

## **Eliau Ruling Prompts Screams, Tears**

Associated Press Online

June 1, 2000; Thursday

Copyright 2000 Associated Press All Rights Reserved

**Section:** Domestic, non-Washington, general news item

**Length:** 13508 words

**Byline:** MILDRADE CHERFILS

**Dateline:** **MIAMI**

### **Body**

---

Protesters outside Elian Gonzalez's former home yelled and cried today but remained peaceful after a **court** issued a ruling that could lead to the boy's return to Cuba.

Some in the crowd of about 100 fell to the ground sobbing after the 11th U.S. Circuit **Court** of **Appeals decision** was announced in Atlanta. One woman vomited. Another fainted and had to be treated by paramedics.

"The constitution is dead," said Roxana Rodriguez, a secretary. "There is no justice. Democracy and freedom have been thrown to the trash."

But many in the Little Havana crowd called for calm, noting that the **decision** could be **appealed** to the U.S. Supreme **Court**.

"It is not over yet God is with us," said Sandra Linar, a 40-year-old homemaker. She held a sign adorned with a photo of Elian and his mother, who died while trying to bring him to the United States, as she consoled other demonstrators.

A small number promised violence if the 6-year-old boy is sent back to the communist nation.

"To hell with being peaceful we have been peaceful long enough," said Daniel Jimenez, a 23-year-old unemployed dishwasher. But by early afternoon, the crowd had dwindled to only about half what it was at the time of the ruling.

That was in contrast to April 22, then thousands in **Miami**'s large Cuban-American community took to the streets, some of them burning debris, in the hours after the raid that took the boy away from his **Miami relatives**. More than 350 people were arrested.

The family moved to another home after the raid.

Attorneys for the **relatives** said today that they have not decided whether they will request a rehearing. Attorney Kendall Coffey called the **decision** "very painful," but he said the 11th Circuit judges "have been very fair."

Marisleyxis Gonzalez, **Elian's** cousin who acted as his mother during his **Miami** stay, said that she still has hope that he won't be returned to Cuba, and also hopes to be able to see him.

"I hope the laws of this country favor him and give him the opportunity to seek asylum," she said.

Elian was rescued by two fishermen off the Florida coast in November. He was found clinging to an inner tube after his mother and 10 others drowned when their boat sank on the way to the United States from Cuba.

## Elian Ruling Prompts Screams, Tears

Donato Dalrymple, one of the fishermen who found Elian and who was photographed holding Elian as he was seized by an armed federal agent in April, said today that he was not surprised by the ruling.

"I knew there was no turning back after that raid," Dalrymple said. "I'm sorry he didn't get a true day in court. I'm heartbroken. There was no due process."

Dalrymple is suing federal authorities over the raid, and his attorneys filed a motion today seeking to keep the boy and his father in the United States until they gave depositions in that suit.

"It's so due process can be taken care of," Dalrymple said. "They're supposed to stay here until the process is over with."

The issue of the boy's fate has sparked dozens of rallies in Cuba, many of them led by Castro.

The aftermath also included a City Hall shake-up in which the police chief resigned and Mayor Joe Carollo fired the city manager.

Sister Jeanne O'Laughlin, a nun who was host of a meeting between Elian and his Cuban grandmothers in January and then said she thought he should stay in the United States, said that she feels sad for the boy's family.

"It is my sincere hope that this child will continue to experience love from all sides of the family, and that, in time, relationships will be healed," she said in a statement.

Protesters outside Elian Gonzalez's former home yelled and cried today but remained peaceful after a court issued a ruling that could lead to the boy's return to Cuba.

Some in the crowd of about 100 fell to the ground sobbing after the 11th U.S. Circuit Court of Appeals decision was announced in Atlanta. One woman vomited. Another fainted and had to be treated by paramedics.

"The constitution is dead," said Roxana Rodriguez, a secretary. "There is no justice. Democracy and freedom have been thrown to the trash."

But many in the Little Havana crowd called for calm, noting that the decision could be appealed to the U.S. Supreme Court.

"It is not over yet God is with us," said Sandra Linar, a 40-year-old homemaker. She held a sign adorned with a photo of Elian and his mother, who died while trying to bring him to the United States, as she consoled other demonstrators.

A small number promised violence if the 6-year-old boy is sent back to the communist nation.

"To hell with being peaceful we have been peaceful long enough," said Daniel Jimenez, a 23-year-old unemployed dishwasher. But by early afternoon, the crowd had dwindled to only about half what it was at the time of the ruling.

That was in contrast to April 22, then thousands in Miami's large Cuban-American community took to the streets, some of them burning debris, in the hours after the raid that took the boy away from his Miami relatives. More than 350 people were arrested.

The family moved to another home after the raid.

Attorneys for the relatives said today that they have not decided whether they will request a rehearing. Attorney Kendall Coffey called the decision "very painful," but he said the 11th Circuit judges "have been very fair."

Marisleyxis Gonzalez, Elian's cousin who acted as his mother during his Miami stay, said that she still has hope that he won't be returned to Cuba, and also hopes to be able to see him.

"I hope the laws of this country favor him and give him the opportunity to seek asylum," she said.

## Elian Ruling Prompts Screams, Tears

Elian was rescued by two fishermen off the Florida coast in November. He was found clinging to an inner tube after his mother and 10 others drowned when their boat sank on the way to the United States from Cuba.

Donato Dalrymple, one of the fishermen who found Elian and who was photographed holding Elian as he was seized by an armed federal agent in April, said today that he was not surprised by the ruling.

"I knew there was no turning back after that raid," Dalrymple said. "I'm sorry he didn't get a true day in court. I'm heartbroken. There was no due process."

The issue has sparked dozens of rallies in Cuba, many of them led by Castro.

The aftermath also included a City Hall shake-up in which the police chief resigned and Mayor Joe Carollo fired the city manager.

Sister Jeanne O'Laughlin, a nun who was host of a meeting between Elian and his Cuban grandmothers in January and then said she thought he should stay in the United States, said that she feels sad for the boy's family.

"It is my sincere hope that this child will continue to experience love from all sides of the family, and that, in time, relationships will be healed," she said in a statement.

Another chapter in the Elian Gonzalez story was unfolding today as Little Havana prepared for a key ruling on the boy's future from a federal appeals court in Atlanta.

Police spokesman Lt. Bill Schwartz confirmed Wednesday that a decision from three judges of the 11th U.S. Circuit Court of Appeals was expected sometime today.

The judges are considering whether a child as young as 6-year-old Elian can seek an asylum hearing from the U.S. Immigration and Naturalization Service despite his father's wish to return with the boy to Cuba. The panel heard arguments in the case May 11.

Dozens of demonstrators gathered outside the former home of Elian's Miami relatives as news of the expected ruling trickled through Little Havana late Wednesday. The Gonzalez family has moved away from the small home where Elian lived for five months before he was seized in an April 22 federal raid.

Schwartz said police would not be out in force today, instead "taking a very laid back approach."

"Our intelligence is not telling us that we have to expect trouble," he said.

Elian was taken from the home by armed federal agents and has been living with his father in Maryland and Washington, D.C. He was barred by the appeals court from leaving the country pending a ruling, though his father said he was willing to wait for the court decision.

Thousands in Miami's large Cuban American community reacted angrily to the raid, taking to the streets and burning debris. More than 350 people were arrested.

Elian was rescued off the Florida coast in November. He was found clinging to an inner tube after his mother and 10 others drowned when their boat sank on the way to the United States from Cuba.

The boy's Miami relatives want the boy to stay with them, and have asked the court to order the asylum hearing.

The government has sided with the child's father, Juan Miguel Gonzalez, who says he should be allowed to decide for the boy as his sole surviving parent.

Kendall Coffey, an attorney representing the Miami relatives, said Wednesday that he had not received notice about the ruling.

## Elian Ruling Prompts Screams, Tears

Waving flags and banners calling for Elian Gonzalez to remain in the United States, a handful of protesters gathered today in Little Havana in anticipation of a key court ruling affecting the future of the 6-year-old boy.

Police spokesman Lt. Bill Schwartz confirmed Wednesday that a decision from three judges of the 11th U.S. Circuit Court of Appeals in Atlanta was expected today.

Large protests that swept parts of Miami in April following Elian's seizure by federal agents were not expected today, Schwartz said. No additional police officers were put on duty.

The judges were asked to decide whether a child as young as Elian can seek an asylum hearing from the U.S. Immigration and Naturalization Service. Elian's Miami relatives are seeking the hearing in a bid to keep in the United States, but his father, Juan Miguel Gonzalez, wants to return to Cuba with Elian and contends he alone should make decisions about the boy's future.

Elian was seized from his Miami relatives in April by armed federal agents in a raid ordered by Attorney General Janet Reno.

