordinate official" could be a worker "at a higher level than mere employees and laborers with no supervisory authority."

No one wants Mark Alexander Zhislin, an immigrant who abused this country's welcome.

Born in Kharkiv when Ukraine was part of the Soviet Union, he and his family came to the United States to avoid religious persecution in 1979.

Before long, Mr. Zhislin began breaking U.S. drug laws. He was

convicted in
Florida in 1983 and 1985, and the Immigration and Naturalization Service
(INS) tried to deport him in 1988 before the Soviet Union broke up.

Mr. Zhislin persuaded an immigration judge to grant him a discretionary
waiver in 1989.

A year later, Mr. Zhislin was caught shipping marijuana. He pleaded
guilty
and was sentenced to five years in federal prison.

In 1995, he was released, and the INS ordered him deported to post-
Communist
Ukraine or Israel. Since then, he has been in INS custody.

In September 1996, INS refused to free him on bond, saying he was a
threat to
society. Israel refused to admit him, and Ukraine refused to let him
return. INS
flew him to the Dominican Republic, for which he had a tourist visa, but
that
Caribbean nation denied him entry.

Mr. Zhislin says he has failed to win a visa from 34 countries, and he
wants
to be freed from INS custody.

To that end, he sued the INS, saying it has no right to detain him
indefinitely when it appears that circumstances will prevent him from
ever being
deported.

U.S. District Judge John T. Nixon in Nashville refused to consider the
case.
He said Congress barred federal courts from hearing challenges to the
constitutionality of a deportation order or the right of the government to
enforce such an order.

Mr. Zhislin appealed and got his first break.

6th Circuit Judges David A. Nelson, Danny J. Boggs and Eric L. Clay
said a
recent Supreme Court decision made it clear that Mr. Zhislin's challenge
did not
fall in categories forbidden to court review.

They sent the case back to Judge Nixon for a hearing.

Nine days of freedom cost drug dealer Peter Robert Wilson 18 months in
prison.

Had he begun his original sentence of 64 months in the federal prison in
Ashland, Ky., on Jan. 20, 1998, Mr. Wilson's lies might never have been
uncovered. But he failed to turn himself in as promised.

Nine days later, he was identified and arrested during a routine traffic stop.

He pleaded guilty to failing to report to prison, and Assistant U.S. Attorney David Bunning in Covington agreed to recommend a reduced sentence for acceptance of responsibility.

The deal died when the probation officer preparing the presentence report learned that Mr. Wilson's real name was Robert Paul Matthews. His criminal record began in 1959 with teen-age felony convictions for burglary and theft.

"It was so long ago, I didn't think it mattered," Mr. Wilson explained.

Instead of a reduced sentence, Mr. Bunning sought an increase for obstruction of justice, and U.S. District Judge William O. Bertelsman agreed.

Appellate attorney Gary Sargent said the youthful convictions could not be used to increase the sentence, but 6th Circuit Judges Harry Wellford, Karen Nelson Moore and Ronald Lee Gilman said that wasn't the issue.

Mr. Wilson's sentence could be increased to 18 months because Judge Bertelsman's original decision on the failure-to-report sentence might have been different if he'd known about Mr. Wilson's deceit.

Similarly, the appellate court said, Mr. Wilson's guilty plea did not entitle him to a reduced sentence for acceptance of responsibility because he misled the court and probation officer about his identity and criminal record.

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December 5, 1999

SECTION: News

LENGTH: 292 words

HEADLINE: China- World review

BODY:

WASHINGTON

Clinton signs spending budget

US President Bill Clinton signed a US(USDollar) 390 billion spending package for fiscal year 2000 on Monday, declaring that the deal hashed out with the Republican opposition would preserve America's position as the world's leader. "This budget strengthens that role with greater investments in our nation's strong defence and our nation's diplomacy," Clinton said at a White House ceremony while flanked by members of the Republican-led Congress. Clinton reached the budget deal with Congress on November 18 after intense wrangling forced him to sign several emergency stopgap spending measures to prevent many government operations from shutting down after the fiscal year began on October 1.