The boy was returned to his father, who said he would remain in the United States to await the court ruling. Elian has been living with his father in Maryland and Washington, D.C., barred by the appeals court from leaving the country pending the decision.

Elian was rescued by two fishermen off the Florida coast in November. He was found clinging to an inner tube after his mother and 10 others drowned when their boat sank on the way to the United States from Cuba.

The Clinton administration has sided with the child's father, putting it in agreement with the Cuban government. The issue has sparked dozens of rallies in Cuba, many of them led by Cuban leader Fidel Castro.

Thousands in Miami's large Cuban American community reacted angrily to the April 22 federal raid, taking to the streets and burning debris. More than 350 people were arrested and Reno, a Miami native, was heavily criticized by Cuban Americans and some of the city's power brokers.

The aftermath also included a City Hall shake-up in which the police chief resigned and Mayor Joe Carollo fired the city manager.

There were few signs of controversy early today. About 20 demonstrators were outside the former home of the Miami relatives before dawn today, but it was unclear whether anyone was even inside. The Gonzalez family has moved away from the home where Elian lived for five months before the raid.

"We have the police department, fire department, on standby," Carollo said. However, Schwartz said police would not be out in force today, instead "taking a very laid back approach."

"Our intelligence is not telling us that we have to expect trouble," he said.

Waving flags and banners calling for Elian Gonzalez to remain in the United States, a handful of protesters gathered today in Little Havana in anticipation of a key court ruling affecting the future of the 6-year-old boy.

Police spokesman Lt. Bill Schwartz confirmed Wednesday that a decision from three judges of the 11th U.S. Circuit Court of Appeals in Atlanta was expected today.

Large protests that swept parts of Miami in April following Elian's seizure by federal agents were not expected today, Schwartz said. No additional police officers were put on duty.

The judges were asked to decide whether a child as young as Elian can seek an asylum hearing from the U.S. Immigration and Naturalization Service. Elian's Miami relatives are seeking the hearing in a bid to keep in the United States, but his father, Juan Miguel Gonzalez, wants to return to Cuba with Elian and contends he alone should make decisions about the boy's future.

## Elian Ruling Prompts Screams, Tears

"We're hopeful. We're always hopeful," said Armando Gutierrez, a spokesman for the **Miami relatives**.

Elian was seized from his **Miami relatives** in April by armed federal agents in a raid ordered by Attorney General Janet Reno.

The boy was returned to his father, who said he would remain in the United States to await the **court** ruling. Elian has been living with his father in Maryland and Washington, D.C., barred by the **appeals court** from leaving the country pending the **decision**.

Elian was rescued by two fishermen off the Florida coast in November. He was found clinging to an inner tube after his mother and 10 others drowned when their boat sank on the way to the United States from Cuba.

The Clinton administration has sided with the child's father, putting it in agreement with the Cuban government. The issue has sparked dozens of rallies in Cuba, many of them led by Cuban leader Fidel Castro.

Thousands in **Miami**'s large Cuban American community reacted angrily to the April 22 federal raid, taking to the streets and burning debris. More than 350 people were arrested and Reno, a **Miami** native, was heavily criticized by Cuban-Americans and some of the city's power brokers.

The aftermath also included a City Hall shake-up in which the police chief resigned and Mayor Joe Carollo fired the city manager.

There were few signs of controversy early today. About 20 demonstrators were outside the former home of the **Miami relatives** this morning, but it was unclear whether anyone was even inside. The Gonzalez family has moved away from the home where Elian lived for five months before the raid.

"We have the police department, fire department, on standby," Carollo said. However, Schwartz said police would not be out in force today, instead "taking a very laid back approach."

"Our intelligence is not telling us that we have to expect trouble," he said.

Waving flags and banners calling for Elian Gonzalez to remain in the United States, protesters gathered today in Little Havana in anticipation of a key **court** ruling affecting the future of the 6-year-old boy.

About 75 people, carrying U.S., Cuban, British and Latin American flags, had gathered by midmorning outside the former home of the boy's **Miami relatives** the house where he lived for five months.

Police spokesman Lt. Bill Schwartz confirmed Wednesday that a **decision** from three judges of the 11th U.S. Circuit **Court of Appeals** in Atlanta was expected today.

Large protests that swept parts of **Miami** in April following **Elian's** seizure by federal agents were not expected today, Schwartz said. No additional police officers were put on duty.

The judges were asked to decide whether a child as young as Elian can seek an asylum hearing from the U.S. Immigration and Naturalization Service. **Elian's Miami relatives** are seeking the hearing in a bid to keep in the United States, but his father, Juan Miguel Gonzalez, wants to return to Cuba with Elian and contends he alone should make **decisions** about the boy's future.

"We're hopeful. We're always hopeful," said Armando Gutierrez, a spokesman for the **Miami relatives**.

Elian was seized from his **Miami relatives** April 22 by armed federal agents in a raid ordered by Attorney General Janet Reno. The family has since moved to another home.

The boy was returned to his father, who said he would remain in the United States to await the **court** ruling. Elian has been living with his father in Maryland and Washington, D.C., barred by the **appeals court** from leaving the country pending the **decision**.

## Elian Ruling Prompts Screams, Tears

Elian was rescued by two fishermen off the Florida coast in November. He was found clinging to an inner tube after his mother and 10 others drowned when their boat sank on the way to the United States from Cuba.

The Clinton administration has sided with the child's father, putting it in agreement with the Cuban government. The issue has sparked dozens of rallies in Cuba, many of them led by Cuban leader Fidel Castro.

Thousands in Miami's large Cuban American community reacted angrily to the April 22 federal raid, taking to the streets and burning debris. More than 350 people were arrested and Reno, a Miami native, was heavily criticized by Cuban-Americans and some of the city's power brokers.

The aftermath also included a City Hall shake-up in which the police chief resigned and Mayor Joe Carollo fired the city manager.

"We have the police department, fire department, on standby," Carollo said. However, Schwartz said police would not be out in force today, instead "taking a very laid back approach."

"Our intelligence is not telling us that we have to expect trouble," he said.

Praying and waving banners calling for Elian Gonzalez to remain in the United States, a few protesters gathered today in Little Havana in anticipation of a key court ruling affecting the future of the 6-year-old boy.

About 35 people, carrying U.S., Cuban, British and Latin American flags, had gathered by midmorning outside the former home of the boy's Miami relatives the house where he lived for five months.

Police spokesman Lt. Bill Schwartz confirmed Wednesday that a decision from three judges of the 11th U.S. Circuit Court of Appeals in Atlanta was expected today.

Large protests that swept parts of Miami in April following Elian's seizure by federal agents were not expected today, Schwartz said. No additional police officers were put on duty.

Demonstrator Lazaro Aspengo, a 27-year-old unemployed security guard who immigrated from Cuba 20 years ago, said he expects divine intervention will keep Elian in the United States.

"We believe in Jesus and we believe Elian will stay here," he said. If the court rules otherwise, he said: "We are going to fight, but we are not going to use violence or burn our communities like other people do. We will go after Elian with ships on the sea all the way to Cuba."

The judges were asked to decide whether a child as young as Elian can seek an asylum hearing from the U.S. Immigration and Naturalization Service. Elian's Miami relatives are seeking the hearing in a bid to keep in the United States, but his father, Juan Miguel Gonzalez, wants to return to Cuba with Elian and contends he alone should make decisions about the boy's future.

"We're hopeful. We're always hopeful," said Armando Gutierrez, a spokesman for the Miami relatives.

Elian was seized from his Miami relatives April 22 by armed federal agents in a raid ordered by Attorney General Janet Reno. The family has since moved to another home.

The boy was returned to his father, who said he would remain in the United States to await the court ruling. Elian has been living with his father in Maryland and Washington, D.C., barred by the appeals court from leaving the country pending the decision.

Elian was rescued by two fishermen off the Florida coast in November. He was found clinging to an inner tube after his mother and 10 others drowned when their boat sank on the way to the United States from Cuba.

The Clinton administration has sided with the child's father, putting it in agreement with the Cuban government. The issue has sparked dozens of rallies in Cuba, many of them led by Cuban leader Fidel Castro.

## Eliau Ruling Prompts Screams, Tears

Thousands in **Miami**'s large Cuban American community reacted angrily to the April 22 federal raid, taking to the streets and burning debris. More than 350 people were arrested and Reno, a **Miami** native, was heavily criticized by Cuban-Americans and some of the city's power brokers.

The aftermath also included a City Hall shake-up in which the police chief resigned and Mayor Joe Carollo fired the city manager.

"We have the police department, fire department, on standby," Carollo said. However, Schwartz said police would not be out in force today, instead "taking a very laid-back approach."

"Our intelligence is not telling us that we have to expect trouble," he said.

A federal **appeals court** today sided with the father of Elian Gonzalez, rejecting a request by the Cuban boy's **Miami relatives** that he be granted an asylum hearing with immigration officials.

A federal **appeals court** today sided with the father of Elian Gonzalez, rejecting a request by the Cuban boy's **Miami relatives** that he be granted an asylum hearing with immigration officials.

A three-judge panel of the 11th U.S. Circuit **Court of Appeals** said the Immigration and Naturalization Service's **decision** that only a parent can act for his 6-year-old child in immigration matters "comes within the range of reasonable choices." It said that held true even if the parent was in another country and the child was in the United States.

A federal **appeals court** today sided with the father of Elian Gonzalez, rejecting a request by the Cuban boy's **Miami relatives** that he be granted an asylum hearing with immigration officials.

A three-judge panel of the 11th U.S. Circuit **Court of Appeals** said the Immigration and Naturalization Service's **decision** that only a parent can act for his 6-year-old child in immigration matters "comes within the range of reasonable choices." It said that held true even if the parent was in another country and the child was in the United States.

It was not immediately clear how the ruling affected the stay the judges' issued earlier that prevented Elian from leaving the country.

The **Miami relatives** have 45 days to ask all 12 judges of the 11th Circuit to **appeal** the case, but it is unclear if they can stop Juan Miguel Gonzalez from taking his child home to Cuba during that time. If the **court** refuses to hear the **appeal**, the **relatives** would have 90 days to **appeal** to the Supreme **Court**.

A federal **appeals court** today sided with the father of Elian Gonzalez, rejecting a request by the Cuban boy's **Miami relatives** that he be granted an asylum hearing with immigration officials.

A three-judge panel of the 11th U.S. Circuit **Court of Appeals** said the Immigration and Naturalization Service's **decision** that only a parent can act for his 6-year-old child in immigration matters "comes within the range of reasonable choices." It said that held true even if the parent was in another country and the child was in the United States.

It was not immediately clear how the ruling affected the stay the judges' issued earlier that prevented Elian from leaving the country.

The **Miami relatives** have 45 days to ask all 12 judges of the 11th Circuit to **appeal** the case, but it is unclear if they can stop Juan Miguel Gonzalez from taking his child home to Cuba during that time. If the **court** refuses to hear the **appeal**, the **relatives** would have 90 days to **appeal** to the Supreme **Court**.

Minutes after the 11th Circuit **court**'s ruling, lawyers for the boy's **Miami relatives** sought help from Supreme **Court** Justice Anthony M. Kennedy, who handles emergency matters from that judicial circuit for the nation's highest **court**.

## Eliau Ruling Prompts Screams, Tears

The request urged Kennedy's help "to assure that Elian will remain in the United States" until the full Supreme Court can consider a formal appeal of today's appeals court ruling.

"No child, whatever may be his immigration status, deserves fewer judicial rights than hardened criminals. Surely, this traumatized and innocent child deserves the court's consideration and protection," the request said.

Kennedy has the authority to act on the request himself, but he is more likely to refer it to the full Supreme Court.

In Miami, protesters screamed, yelled and cried outside the Little Havana home after the decision was announced in Atlanta. Some called for calm, as they realized the decision could be appealed to the U.S. Supreme Court.

"It is not over yet God is with us," said Sandra Linar, a 40-year-old homemaker. She held a sign adorned with a photo of Elian and his mother, who died while trying to bring him to the United States, as she consoled other demonstrators.

A distinct minority promised violence.

"To hell with being peaceful we have been peaceful long enough," said Daniel Jimenez, a 23-year-old unemployed dishwasher.

Elian has been in this country since Thanksgiving Day, when fishermen found him clinging to an inner tube off the coast of Florida. The boy's mother died trying to flee their country in a boat that capsized.

His Miami relatives cared for him until he was seized April 22 in a government raid and reunited with his father in Washington. Elian has been living with his father in Maryland and Washington, D.C., barred by the appeals court from leaving the country pending the decision.

A federal appeals court sided with Elian Gonzalez's father today in the 6-month-old international custody battle, ruling that immigration officials acted properly when they denied an asylum hearing for the Cuban boy.

Under the ruling, Elian must remain in the United States for 14 days to give his Miami relatives a chance to appeal.

The three-judge panel of the 11th U.S. Circuit Court of Appeals said the Immigration and Naturalization Service's decision that only a parent can act for his 6-year-old child in immigration matters "comes within the range of reasonable choices." It said the principle held true even if the parent was in another country and the child was in the United States.

Minutes after the ruling, lawyers for the boy's Miami relatives sought help from Supreme Court Justice Anthony M. Kennedy, who handles emergency matters from the 11th Circuit for the nation's highest court.

The request urged Kennedy's help "to assure that Elian will remain in the United States" until the full Supreme Court can consider a formal appeal.

"No child, whatever may be his immigration status, deserves fewer judicial rights than hardened criminals. Surely, this traumatized and innocent child deserves the court's consideration and protection," the request said.

Kennedy has the authority to act on the request himself, but he was more likely to refer it to the full Supreme Court.

After the decision was announced, protesters in Miami screamed and cried outside the Little Havana home where Elian lived for months with his relatives.

"It is not over yet God is with us," said Sandra Linar, a 40-year-old homemaker. She held a sign with a photo of Elian and his mother, who died in a boat sinking while trying to bring him to the United States.

Elian has been in this country since Thanksgiving Day, when fishermen found him clinging to an inner tube off the coast of Florida. In addition to Elian's mother, 10 other people died after the boat capsized.



## Elian Ruling Prompts Screams, Tears

**Elian's Miami relatives** cared for him until he was seized April 22 in a government raid and reunited in Washington with his father, who was allowed to leave Cuba while pursuing his attempt to regain custody. Since then, Elian has been living with his father in the Washington area, barred by the **appeals court** from leaving the country pending the **decision**.

A federal **appeals court** sided with Elian Gonzalez's father today in the 6-month-old international custody battle, ruling that immigration officials were entitled to deny an asylum hearing for the Cuban boy.

Under the ruling, Elian must remain in the United States for 14 days to give his **Miami relatives** a chance to **appeal**.

The three-judge panel of the 11th U.S. Circuit **Court** of **Appeals** said the Immigration and Naturalization Service's **decision** that only a parent can act for his 6-year-old child in immigration matters "was within the outside border of reasonable choices." It said that principle held even if the parent was in another country and the child was in the United States.

The judges, however, denied a motion by **Elian's** father to replace the boy's great-uncle Lazaro in the asylum case. Had the judge granted the motion, Juan Miguel Gonzalez would have been able to drop the asylum request and take him home to Cuba.

"Not withstanding that much has happened since Lazaro brought this suit, ... we see no powerful reason to make a change at this point," the judges said.

Today's 33-page unanimous ruling affirms a lower **court decision** that the INS acted properly in rejecting the asylum application, filed on behalf of Elian by his **Miami relatives**.

The judges ruled that because no federal law directly applied to the case, the INS was required to come up with a policy dealing with "the extraordinary circumstances of asylum applications filed on behalf of a 6-year-old child."

The judges said it is up to the INS not the **courts** to determine the best policy.

"The INS did not abuse its discretion or act arbitrarily in applying the policy and rejecting plaintiff's purported asylum application," said the ruling, written by Judge J.L. Edmondson.

"The **court** neither approves nor disapproves the INS' **decision** to reject the asylum application filed on plaintiffs' behalf, but the INS **decision** did not contradict (federal law)."

Minutes after the ruling, lawyers for the boy's **Miami relatives** sought help from Supreme **Court** Justice Anthony M. Kennedy, who handles emergency matters from the 11th Circuit for the nation's highest **court**.

The request urged Kennedy's help "to assure that Elian will remain in the United States" until the full Supreme **Court** can consider a formal **appeal**.

"No child, whatever may be his immigration status, deserves fewer judicial rights than hardened criminals. Surely, this traumatized and innocent child deserves the **court's** consideration and protection," the request said.

Kennedy has the authority to act on the request himself, but he was more likely to refer it to the full **court**.

After the **decision** was announced, anti-Castro protesters in **Miami** screamed and cried outside the Little Havana home where Elian lived for months with his **relatives**.

"It is not over yet God is with us," said Sandra Linar, a 40-year-old homemaker. She held a sign with a photo of Elian and his mother, who died in a boat sinking while trying to bring him to the United States.

Elian has been in this country since Thanksgiving Day, when fishermen found him clinging to an inner tube off the coast of Florida. In addition to **Elian's** mother, 10 other people died after the boat capsized.