JERUSALEM

Israeli economy back on track

Israel is on track to solid economic growth in the new millennium fueled by a high-tech boom, but economists warn that it will not be enough to rid the country of its unemployment woes. The official treasury forecast is for gross domestic product to grow by 3 per cent next year from an estimated 2 per cent during 1999, but banks and economists said its projections could prove overly cautious. The economy has the potential to grow 6 per cent thanks to a resumption of the peace process with Prime Minister Ehud Barak's taking office, a technological revolution and the recent increase in immigration from countries of the former Soviet Union, which is boosting consumption, said Ptashia Bar-Shavit, economist at Israel's leading bank Hapoalim.

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Source: World Reporter (Trade Mark) - China Daily.

LANGUAGE: English

LOAD-DATE: December 13, 1999

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KENTUCKY EMPLOYMENT LAW LETTER

DECEMBER, 1999

SECTION: Volume 10, Issue 3

LENGTH: 416 words

HEADLINE: If you hire illegal aliens, watch out -- they're protected by antidiscrimination laws

BYLINE: Greenebaum Doll & McDonald PLLC

BODY:

Undocumented workers -- or those who are working in the United States illegally -- are entitled to the same remedies for unlawful discrimination available to other workers under Title VII, the Age Discrimination in Employment Act, the ADA, and the Equal Pay Act, according to EEOC guidance issued on October 26, 1999. The remedies include back pay, reinstatement, hiring, and other appropriate relief.

EEOC's rationale

The EEOC said it believes that "the federal discrimination laws protect all workers -- the entire American workforce regardless of their citizenship or work eligibility. . . . Simply stated, discrimination against anyone just won't be tolerated."

Possible conflicts with IRCA

There have been concerns that the EEOC's latest guidance may conflict with the Immigration Reform and Control Act (IRCA), which prohibits employers from knowingly hiring undocumented workers. The EEOC has stated that undocumented workers hired before IRCA went into effect (in 1986) would be entitled to be

hired or reinstated if they were discriminatorily denied a job or terminated.

That same entitlement would also apply to undocumented workers hired after IRCA took effect, according to the EEOC, unless the employer knows the worker is undocumented. In that case, the worker's eligibility for reinstatement or hiring will depend on his or her ability to satisfy IRCA's verification requirements within a reasonable time.

Opposing viewpoints

Criticizing the EEOC's guidance, Senator Lamar Smith (R-Texas) said that it would "require employers to hire back individuals who had been fired when it is illegal to have hired them in the first place." The EEOC contends, however, that its guidance is consistent with IRCA:

If employers were not held responsible for discrimination against unauthorized workers, it would create an incentive for unscrupulous employers to engage in unlawful workplace conduct. This would directly undermine the enforcement of the immigration laws by encouraging the employment of unauthorized workers. It would also harm authorized workers who might be denied jobs or be subjected to a work environment [that] tolerated discrimination.

Bottom line

Don't hire undocumented workers! If you do, you're not only subjecting yourself and your company to potential penalties under the IRCA, but also, according to the EEOC, to monetary damages and other relief available under the federal civil rights laws. Copyright 1999 M. Lee Smith Publishers LLC

LANGUAGE: ENGLISH

LOAD-DATE: December 13, 1999

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Time of Delivery: December 13, 1999 11:28 am EST

Email Number: 59:0:5034140

We asked Americans about "don't ask, don't tell" going all the way back to

1970 -- 1993, then 1994, and we just re-asked it, this weekend. Support was split at the beginning, there, and then, as you can see here, support for the policy went up in 1994. In our most recent poll, here, it split about evenly.

Now, the 46 percent that oppose it, we went and asked them why do you oppose it, and by far the vast majority of those oppose it because they think that gays should be open in the military. In other words, opposing it is a liberal position, is what we had found.