## Elian Ruling Prompts Screams, Tears

**Elian's Miami relatives** cared for him until he was seized April 22 in a government raid and reunited in Washington with his father, who was allowed to leave Cuba while pursuing his attempt to regain custody.

The boy was crying during the raid and has not seen his **Miami relatives** since. But he was photographed smiling with his father, stepmother and baby half brother within hours of the raid. Elian has been living with them in the Washington area, barred by the **appeals court** from leaving the country pending the **decision**.

---

On the Net:

**Appeals Court:** <http://www.ca11.uscourts.gov/>

A federal **appeals court** sided with Elian Gonzalez's father today in the 6-month-old international custody battle, ruling that immigration officials were entitled to deny an asylum hearing for the Cuban boy.

Under the ruling, Elian must remain in the United States for 14 days to give his **Miami relatives** a chance to **appeal**.

The three-judge panel of the 11th U.S. Circuit **Court** of **Appeals** said the Immigration and Naturalization Service's **decision** that only a parent can act for his 6-year-old child in immigration matters "was within the outside border of reasonable choices." It said that principle held even if the parent was in another country and the child was in the United States.

The judges, however, denied a motion by **Elian's** father to replace the boy's great-uncle Lazaro in the asylum case. Had the judge granted the motion, Juan Miguel Gonzalez would have been able to drop the asylum request and take him home to Cuba.

"Notwithstanding that much has happened since Lazaro brought this suit, ... we see no powerful reason to make a change at this point," the judges said.

Marisleydis Gonzalez, **Elian's** cousin who cared for him during his **Miami** stay, said that she still believes God will not allow Elian to be returned to Cuba.

"I hope the laws of this country favor him and give him the opportunity to seek asylum," she said. She also hopes the **courts** will order **Elian's** father to allow her and her family to visit the boy.

Today's 33-page unanimous ruling affirms a lower **court decision** that the INS acted properly in rejecting the asylum application, filed on behalf of Elian by his **Miami relatives**.

The judges ruled that because no federal law directly applied to the case, the INS was required to come up with a policy dealing with "the extraordinary circumstances of asylum applications filed on behalf of a 6-year-old child."

The judges said it is up to the INS not the **courts** to determine the best policy.

"The INS did not abuse its discretion or act arbitrarily in applying the policy and rejecting plaintiff's purported asylum application," said the ruling, written by Judge J.L. Edmondson.

"The **court** neither approves nor disapproves the INS' **decision** to reject the asylum application filed on plaintiffs' behalf, but the INS **decision** did not contradict (federal law)."

Minutes after the ruling, lawyers for the boy's **Miami relatives** sought help from Supreme **Court** Justice Anthony M. Kennedy, who handles emergency matters from the 11th Circuit for the nation's highest **court**.

The request urged Kennedy's help "to assure that Elian will remain in the United States" until the full Supreme **Court** can consider a formal **appeal**.

## Elian Ruling Prompts Screams, Tears

"No child, whatever may be his immigration status, deserves fewer judicial rights than hardened criminals. Surely, this traumatized and innocent child deserves the court's consideration and protection," the request said.

Kennedy has the authority to act on the request himself, but he was more likely to refer it to the full court.

In Washington, Attorney General Janet Reno said, "I am pleased that the Court of Appeals has upheld the decision of the INS. We have said all along that Elian belongs with his father, Juan Miguel Gonzalez." President Clinton called it "a case about the importance of family and the bond between a father and son."

After the decision was announced, anti-Castro protesters in Miami screamed and cried outside the Little Havana home where Elian lived for months with his relatives.

"It is not over yet God is with us," said Sandra Linar, a 40-year-old homemaker. She held a sign with a photo of Elian and his mother, who died in a boat sinking while trying to bring him to the United States.

Elian has been in this country since Thanksgiving Day, when fishermen found him clinging to an inner tube off the coast of Florida. In addition to Elian's mother, 10 other people died after the boat capsized.

Elian's Miami relatives cared for him until he was seized April 22 in a government raid and reunited in Washington with his father, who was allowed to leave Cuba while pursuing his attempt to regain custody.

The boy was crying during the raid and has not seen his Miami relatives since. But he was photographed smiling with his father, stepmother and baby half brother within hours of the raid. Elian has been living with them in the Washington area, barred by the appeals court from leaving the country pending the decision.

---

On the Net:

Appeals Court: <http://www.ca11.uscourts.gov/>

Immigration and Naturalization Service: <http://www.ins.usdoj.gov>

Site of Miami relatives: <http://www.libertyforelian.org>

A federal appeals court sided with Elian Gonzalez's father today in the 6-month-old international custody battle, ruling that immigration officials were entitled to deny an asylum hearing for the Cuban boy.

Under the ruling, Elian must remain in the United States for 14 days to give his Miami relatives a chance to appeal.

The three-judge panel of the 11th U.S. Circuit Court of Appeals said the Immigration and Naturalization Service's decision that only a parent can act for a 6-year-old child in immigration matters "was within the outside border of reasonable choices." It said that principle held even if the parent was in another country and the child was in the United States.

The judges, however, denied a motion by Elian's father to replace the boy's great-uncle Lazaro in the asylum case. Had the judge granted the motion, Juan Miguel Gonzalez would have been able to drop the asylum request and take him home to Cuba.

"Notwithstanding that much has happened since Lazaro brought this suit," the judges said, "we see no powerful reason to make a change at this point."

Marisleyxis Gonzalez, Elian's cousin who cared for him during his Miami stay, said she still believes Elian won't be returned to Cuba.

## Eliau Ruling Prompts Screams, Tears

"I hope the laws of this country favor him and give him the opportunity to seek asylum," she said. She also hopes the courts will order Eliau's father to allow her and her family to visit the boy.

Today's 33-page unanimous ruling affirms a lower court decision that the INS acted properly in rejecting the asylum application, filed on behalf of Eliau by his Miami relatives.

The judges ruled that because no federal law addresses whether a child as young as Eliau can seek asylum against the wishes of the child's parents, the INS was required to come up with a policy dealing with "the extraordinary circumstances" of the case.

The judges said it is up to the INS not the courts to determine the best policy.

"The INS did not abuse its discretion or act arbitrarily in applying the policy and rejecting plaintiff's purported asylum application," Judge J.L. Edmondson said the ruling .

"The court neither approves nor disapproves the INS' decision to reject the asylum application filed on plaintiffs' behalf, but the INS decision did not contradict (federal law)."

Minutes after the ruling, lawyers for the boy's Miami relatives sought help from Supreme Court Justice Anthony M. Kennedy, who handles emergency matters from the 11th Circuit for the nation's highest court.

The request urged Kennedy's help "to assure that Eliau will remain in the United States" until the full Supreme Court can consider a formal appeal.

"No child, whatever may be his immigration status, deserves fewer judicial rights than hardened criminals. Surely, this traumatized and innocent child deserves the court's consideration and protection," the request said.

Kennedy has the authority to act on the request himself, but he was more likely to refer it to the full court.

In Washington, Attorney General Janet Reno said: "I am pleased that the Court of Appeals has upheld the decision of the INS. We have said all along that Eliau belongs with his father, Juan Miguel Gonzalez." President Clinton called it "a case about the importance of family and the bond between a father and son."

Vice President Al Gore, campaigning in Atlanta, said he continued to believe a family court should decide the Eliau custody case, a view that goes further than the Clinton administration. Campaigning in Nevada, George W. Bush called on his Democratic presidential rival to urge Clinton to allow a family court hearing.

After the decision was announced, anti-Castro protesters in Miami screamed and cried outside the Little Havana home where Eliau lived for months with his relatives.

"The constitution is dead," said Roxana Rodriguez, a secretary. "There is no justice. Democracy and freedom have been thrown to the trash."

"It is not over yet God is with us," said Sandra Linar, a 40-year-old homemaker. She held a sign with a photo of Eliau and his mother, who died in a boat sinking while trying to bring him to the United States.

Eliau has been in this country since Thanksgiving Day, when fishermen found him clinging to an inner tube off the coast of Florida. In addition to Eliau's mother, 10 other people died after the boat capsized.

Eliau's Miami relatives cared for him until he was seized April 22 in a government raid and reunited in Washington with his father, who was allowed to leave Cuba while pursuing his attempt to regain custody.

The boy was crying during the raid and has not seen his Miami relatives since. But he was photographed smiling with his father, stepmother and baby half brother within hours of the raid. Eliau has been living with them in the Washington area, barred by the appeals court from leaving the country pending the decision.

---

## Elian Ruling Prompts Screams, Tears

On the Net:

**Appeals Court:** <http://www.ca11.uscourts.gov/>

Immigration and Naturalization Service: <http://www.ins.usdoj.gov>

Site of **Miami relatives:** <http://www.libertyforelian.org>

A federal **appeals court** sided with Elian Gonzalez's father today in the 6-month-old international custody battle, ruling that immigration officials were entitled to deny an asylum hearing for the Cuban boy.

Under the ruling, Elian must remain in the United States for 14 days to give his **Miami relatives** a chance to **appeal**.

The three-judge panel of the 11th U.S. Circuit **Court** of **Appeals** said the Immigration and Naturalization Service's **decision** that only a parent can act for a 6-year-old child in immigration matters "was within the outside border of reasonable choices." It said that principle held even if the parent was in another country and the child was in the United States.

The judges, however, denied a motion by **Elian's** father to replace the boy's great-uncle Lazaro in the asylum case. Had the judge granted the motion, Juan Miguel Gonzalez would have been able to drop the asylum request and take him home to Cuba.

"Notwithstanding that much has happened since Lazaro brought this suit," the judges said, "we see no powerful reason to make a change at this point."

Marisleyxis Gonzalez, **Elian's** cousin who cared for him during his **Miami** stay, said she still believes Elian won't be returned to Cuba.

"I hope the laws of this country favor him and give him the opportunity to seek asylum," she said. She also hopes the **courts** will order **Elian's** father to allow her and her family to visit the boy.

Today's 33-page unanimous ruling affirms a lower **court decision** that the INS acted properly in rejecting the asylum application, filed on behalf of Elian by his **Miami relatives**.

The judges ruled that because no federal law addresses whether a child as young as Elian can seek asylum against the wishes of the child's parents, the INS was required to come up with a policy dealing with "the extraordinary circumstances" of the case.

The judges said it is up to the INS not the **courts** to determine the best policy.

"The INS did not abuse its discretion or act arbitrarily in applying the policy and rejecting plaintiff's purported asylum application," Judge J.L. Edmondson said the ruling .

"The **court** neither approves nor disapproves the INS' **decision** to reject the asylum application filed on plaintiffs' behalf, but the INS **decision** did not contradict (federal law)."

Minutes after the ruling, lawyers for the boy's **Miami relatives** sought help from Supreme **Court** Justice Anthony M. Kennedy, who handles emergency matters from the 11th Circuit for the nation's highest **court**.

The request urged Kennedy's help "to assure that Elian will remain in the United States" until the full Supreme **Court** can consider a formal **appeal**.

"No child, whatever may be his immigration status, deserves fewer judicial rights than hardened criminals. Surely, this traumatized and innocent child deserves the **court's** consideration and protection," the request said.

Kennedy has the authority to act on the request himself, but he was more likely to refer it to the full **court**.

## Elian Ruling Prompts Screams, Tears

In Washington, Attorney General Janet Reno said: "I am pleased that the **Court** of **Appeals** has upheld the **decision** of the INS. We have said all along that Elian belongs with his father, Juan Miguel Gonzalez." President Clinton called it "a case about the importance of family and the bond between a father and son."

Vice President Al Gore, campaigning in Atlanta, said he continued to believe a family **court** should decide the custody case, a position that conflicts with the Clinton administration and agrees with the **Miami relatives**. Campaigning in Nevada, George W. Bush called on his Democratic presidential rival to urge Clinton to allow a family **court** hearing.

After the **decision** was announced, anti-Castro protesters in **Miami** screamed and cried outside the Little Havana home where Elian lived for months with his **relatives**.

"The constitution is dead," said Roxana Rodriguez, a secretary. "There is no justice. Democracy and freedom have been thrown to the trash."

"It is not over yet God is with us," said Sandra Linar, a 40-year-old homemaker. She held a sign with a photo of Elian and his mother, who died in a boat sinking while trying to bring him to the United States.

Elian has been in this country since Thanksgiving Day, when fishermen found him clinging to an inner tube off the coast of Florida. In addition to **Elian's** mother, 10 other people died after the boat capsized.

**Elian's Miami relatives** cared for him until he was seized April 22 in a government raid and reunited in Washington with his father, who was allowed to leave Cuba while pursuing his attempt to regain custody.

The boy was crying during the raid and has not seen his **Miami relatives** since. But he was photographed smiling with his father, stepmother and baby half brother within hours of the raid. Elian has been living with them in the Washington area, barred by the **appeals court** from leaving the country pending the **decision**.

---

On the Net:

**Appeals Court**: <http://www.ca11.uscourts.gov/>

Immigration and Naturalization Service: <http://www.ins.usdoj.gov>

Site of **Miami relatives**: <http://www.libertyforelian.org>

A federal **appeals court** sided with Elian Gonzalez's father today in the 6-month-old international custody battle, ruling that immigration officials were entitled to deny an asylum hearing for the Cuban boy.

Under the ruling, Elian must remain in the United States for 14 days to give his **Miami relatives** a chance to **appeal**.

The three-judge panel of the 11th U.S. Circuit **Court** of **Appeals** said the Immigration and Naturalization Service's **decision** that only a parent can act for a 6-year-old child in immigration matters "was within the outside border of reasonable choices." It said that principle held even if the parent was in another country and the child was in the United States.

The judges, however, denied a motion by **Elian's** father to replace the boy's great-uncle Lazaro in the asylum case. Had the judge granted the motion, Juan Miguel Gonzalez would have been able to drop the asylum request and take him home to Cuba.

"Notwithstanding that much has happened since Lazaro brought this suit," the judges said, "we see no powerful reason to make a change at this point."

## Elian Ruling Prompts Screams, Tears

Marisleysis Gonzalez, Elian's cousin who cared for him during his Miami stay, said she still believes Elian won't be returned to Cuba.

"I hope the laws of this country favor him and give him the opportunity to seek asylum," she said. She also hopes the courts will order Elian's father to allow her and her family to visit the boy.

Today's 33-page unanimous ruling affirms a lower court decision that the INS acted properly in rejecting the asylum application, filed on behalf of Elian by his Miami relatives.

The judges ruled that because no federal law addresses whether a child as young as Elian can seek asylum against the wishes of the child's parents, the INS was required to come up with a policy dealing with "the extraordinary circumstances" of the case.

The judges said it is up to the INS not the courts to determine the best policy.

"The INS did not abuse its discretion or act arbitrarily in applying the policy and rejecting plaintiff's purported asylum application," Judge J.L. Edmondson said the ruling .

"The court neither approves nor disapproves the INS' decision to reject the asylum application filed on plaintiffs' behalf, but the INS decision did not contradict (federal law)."

Minutes after the ruling, lawyers for the boy's Miami relatives sought help from Supreme Court Justice Anthony M. Kennedy, who handles emergency matters from the 11th Circuit for the nation's highest court.

The request urged Kennedy's help "to assure that Elian will remain in the United States" until the full Supreme Court can consider a formal appeal.

"No child, whatever may be his immigration status, deserves fewer judicial rights than hardened criminals. Surely, this traumatized and innocent child deserves the court's consideration and protection," the request said.

Kennedy has the authority to act on the request himself, but he was more likely to refer it to the full court.

In Washington, Attorney General Janet Reno said: "I am pleased that the Court of Appeals has upheld the decision of the INS. We have said all along that Elian belongs with his father, Juan Miguel Gonzalez." President Clinton called it "a case about the importance of family and the bond between a father and son."

Vice President Al Gore, campaigning in Atlanta, said he continued to believe a family court should decide the custody case, a position that conflicts with the Clinton administration and agrees with the Miami relatives. Campaigning in Nevada, George W. Bush called on his Democratic presidential rival to urge Clinton to allow a family court hearing.

However, a Florida family court judge considered Lazaro's petition to become Elian's guardian and rejected it, and no federal official has the authority to reverse that ruling.

After today's decision was announced, anti-Castro protesters in Miami screamed and cried outside the Little Havana home where Elian lived for months with his relatives.

"The constitution is dead," said Roxana Rodriguez, a secretary. "There is no justice. Democracy and freedom have been thrown to the trash."

"It is not over yet God is with us," said Sandra Linar, a 40-year-old homemaker. She held a sign with a photo of Elian and his mother, who died in a boat sinking while trying to bring him to the United States.

Elian has been in this country since Thanksgiving Day, when fishermen found him clinging to an inner tube off the coast of Florida. In addition to Elian's mother, 10 other people died after the boat capsized.

## Elian Ruling Prompts Screams, Tears

**Elian's Miami relatives** cared for him until he was seized April 22 in a government raid and reunited in Washington with his father, who was allowed to leave Cuba while pursuing his attempt to regain custody.

The boy was crying during the raid and has not seen his **Miami relatives** since. But he was photographed smiling with his father, stepmother and baby half brother within hours of the raid. Elian has been living with them in the Washington area, barred by the **appeals court** from leaving the country pending the **decision**.