There are political differences, and based on what I just said, this is what you would expect. It's Republicans, 58 percent, who are most likely to support the current policy, even though it was promulgated by Bill Clinton himself. Republicans are more conservative on issues relating to gays. They support the "don't ask, don't tell." As you can see, Democrats more likely -- less likely to support it, more likely to oppose it. They're more likely to favor gays being openly in the military.

We can put this in a little context. We've been tracking for many years at Gallup, the last 18 or so years, Americans' attitudes towards homosexuality. This question says: Is that an acceptable lifestyle or not. It's the bottom bar that said yes. You can see, that was actually -- had been low through the years. In our most recent poll, this year, it about breaks even in terms of Americans thinking that homosexuality is acceptable or unacceptable.

The bottom line here is, even as of 1999, there's still a big split in attitudes in America about the whole issue of gays and lesbians. It's still, by no means, strong favor for the idea of open gays in society or, Natalie, in the military itself.

ALLEN: Well, is there a difference in gender on this topic, Frank?

NEWPORT: Yes, very interesting, the stereotype is that men are more homophobic; that's true. We find that both in general on homosexuality and in our most recent poll, men are much more likely to support "don't ask, don't tell." Women are more likely to say -- oppose it and say, let's change the policy.

ALLEN Frank Newport of Gallup, thanks, Frank. We'll see you next time.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Morley A. Winograd@OVP@EOP@LNGTWY@LNGTWY (Morley A. Winograd@OVP@EOP@LNGTWY@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 14-DEC-1999 14:58:51.00

SUBJECT: Gays in the Military

TO: Paul J. Weinstein Jr.@EOP (Paul J. Weinstein Jr.@EOP [OPD])

READ: UNKNOWN

TEXT:

Message Creation Date was at 14-DEC-1999 14:52:00

Paul:

FYI.

Morley

----- Forwarded by Morley A. Winograd/OVP on 12/14/99

02:51 PM

Elizabeth J. Potter@EOP

12/13/99 07:53:07 PM

Record Type: Record

To: Morley A. Winograd/OVP@OVP

cc:

Subject: Gays in the Military

Here is a 4-5 page memo on the policy. It includes the background, status, recommendations and some appropriate language that can be used. G2K issued a statement tonight. I think Gore's statement might be farther out than my suggested talking points. I will get you a copy of the statement.

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

The following attachments were included with this message:

TYPE : FILE

NAME : dadtmemo.doc

===== END ATTACHMENT 1 =====

===== ATTACHMENT 2 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D68]ARMS23472546J.336 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 2 =====

MEMORANDUM

TO: Morely Winograd
FR: Julian Potter
RE: "Don't Ask, Don't Tell, Don't Pursue" Policy
DT: December 13, 1999

Background

- Seven years ago the Clinton/Gore Administration was elected into office and attempted to fulfill a campaign pledge to issue an Executive Order (E.O.) prohibiting the mandatory discharge of gay military personnel.
- Congress, the military and the public vehemently opposed the E.O. and instead, 10 USC Section 654—known as the "Don't Ask, Don't Tell, Don't Pursue" Policy (DA/DT/DP) was codified into law.
- Under this new policy, servicemembers can be discharged if they (1) state they are gay, (2) engage in hand holding, kissing or other physical contact with a person of the same gender, or (3) attempt to marry someone of the same gender.
- These reasons for discharge are identical to those in place since 1981. But, under the old regulations being homosexual was, by definition, incompatible with military service; under the new law gay people can, in theory, serve as long as they keep their orientation private and refrain from "homosexual acts."
- President Clinton, Congress and military leaders agreed to their part of the "DA/DT/DP" policy to implement new limits to gay investigations:
 - End affirmative efforts to pursue suspected gay members;
 - Stop asking service members about their sexual orientation;
 - End witch hunts and prevent anti-gay harassment;
 - Implement the law with regard to the privacy of servicemembers.