---

On the Net:

**Appeals Court:** <http://www.ca11.uscourts.gov/>

Immigration and Naturalization Service: <http://www.ins.usdoj.gov>

Site of **Miami relatives**: <http://www.libertyforelian.org>

A federal **appeals court** sided with Elian Gonzalez's father today in the 6-month-old international custody battle, ruling that immigration officials were entitled to deny an asylum hearing for the Cuban boy.

Under the ruling, Elian must remain in the United States for 14 days to give his **Miami relatives** a chance to **appeal**.

The three-judge panel of the 11th U.S. Circuit **Court** of **Appeals** said the Immigration and Naturalization Service's **decision** that only a parent can act for a 6-year-old child in immigration matters "was within the outside border of reasonable choices." It said that principle held even if the parent was in another country and the child was in the United States.

The judges, however, denied a motion by **Elian's** father to replace the boy's great-uncle Lazaro in the asylum case. Had the judge granted the motion, Juan Miguel Gonzalez would have been able to drop the asylum request and take him home to Cuba.

"Notwithstanding that much has happened since Lazaro brought this suit," the judges said, "we see no powerful reason to make a change at this point."

Marisleyxis Gonzalez, **Elian's** cousin who cared for him during his **Miami** stay, said she still believes Elian won't be returned to Cuba.

"I hope the laws of this country favor him and give him the opportunity to seek asylum," she said. She also hopes the **courts** will order **Elian's** father to allow her and her family to visit the boy.

Today's 33-page unanimous ruling affirms a lower **court decision** that the INS acted properly in rejecting the asylum application, filed on behalf of Elian by his **Miami relatives**.

The judges ruled that because no federal law addresses whether a child as young as Elian can seek asylum against the wishes of the child's parents, the INS was required to come up with a policy dealing with "the extraordinary circumstances" of the case.

The judges said it is up to the INS not the **courts** to determine the best policy.

"The INS did not abuse its discretion or act arbitrarily in applying the policy and rejecting plaintiff's purported asylum application," Judge J.L. Edmondson said the ruling .

"The **court** neither approves nor disapproves the INS' **decision** to reject the asylum application filed on plaintiffs' behalf, but the INS **decision** did not contradict (federal law)."



## Elian Ruling Prompts Screams, Tears

Minutes after the ruling, lawyers for the boy's **Miami relatives** sought help from Supreme **Court** Justice Anthony M. Kennedy, who handles emergency matters from the 11th Circuit for the nation's highest **court**. But once it was apparent that the family in **Miami** was given 14 days in which to **appeal**, they asked Kennedy to disregard their earlier request.

In Washington, Attorney General Janet Reno said: "I am pleased that the **Court** of **Appeals** has upheld the **decision** of the INS. We have said all along that Elian belongs with his father, Juan Miguel Gonzalez." President Clinton called it "a case about the importance of family and the bond between a father and son."

Vice President Al Gore, campaigning in Atlanta, said he continued to believe a family **court** should decide the custody case, a position that conflicts with the Clinton administration and agrees with the **Miami relatives**. Campaigning in Nevada, George W. Bush called on his Democratic presidential rival to urge Clinton to allow a family **court** hearing.

However, a Florida family **court** judge considered Lazaro's petition to become **Elian's** guardian and rejected it, and no federal official has the authority to reverse that ruling.

After today's **decision** was announced, anti-Castro protesters in **Miami** screamed and cried outside the Little Havana home where Elian lived for months with his **relatives**.

"The constitution is dead," said Roxana Rodriguez, a secretary. "There is no justice. Democracy and freedom have been thrown to the trash."

"It is not over yet God is with us," said Sandra Linar, a 40-year-old homemaker. She held a sign with a photo of Elian and his mother, who died in a boat sinking while trying to bring him to the United States.

Elian has been in this country since Thanksgiving Day, when fishermen found him clinging to an inner tube off the coast of Florida. In addition to **Elian's** mother, 10 other people died after the boat capsized.

**Elian's Miami relatives** cared for him until he was seized April 22 in a government raid and reunited in Washington with his father, who was allowed to leave Cuba while pursuing his attempt to regain custody.

The boy was crying during the raid and has not seen his **Miami relatives** since. But he was photographed smiling with his father, stepmother and baby half brother within hours of the raid. Elian has been living with them in the Washington area, barred by the **appeals court** from leaving the country pending the **decision**.

---

On the Net:

**Appeals Court:** <http://www.ca11.uscourts.gov/>

Immigration and Naturalization Service: <http://www.ins.usdoj.gov>

Site of **Miami relatives**: <http://www.libertyforelian.org>

A federal **appeals court** sided with the government Thursday and denied an asylum hearing for Elian Gonzalez a ruling that could send the 6-year-old shipwreck survivor back to Cuba with his father within weeks.

A three-judge panel of the 11th U.S. Circuit **Court** of **Appeals** ruled unanimously that Elian must stay in the United States for at least two weeks to give his **Miami relatives** a chance to **appeal**. Their lawyer said they would take their case to the Supreme **Court** within 10 days.

However, **Elian's** father, Juan Miguel Gonzalez, pleaded with the **Miami** family to end the **court** battle so father and son could "finally go back home together." The father came to the United States to reclaim his son in April.

## Eliau Ruling Prompts Screams, Tears

"Make no mistake about what happened today," said the father's lawyer, Gregory Craig. "This case has been decided, and in our view there is longer any doubt about the ultimate outcome."

The appeals court ruled that the Immigration and Naturalization Service acted within reason when it decided that only Eliau's father could apply for asylum for him, not the Miami relatives.

The court said that because no federal law addresses whether a child as young as Eliau can seek asylum against the wishes of his parents, the INS was required to come up with a policy dealing with "the extraordinary circumstances" of the case.

The judges acknowledged that Cuba violates human rights and the rule of law. But they said the INS, not the courts, should determine immigration policy.

The judges also denied a request by Eliau's father to replace Eliau's great-uncle Lazaro Gonzalez as the boy's representative in the court proceedings, a move that would have allowed the father to drop the asylum request and take his son back to Cuba.

President Clinton and Attorney General Janet Reno praised the ruling.

"We have said all along that Eliau belongs with his father," Reno said in Washington. In Berlin, the president said the case spoke to "the importance of family and the bond between a father and son."

Outside the Miami relatives' home in Little Havana, where Eliau lived for more than four months until he was taken by armed federal agents and reunited with his father, protesters yelled and wept over the ruling.

About 100 people gathered and vowed to continue their fight to keep the boy in the United States. A small number promised violence if Eliau is returned to Cuba.

Sandra Linar, a 40-year-old homemaker, held a sign with a photo of Eliau and his mother. "It is not over yet," Linar said. "God is with us."

The relatives held out some hope that Eliau's father still would be prevented from taking Eliau back to Cuba.

"I hope the laws of this country favor him and give him the opportunity to seek asylum," said Marisleysis Gonzalez, the cousin who cast herself as a mother figure to Eliau after his own mother died in the Thanksgiving Day boat wreck.

She also said she hopes the courts will force Eliau's father to allow her family to visit the boy, whom they have not seen since the raid on April 22. Eliau and his father essentially have been in seclusion in Washington and Maryland since then, barred from leaving the country until the court fight is over.

In a statement read on Cuban television, the communist government expressed its displeasure with yet another delay in Eliau's return, calling the 14-day waiting period for the appeal "another concession to the 'mafia'" the term it commonly uses for the exile community in Miami.

Vice President Al Gore, campaigning in Atlanta, said he continues to believe a family court should decide the case a position at odds with that of the Clinton administration. Gore also supports legislation to grant permanent resident status to Eliau, his father and other relatives.

Campaigning in Nevada, Texas Gov. George W. Bush called on his Democratic presidential rival to urge Clinton to allow a family court hearing.

In Washington, Juan Miguel Gonzalez and his attorney said the Miami relatives would best show how much they love Eliau by dropping the court case with "grace and with dignity."

"I would hope that this would come to an end, and we can finally go back home together with my whole family and that this delay will not continue unnecessarily," Gonzalez said through an interpreter.

## Elian Ruling Prompts Screams, Tears

Departing from his native Spanish, Gonzalez said in English: "I want to thank the American people. Thank you."

---

On the Net:

**Appeals Court**: <http://www.ca11.uscourts.gov>

Immigration and Naturalization Service: <http://www.ins.usdoj.gov>

Site of **Miami relatives**: <http://www.libertyforelian.org>

A federal **appeals court** sided with the government Thursday and denied an asylum hearing for Elian Gonzalez a ruling that could send the 6-year-old shipwreck survivor back to Cuba with his father within weeks.

A three-judge panel of the 11th U.S. Circuit **Court of Appeals** ruled unanimously that Elian must stay in the United States for at least two weeks to give his **Miami relatives** a chance to **appeal**. Their lawyer said they would take their case to the Supreme **Court** within 10 days.

However, **Elian's** father, Juan Miguel Gonzalez, pleaded with the **Miami** family to end the **court** battle so father and son could "finally go back home together." The father came to the United States to reclaim his son in April.

"Make no mistake about what happened today," said the father's lawyer, Gregory Craig. "This case has been decided, and in our view there is longer any doubt about the ultimate outcome."

The **appeals court** ruled that the Immigration and Naturalization Service acted within reason when it decided that only **Elian's** father could apply for asylum for him, not the **Miami relatives**.

The **court** said that because no federal law addresses whether a child as young as Elian can seek asylum against the wishes of his parents, the INS was required to come up with a policy dealing with "the extraordinary circumstances" of the case.

The judges acknowledged that Cuba violates human rights and the rule of law. But they said the INS, not the **courts**, should determine immigration policy.

The judges also denied a request by **Elian's** father to replace **Elian's** great-uncle Lazaro Gonzalez as the boy's representative in the **court** proceedings, a move that would have allowed the father to drop the asylum request and take his son back to Cuba.

President Clinton and Attorney General Janet Reno praised the ruling.

"We have said all along that Elian belongs with his father," Reno said in Washington. In Berlin, the president said the case spoke to "the importance of family and the bond between a father and son."

Outside the **Miami relatives**' home in Little Havana, where Elian lived for more than four months until he was taken by armed federal agents and reunited with his father, protesters yelled and wept over the ruling.

About 100 people gathered and vowed to continue their fight to keep the boy in the United States. A small number promised violence if Elian is returned to Cuba.

Sandra Linar, a 40-year-old homemaker, held a sign with a photo of Elian and his mother. "It is not over yet," Linar said. "God is with us."

The **relatives** held out some hope that **Elian's** father still would be prevented from taking Elian back to Cuba.

## Elian Ruling Prompts Screams, Tears

"I hope the laws of this country favor him and give him the opportunity to seek asylum," said Marisleysis Gonzalez, the cousin who cast herself as a mother figure to Elian after his own mother died in the Thanksgiving Day boat wreck.

She also said she hopes the courts will force Elian's father to allow her family to visit the boy, whom they have not seen since the raid on April 22. Elian and his father essentially have been in seclusion in Washington and Maryland since then, barred from leaving the country until the court fight is over.

In a statement read on Cuban television, the communist government expressed its displeasure with yet another delay in Elian's return, calling the 14-day waiting period for the appeal "another concession to the 'mafia'" the term it commonly uses for the exile community in Miami.

Vice President Al Gore supports legislation to grant permanent resident status to Elian, his father and other relatives, a position at odds with that of the Clinton administration. Such legislation would let a family court decide Elian's fate, and Gore said Thursday that the case would have best been handled there.

Texas Gov. George W. Bush supports similar legislation, and while campaigning in Nevada on Thursday, he called on his Democratic presidential rival to urge Clinton to do the same.

In Washington, Juan Miguel Gonzalez and his attorney said the Miami relatives would best show how much they love Elian by dropping the court case with "grace and with dignity."

"I would hope that this would come to an end, and we can finally go back home together with my whole family and that this delay will not continue unnecessarily," Gonzalez said through an interpreter.

Departing from his native Spanish, Gonzalez said in English: "I want to thank the American people. Thank you."

---

On the Net:

Appeals Court: <http://www.ca11.uscourts.gov>

Immigration and Naturalization Service: <http://www.ins.usdoj.gov>

Site of Miami relatives: <http://www.libertyforelian.org>

A federal appeals court sided with the government Thursday and denied an asylum hearing for Elian Gonzalez a ruling that could send the 6-year-old shipwreck survivor back to Cuba with his father within weeks.

The unanimous ruling from a three-judge panel of the 11th U.S. Circuit Court of Appeals blocked Elian from leaving the country immediately and gave his Miami relatives two weeks to appeal — either to the full appeals court or the Supreme Court. Family lawyer Kendall Coffey said he hadn't decided on a course of action.

However, Elian's father, Juan Miguel Gonzalez, pleaded with the Miami family to end the court battle so father and son could "finally go back home together." The father came to the United States to reclaim his son in April.

"Make no mistake about what happened today," said the father's lawyer, Gregory Craig. "This case has been decided, and in our view there is no longer any doubt about the ultimate outcome."

The appeals court ruled that the Immigration and Naturalization Service acted within reason when it decided that only Elian's father could apply for asylum for him, not the Miami relatives.

The court said that because no federal law addresses whether a child as young as Elian can seek asylum against the wishes of his parents, the INS was required to come up with a policy dealing with "the extraordinary circumstances" of the case.

## Elian Ruling Prompts Screams, Tears

The judges acknowledged that Cuba violates human rights and the rule of law. But they said the INS, not the courts, should determine immigration policy.

The judges also denied a request by Elian's father to replace Elian's great-uncle Lazaro Gonzalez as the boy's representative in the court proceedings, a move that would have allowed the father to drop the asylum request and take his son back to Cuba.

President Clinton and Attorney General Janet Reno praised the ruling.

"We have said all along that Elian belongs with his father," Reno said in Washington. In Berlin, the president said the case spoke to "the importance of family and the bond between a father and son."

Outside the Miami relatives' home in Little Havana, where Elian lived for more than four months until he was taken by armed federal agents and reunited with his father, protesters yelled and wept over the ruling.

About 100 people gathered and vowed to continue their fight to keep the boy in the United States. A small number promised violence if Elian is returned to Cuba.

Sandra Linar, a 40-year-old homemaker, held a sign with a photo of Elian and his mother. "It is not over yet," Linar said. "God is with us."

The relatives held out some hope that Elian's father still would be prevented from taking Elian back to Cuba.

"I hope the laws of this country favor him and give him the opportunity to seek asylum," said Marisleysis Gonzalez, the cousin who cast herself as a mother figure to Elian after his own mother died in the Thanksgiving Day boat wreck.

She also said she hopes the courts will force Elian's father to allow her family to visit the boy, whom they have not seen since the raid on April 22. Elian and his father essentially have been in seclusion in Washington and Maryland since then, barred from leaving the country until the court fight is over.

In a statement read on Cuban television, the communist government expressed its displeasure with yet another delay in Elian's return, calling the 14-day waiting period for the appeal "another concession to the 'mafia'" the term it commonly uses for the exile community in Miami.

Vice President Al Gore supports legislation to grant permanent resident status to Elian, his father and other relatives, a position at odds with that of the Clinton administration. Such legislation would let a family court decide Elian's fate, and Gore said Thursday that the case would have best been handled there.

Texas Gov. George W. Bush supports similar legislation, and while campaigning in Nevada on Thursday, he called on his Democratic presidential rival to urge Clinton to get the case heard in family court.

The Miami relatives have already tried to win custody in a Florida family court, but the case was dismissed by a judge who said she could not overrule the INS.

In Washington, Juan Miguel Gonzalez and his attorney said the Miami relatives would best show how much they love Elian by dropping the court case with "grace and with dignity."

"I would hope that this would come to an end, and we can finally go back home together with my whole family and that this delay will not continue unnecessarily," Gonzalez said through an interpreter.

Departing from his native Spanish, Gonzalez said in English: "I want to thank the American people. Thank you."

---

On the Net:

## Elian Ruling Prompts Screams, Tears

**Appeals Court:** <http://www.ca11.uscourts.gov>

Immigration and Naturalization Service: <http://www.ins.usdoj.gov>

Site of **Miami relatives:** <http://www.libertyforelian.org>

A federal **appeals court** sided with the government Thursday and denied an asylum hearing for Elian Gonzalez a ruling that could send the 6-year-old shipwreck survivor back to Cuba with his father within weeks.

The unanimous ruling from a three-judge panel of the 11th U.S. Circuit **Court of Appeals** blocked Elian from leaving the country immediately and gave his **Miami relatives** two weeks to **appeal** — either to the full **appeals court** or the Supreme **Court**. Family lawyer Kendall Coffey said he hadn't decided on a course of action.

However, **Elian's** father, Juan Miguel Gonzalez, pleaded with the **Miami** family to end the **court** battle so father and son could "finally go back home together." The father came to the United States to reclaim his son in April.

"Make no mistake about what happened today," said the father's lawyer, Gregory Craig. "This case has been decided, and in our view there is no longer any doubt about the ultimate outcome."

The **appeals court** ruled that the Immigration and Naturalization Service acted within reason when it decided that only **Elian's** father could apply for asylum for him, not the **Miami relatives**.