STATUS ON THE IMPLEMENTATION OF THE POLICY

- The policy has been in effect since February 1994. Over that time period we have seen soaring gay discharges. In 1998, the Pentagon fired 1,149 people under the "DA/DT/DP" policy, in 1997 it was 997. That amounts to 3-4 persons per day, costing the military \$31 million in training and replacement costs.
- **The frustration with these discharges is that it is not clear that the firings are because of a gay servicemembers violation of the "telling" part of the policy, but rather it appears that military personnel have gone beyond the limits of investigation and violated the "asking and pursuing" part of the policy.**
- It is well documented that servicemembers across the country continue to be interrogated, investigated, harassed and threatened about their sexual orientation. Psychotherapists have turned in gay members. Partners are being interrogated about their kids. Servicemembers are threatened with prison unless they confess to being gay or accuse others as gay.
- The Servicemembers legal Defense network, a non-profit legal aid and watchdog group set up to help people hurt by this policy has directly assisted over 2000 men and women facing harassment, with hunts and death threats since this policy was enacted.
- In addition to difficulties with the policy, the base climate surrounding gay servicemembers has gotten completely out of hand. On July 6, 1999, Private First Class Barry Winchell died at Fort Campbell, KY, after he was attacked and brutally beaten with a baseball bat in his barracks, by a fellow soldier.
- The military leadership at Fort Campbell allowed an anti-gay climate to thrive. Fellow soldiers have testified that the beating death of Winchell came after months of vile anti-gay name-calling and harassment, rumor mongering and inquiries into Winchell's private life.
- **Defense Secretary William Cohen today ordered a full review** by the Pentagon's inspector general into how the military's "don't ask, don't tell" policy is being carried out, with a report due back in 90 days. Pentagon spokesman Kenneth Bacon, who announced the new investigation, said that spot checks would be made on bases and installations of all the services.
- He said that Cohen shared President Clinton's recently expressed concerns that the policy was not working as intended. "Clearly there are issues that need to be addressed," Bacon said. He said that "any steps that are warranted" as a result of the inquiry would be taken by the Pentagon to make sure that instances of harassment are not condoned.

POLITICAL SITUATION

- Because of the Presidential election, and the tragic death of Barry Winchell, politicians have been talking about this issue and "breaking the code of silence" about the policy.
- **Candidate Bill Bradley** spoke out against the policy in the Advocate interview (Sept 99) and during the debate in New Hampshire (Oct 99). He said the policy does not work, it is a failure. Gays and lesbians should serve openly in the military as with dozens of other professions.
- **Mrs. Clinton** spoke out in New York (Dec 9, 99) said the policy had been a failure, if elected she would work to overturn the policy. She doesn't believe "don't ask, don't tell" has worked, and called for a policy under which gays and lesbians could serve without discrimination or harassment. "Fitness to serve in the military should be based on one's conduct, not one's sexual orientation," she said.
- **The President** said his policy was to have gays serve openly, yet in 1993 he lost in a vote with the Senate 68-32. "Let me remind you that the original intent was that people would not be rooted out, that they would not be questioned out, that this would be focused on people's conduct, and if they didn't violate the code of conduct, and they didn't tell, that their comings and goings, the mail they got, the associates they had, that those things would not be sufficient to kick them out of the military, or certainly subject them to harrasment"
- The President continued, "what I would like to do is to focus on trying to make the policy that we announced back in '93 work the way it was intended to, because it's way -- it's out of whack now, and I don't think any serious person can say it's not."
- On December 13 Reuters article by Charles Aldinger states that "The front-running candidates for the White House, Democrat Al Gore and Republican George W. Bush, support the Pentagon policy under which gays and lesbians are allowed to serve in the military if they do not openly discuss their sexual orientation.
- On a Saturday Radio talk show, **Barney Frank (D-MA) has called upon Vice President Al Gore to change his position on gays in the military**, to one supporting the policy's termination. "I think he should go beyond [criticism]," Frank said, "and I think as a Presidential candidate, he's fully entitled to give his position which I hope will be that it's a mistaken policy." "I know there's this sense that 'Oh well, the Vice President is not supposed to disagree with the President.' I think that's wrong," said Frank.
- Frank continued "I think as a Presidential candidate, he's fully entitled to give his position" in suggesting that Gore separate himself further from his administration's record on the issue, Frank went as far as to compare Gore's situation to that of former Vice President Hubert Humphrey. "I know there's this sense that 'Oh well, the Vice President is not supposed to disagree with the President.' I think that's