The **court** said that because no federal law addresses whether a child as young as Elian can seek asylum against the wishes of his parents, the INS was required to come up with a policy dealing with "the extraordinary circumstances" of the case.

The judges acknowledged that Cuba violates human rights and the rule of law. But they said the INS, not the **courts**, should determine immigration policy.

The judges also denied a request by **Elian's** father to replace **Elian's** great-uncle Lazaro Gonzalez as the boy's representative in the **court** proceedings, a move that would have allowed the father to drop the asylum request and take his son back to Cuba.

President Clinton and Attorney General Janet Reno praised the ruling.

"We have said all along that Elian belongs with his father," Reno said in Washington. In Berlin, the president said the case spoke to "the importance of family and the bond between a father and son."

Outside the **Miami relatives'** home in Little Havana, where Elian lived for more than four months until he was taken by armed federal agents and reunited with his father, protesters yelled and wept over the ruling.

About 100 people gathered and vowed to continue their fight to keep the boy in the United States. A small number promised violence if Elian is returned to Cuba.

Sandra Linar, a 40-year-old homemaker, held a sign with a photo of Elian and his mother. "It is not over yet," Linar said. "God is with us."

The **relatives** held out some hope that **Elian's** father still would be prevented from taking Elian back to Cuba.

"I hope the laws of this country favor him and give him the opportunity to seek asylum," said Marisleysis Gonzalez, the cousin who cast herself as a mother figure to Elian after his own mother died in the Thanksgiving Day boat wreck.

She also said she hopes the **courts** will force **Elian's** father to allow her family to visit the boy, whom they have not seen since the raid on April 22. Elian and his father essentially have been in seclusion in Washington and Maryland since then, barred from leaving the country until the **court** fight is over.

## Elian Ruling Prompts Screams, Tears

In a statement read on Cuban television, the communist government expressed its displeasure with yet another delay in **Elian's** return, calling the 14-day waiting period for the **appeal** "another concession to the 'mafia'" the term it commonly uses for the exile community in **Miami**.

While campaigning in Atlanta, Vice President Al Gore said the case would have been best handled in a family **court**. Gore supports legislation to grant permanent resident status to Elian, his father and other **relatives**, a position at odds with that of the Clinton administration.

Texas Gov. George W. Bush supports similar legislation, and while campaigning in Nevada, he called on his Democratic presidential rival to urge Clinton to get the case heard in family **court**.

However, that option has already been rejected. **Elian's** great-uncle Lazaro Gonzalez tried to win custody in a Florida family **court**, and a judge dismissed the case, saying that even if Elian were given permanent resident status, he could not qualify for custody of him under state law. She also said she could not overrule the INS.

In Washington, Juan Miguel Gonzalez and his attorney said the **Miami relatives** would best show how much they love Elian by dropping the **court** case with "grace and with dignity."

"I would hope that this would come to an end, and we can finally go back home together with my whole family and that this delay will not continue unnecessarily," Gonzalez said through an interpreter.

Departing from his native Spanish, Gonzalez said in English: "I want to thank the American people. Thank you."

---

On the Net:

**Appeals Court**: <http://www.ca11.uscourts.gov>

Immigration and Naturalization Service: <http://www.ins.usdoj.gov>

Site of **Miami relatives**: <http://www.libertyforelian.org>

A federal **appeals court** sided with the government Thursday and denied an asylum hearing for Elian Gonzalez a ruling that could send the 6-year-old shipwreck survivor back to Cuba with his father within weeks.

The unanimous ruling from a three-judge panel of the 11th U.S. Circuit **Court** of **Appeals** blocked Elian from leaving the country immediately and gave his **Miami relatives** two weeks to **appeal** — either to the full **appeals court** or the Supreme **Court**. Family lawyer Kendall Coffey said he hadn't decided on a course of action.

However, **Elian's** father, Juan Miguel Gonzalez, pleaded with the **Miami** family to end the **court** battle so father and son could "finally go back home together." The father came to the United States to reclaim his son in April.

"Make no mistake about what happened today," said the father's lawyer, Gregory Craig. "This case has been decided, and in our view there is no longer any doubt about the ultimate outcome."

The **appeals court** ruled that the Immigration and Naturalization Service acted within reason when it decided that only **Elian's** father could apply for asylum for him, not the **Miami relatives**.

The **court** said that because no federal law addresses whether a child as young as Elian can seek asylum against the wishes of his parents, the INS was required to come up with a policy dealing with "the extraordinary circumstances" of the case.

The judges acknowledged that Cuba violates human rights and the rule of law. But they said the INS, not the **courts**, should determine immigration policy.



## Eliau Ruling Prompts Screams, Tears

The judges also denied a request by Eliau's father to replace Eliau's great-uncle Lazaro Gonzalez as the boy's representative in the court proceedings, a move that would have allowed the father to drop the asylum request and take his son back to Cuba.

President Clinton and Attorney General Janet Reno praised the ruling.

"We have said all along that Eliau belongs with his father," Reno said in Washington. In Berlin, the president said the case spoke to "the importance of family and the bond between a father and son."

Outside the Miami relatives' former home in Little Havana, where Eliau lived for more than four months until he was taken by armed federal agents and reunited with his father, protesters yelled and wept over the ruling.

About 100 people gathered and vowed to continue their fight to keep the boy in the United States. A small number promised violence if Eliau is returned to Cuba.

Sandra Linar, a 40-year-old homemaker, held a sign with a photo of Eliau and his mother. "It is not over yet," Linar said. "God is with us."

The relatives held out some hope that Eliau's father still would be prevented from taking Eliau back to Cuba.

"I hope the laws of this country favor him and give him the opportunity to seek asylum," said Marisleysis Gonzalez, the cousin who cast herself as a mother figure to Eliau after his own mother died in the Thanksgiving Day boat wreck.

She also said she hopes the courts will force Eliau's father to allow her family to visit the boy, whom they have not seen since the raid on April 22. Eliau and his father essentially have been in seclusion in Washington and Maryland since then, barred from leaving the country until the court fight is over.

In a statement read on Cuban television, the communist government expressed its displeasure with yet another delay in Eliau's return, calling the 14-day waiting period for the appeal "another concession to the 'mafia'" the term it commonly uses for the exile community in Miami.

While campaigning in Atlanta, Vice President Al Gore said the case would have been best handled in a family court. Gore supports legislation to grant permanent resident status to Eliau, his father and other relatives, a position at odds with that of the Clinton administration.

Texas Gov. George W. Bush supports similar legislation, and while campaigning in Nevada, he called on his Democratic presidential rival to urge Clinton to get the case heard in family court.

However, that option has already been rejected. Eliau's great-uncle Lazaro Gonzalez tried to win custody in a Florida family court, and a judge dismissed the case, saying that even if Eliau were given permanent resident status, Lazaro could not qualify for custody of him under state law. She also said she could not overrule the INS.

In Washington, Juan Miguel Gonzalez and his attorney said the Miami relatives would best show how much they love Eliau by dropping the court case with "grace and with dignity."

"I would hope that this would come to an end, and we can finally go back home together with my whole family and that this delay will not continue unnecessarily," Gonzalez said through an interpreter.

Departing from his native Spanish, Gonzalez said in English: "I want to thank the American people. Thank you."

---

On the Net:

**Appeals Court:** <http://www.ca11.uscourts.gov>



Immigration and Naturalization Service: <http://www.ins.usdoj.gov>

Site of **Miami relatives**: <http://www.libertyforelian.org>

## Classification

---

**Language:** ENGLISH

**Subject:** **APPEALS** (90%); RESCUE OPERATIONS (89%); PROTESTS & DEMONSTRATIONS (89%); SUPREME **COURTS** (78%); **DECISIONS** & RULINGS (78%); JUDGES (78%); LAW **COURTS** & TRIBUNALS (78%); LAWYERS (78%); **APPEALS COURTS** (78%); APPELLATE **DECISIONS** (78%); TYPES OF GOVERNMENT (77%); DEATH & DYING (76%); DEMOCRACIES (75%); POLITICAL ASYLUM (70%); SPECIAL INVESTIGATIVE FORCES (63%); ARRESTS (62%); PARAMEDICS (56%); HISPANIC AMERICANS (50%)

**Company:** SUPREME **COURT** OF THE UNITED STATES (56%); SUPREME **COURT** OF THE UNITED STATES (56%)

**Organization:** SUPREME **COURT** OF THE UNITED STATES (56%); SUPREME **COURT** OF THE UNITED STATES (56%)

**Industry:** LAWYERS (78%); PARAMEDICS (56%)

**Geographic:** **MIAMI**, FL, USA (93%); FLORIDA, USA (79%); UNITED STATES (94%); CUBA (90%)

**Load-Date:** June 1, 2000