wrong," said Frank. "I think that Hubert Humphrey paid a price in 1968 because he delayed making clear his differences with Lyndon Johnson over Vietnam."

- The Vice President's public position on this policy is currently in line with Governor Bush and Senator McCain. Now, that is out of whack.
- It is painfully clear Tim Russert and the debates must ask both Gore and Bradley about his position on "Don't Ask, Don't Tell" policy.

RECCOMENDATION

- The Vice President should align himself with the other democrats. He needs to be honest and admit the policy has not been implemented as was intended.
- If asked whether "**President Gore**" or the next administration would lift the ban on gays in the military, as Mrs. Clinton, Bill Bradley and the President, all seem to advocate, he can say:
 - *"We learned three critical lessons about gays and military service in the past seven years.*
 - *First, gays and lesbians always have served honorably and well in our armed forces, and they will in the future. They have fought, bled and died to protect and defend us. Let's never forget that and the debt we owe them and all veterans.*
 - *Second, we learned that changing the military policy takes a powerful consensus, and cannot be achieved without education and willingness of our military leaders and the American people.*
 - *Third, experience shows that the compromise we have in place does not work fairly, either for the military or for service members.*
 - *As President, I will have the best minds together to work with our military to reform the implementation of this policy, or abandon it altogether. What I know is that the President cannot achieve it alone, and we will need a smart, bipartisan strategy to put it right.*
 - *President Truman courageously acted to ban racial segregation among our troops over a half-century ago, however, it has taken decades to live up to that promise in the hearts and minds of the American people, too. I believe we are up to the challenge today."*
- **Today as Vice President,** I vow to work very closely with the Department of Defense to ensure that this policy is implemented in the manner it was fashioned.

The Administration and the leadership at the Pentagon must make it crystal clear that anti-gay harassment has no place in the U.S. military. We will work to implement this policy in a fair and just manner.

- *I applaud Secretary Cohen's move to issue a full investigation by the Inspector General, but that should not delay any training, guidelines and outreach to make sure that the current policy is implemented fairly.*

THE PRESIDENT: First of all, I'm quite sympathetic with what she said. I think -- that was the position that both of us brought to the White House. But I think -- there's one thing that may be not clearly understood. The reason that I went for don't ask, don't tell is that it's all I could do because I had a clear signal from the Congress that if I implemented my policy, they would reverse it by overwhelming majorities.

I didn't implement don't ask, don't tell until the Senate voted 68-32 against the policy that I wanted. So I think it's very important -- for me, what's important is that the policy, as implemented, does not work as I announced it and as the leaders of our military at that time in '93 pledged to implement it.

I can only hope this last brutal beating death of a gay soldier will give some sobering impetus to a reexamination about how this policy is implemented and whether we can do a better job of fulfilling its original intent.

Let me remind you that the original intent was that people would not be rooted out, that they would not be questioned out, that this would be focused on people's conduct, and if they didn't violate the code of conduct, and they didn't tell, that their comings and goings, the mail they got, the associates they had, that those things would not be sufficient to kick them out of the military, or certainly subject them to harassment.

So what I would like to do is to focus on trying to make the policy that we announced back in '93 work the way it was intended to, because it's way -- it's out of whack now, and I don't think any serious person can say it's not.

Q How are you going to do that, sir?

THE PRESIDENT: Well, we're working with the Pentagon now to do it. I mean, I think there's a greater awareness now that it's just not -- it's not being implemented as it was announced and as it was intended.

Now, as for -- but I don't have any problem with what she says, because that's -- after all, that's what I said back in '93, and if anybody -- you know, if there's a sense in the Congress or in the next White House that that ought to be done, then maybe together they'll have enough votes to do it.

Clinton proposed "don't ask, don't tell" during his first year in office. It took effect in February 1994. The Pentagon reported that 1,145 people were discharged from the armed forces last year for homosexuality, up from 997 in 1997. The lowest number of such discharges was 617 in 1994. Last August, the Pentagon updated "don't ask, don't tell" guidelines to require all troops to undergo periodic training on tolerance and to assign the task of investigating alleged homosexual activity to senior officials. It continues to bar inquiries into sexual orientation while allowing discharges for service members who engage in homosexual conduct or show a "propensity" for it, such as stating that he or she is gay.

Last week, first lady Hillary Rodham Clinton flatly said she doesn't believe "don't ask, don't tell" has worked, and called for a policy under which gays and lesbians could serve without discrimination or harassment. "Fitness to serve in the military should be based on one's conduct, not one's sexual orientation," she said.

"I don't have any problem with what she says," Clinton said Saturday. He said his wife's statements reflected the position "that both of us brought to the White House," but he decided on the current policy as a compromise after it became clear to him that there were sufficient votes in Congress to overrule him.

"So what I'd like to do is to focus on trying to make the policy we announced back in '93 work the way it was intended to," Clinton said. "It's out of whack now, and I don't think any serious person can say it's not."

Clinton said officials at the Pentagon and the White House were working on smoothing out the problems with the policy. "I think there's a greater awareness now it's not being implemented as it was announced and as it was intended."

Earlier Saturday, Clinton said he was profoundly saddened by the case of Army private Barry L. Winchell, 21, who was beaten to death by his barracks roommate, 18-year-old private Calvin N. Glover, at Fort Campbell, Ky. He said he looked at photographs of the killer and victim side-by-side in a newspaper and thought, "They could be my children."

"I was aching for the young man who had died, and for the young man whose life is now destroyed, who wasn't born hating that way. Somebody had to teach him to do that," Clinton said. . . . [another topic]

Gays in military could become U.S. election issue

By Charles Aldinger

WASHINGTON (Reuters) ? While the U.S. military claims that its "don't ask, don't tell" policy toward homosexuals in uniform is working, the 1994 rule has come under heavy fire and could emerge as an issue in next year's presidential election.

The front-running candidates for the White House, Democrat Al Gore and Republican George W. Bush, support the Pentagon policy under which gays and lesbians are allowed to serve in the military if they do not openly discuss their sexual orientation.

But civil rights groups are pushing hard for a change that would treat homosexuals without any bias, charging that more gays are being dismissed from the military now under the policy than before and that open harassment of suspected gays is increasing.

Even President Bill Clinton, under whom the policy was introduced, said the rule has not worked the way it was intended. His comments on Saturday came two days after first lady Hillary Rodham Clinton, running for the U.S. Senate in New York, said she does not believe the rule is "ultimately the policy that we should have in our military."

"I think one thing that's maybe not clearly understood is the reason that I went for 'don't ask, don't tell' is that it was all I could do, because I had a clear signal from Congress that if I implemented my policy, they would reverse it by an overwhelming majority," the president told CBS radio.

"Let me remind you that the original intent was that people would not be rooted out, that they would not be questioned out, that this would be focused on people's conduct, and if they didn't violate the code of conduct ... that those things would not be suspicion to keep them out of the military or certainly subject to harassment," Clinton added.

The issue was put in the spotlight in the past week after a military jury at Fort Campbell, Kentucky, convicted and sentenced an Army private to life in prison for beating a gay infantryman to death with a baseball bat as the victim slept.

Testimony in the trial of Army Pvt. Calvin Glover, 18, of Sulphur, Oklahoma, suggested his victim, Pfc. Barry Winchell, 21, of Kansas City, Missouri, was harassed by troops for months before his death and base commanders did nothing to stifle intolerance. Jurors rejected Glover's contention that he committed the crime on impulse while drunk.

POLICY CALLED A FAILURE

"The policy is a failure. Period," said C. Dixon Osburn of the Washington-based gay rights activist group Servicemembers Legal Defence Network. He said the rules were not benign and protective of gays as the Pentagon claimed, but actually fostered "a policy of violence."

"No command should ever allow harassment to thrive against any service member for any reason," Osburn said.

Pentagon figures show that 1,145 people were forced to leave the armed services in 1998 under provisions of the Military Homosexual Conduct Policy,

as it formally is known, compared to 617 in 1994, when the policy started.

The policy allows gays to serve, but continues a ban on homosexual acts and requires gays to keep their sexual orientation private. It also requires the military not to ask servicemen about their sexual orientation.

The compromise was reached after Congress in 1993 officially relaxed the military's 50-year ban on gays.

Former U.S. Sen. Bill Bradley, mounting a tough challenge to Gore for the Democratic presidential nomination, said gays should be allowed to serve openly in uniform.

In Washington, Defence Department spokesman Ken Bacon stressed that Defence Secretary William Cohen has spoken out repeatedly against intolerance of any kind in the military.

"I don't think you can declare the policy a failure based on one gruesome murder at one Army post," he said on Thursday.

Bacon noted that Fort Campbell's commanders have agreed to investigate thoroughly other reports of harassment of gays as well as unsupervised and unpunished drinking on the post.

INCREASING NUMBER OF GAY TROOPS OUSTED

Bacon conceded that increasing numbers of homosexuals were being removed from the military, but said it was because they were violating the department's rule by speaking out openly about their homosexuality and leaving senior officers no alternative but to move legally against them.

While federal district judges in the past have ruled against the policy, calling it discriminatory, higher courts have upheld the rule. They say the military is a special case in which order and discipline are paramount.

Clinton promised to eliminate all restrictions on gays in the military when he ran for office, but later faced opposition from senior military officers who said gays openly serving in close quarters with other troops would damage "good order and discipline" in the ranks.

The Pentagon since has performed a delicate balancing act to implement the policy, upholding the right to remove gays for violating the rule while pressing commanders not to search out homosexuals without strong evidence.

"In August, Secretary Cohen made it clear ? as he had shortly after he took office ? that there is no room for a climate of harassment or discrimination within the military based on sexual orientation. That's the policy," Bacon said.

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CREATOR: Patrick M. Dorton (CN=Patrick M. Dorton/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 14-DEC-1999 09:03:35.00

SUBJECT: FYI -- guidance requests - for 11:15 am today. thanks

TO: Robert F. Wescott (CN=Robert F. Wescott/OU=OPD/O=EOP@EOP [OPD])

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----- Forwarded by Patrick M. Dorton/OPD/EOP on 12/14/99

09:03 AM -----

Jason H. Schechter

12/14/99 09:00:46 AM

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Subject: guidance requests - for 11:15 am today. thanks

DPC

scotus, school vouchers (wp, usa today) - does our voucher policy distinguish between private and parochial schools?

OPL/NSC

don't ask, don't tell (all papers -)does potus agree with vpotus on elimination of don't ask, don't tell?

NEC

reduction in imf, summers (wp) - do you have tps?

Counsel's

bush, mccain, campaign finance (nyt a1) - is campaign finance still a possibility in last year for potus?

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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CREATION DATE/TIME: 14-DEC-1999 09:00:53.00

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