

ELIAN GONZALEZ CASE GENERATES LOTS OF QUESTIONS; HERE ARE SOME ANSWERS

St. Louis Post-Dispatch (Missouri)

April 25, 2000, Tuesday, FIVE STAR LIFT EDITION

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Section: NEWS, Pg. A9

Length: 939 words

Body

* The seizure of **Elian Gonzalez** on Saturday morning has raised **questions** about the raid. The **case** of the Cuban boy, rescued from the ocean, involves issues of immigration, custody and family law. Here are some **answers**.

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* Why did the INS originally grant the Miami relatives temporary custody?

The Miami family came forward to claim custody of **Elian**; his father had called asking about shipwrecks of Cubans. A few days after **Elian**'s rescue, the Immigration and Naturalization Service said that because Lazaro **Gonzalez** was a close relative, the service had released the boy into his custody for humanitarian reasons. An INS agent said then that the child's custody status would probably be decided by the state courts of Florida.

* What happened to the other two Cuban survivors picked up with **Elian**? Were they sent back or granted asylum?

The Atlanta Constitution says the two are Arianne Horta, 22, and Nivaldo Fernandez, 33, both of whom apparently were last reported to be working at a car dealership in Miami and both of whom wish to remain in the United States. U.S. law grants them that right, because they physically made it to land -- unlike **Elian Gonzalez**, who was rescued at sea.

* Did the INS have a court order to take the boy?

Yes. As of 6 p.m. Friday, a federal magistrate judge had signed a search warrant granting the INS the authority to remove the boy from the house.

* Was **Elian** taken to Mass on Easter Sunday?

There were no reports Sunday that **Elian** had attended Mass at Andrews Air Force Base outside Washington. The Miami Herald reported the week before that the Rev. Joan Brown Campbell, former general secretary of the National Council of Churches, said Juan Miguel **Gonzalez** is Catholic. She arranged for him to attend Shiloh Baptist Church in Washington on Palm Sunday. The Washington Post, also reporting on the visit to the same church, said **Gonzalez** described himself as a nonbeliever, although he and **Elian** had been baptized "in the tradition of many Cubans who have kept up Catholic customs."

* Who is the woman INS agent who carried **Elian** out of the house?

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She is Special Agent Betty Ann Mills, 33, of Hollywood, Fla., a suburb of Miami. She is described as an eight-year veteran of the agency. She accompanied Eliau on his flight to Andrews Air Force Base, Md., aboard a U.S. Marshals Service plane.

* Who's paying for the relatives' trip and stay in Washington?

The Cuban American National Foundation, which has been behind the family from the start, was reported to be helping with arrangements in Washington.

* Are there unpublished pictures showing an agent's finger on the trigger of his automatic weapon?

One unpublished photo shows a man wearing a Border Patrol flak vest and cradling an automatic weapon in a way that could indicate a finger on the trigger. But it's difficult to say with certainty either way. Also in the photo is Angela Gonzalez, great-aunt of Eliau. She has a stoic expression on her face and is staring off at what seems to be nothing in particular. The faces of the two men in Border Patrol vests are turned away from the camera. They apparently are in a hallway outside a bedroom, not in a bedroom itself, although that's not totally clear. The picture does not show the boy. The photograph got little or no play in newspapers and on TV. Post-Dispatch photo chief Larry Coyne said it lacked photographic value. "It's not a good picture," he said.

* When the federal agents went into the house, why did they have to dress and act as if they were dislodging a terrorist cell? Why didn't at least the people entering the house wear street clothes with bulletproof vests beneath and handguns that didn't appear so ominous?

Attorney General Janet Reno said in the hours right after the raid that the government had had information suggesting that weapons might have been stashed in the house or among the crowd outside. INS Commissioner Doris Meissner said: "We had information, a great deal of information. Some of that information included the possibility that there might be guns." The New York Times quoted retired Miami police Officer John P. Julian as saying: "Florida is a place where most people have a right to carry a concealed firearm. If the agents had been unarmed -- and one had been shot -- the public would have asked, 'Why weren't they armed?' " Police raids are traditionally marked by speed, surprise and an overwhelming display of force, all to stun and intimidate those being raided. In this case, the raiders also faced a potentially hostile response from the crowd outside the house.

* Was Eliau in a school in Miami? Will he be going to school in the Washington area while awaiting the court ruling? Or is he being tutored privately?

Eliau attended elementary school in Cuba before coming here. His Miami relatives enrolled him in school in Florida. But late last month, when the Miami relatives feared that the government planned to take custody of Eliau, they kept him home from school. He did not return to school, but the relatives say he was tutored at his great-uncle's home. The government hasn't announced its plans for schooling Eliau.

* Now that the senior Gonzalez is in another jurisdiction, what's to prevent him from getting another court order allowing him take his family home?

On Wednesday, the 11th U.S. Circuit Court of Appeals, based in Atlanta, enjoined anyone from taking Eliau out of the United States pending further action on his custody case. The court also ordered the Justice Department to take steps to be sure that he doesn't leave the country.

Graphic

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PHOTO (1) Color PHOTO by THE ASSOCIATED PRESS - At the Marcel Saldo school in Cardenas, Cuba, the former teacher and classmates of **Eliau Gonzalez** on Monday look at a picture of the boy with his father, Juan Miguel **Gonzalez**, in Washington. The teacher is Yamilin Morales Delgado.

(2) Color PHOTO by THE ASSOCIATED PRESS - Angela **Gonzalez** watches as federal agents move in to take her great-nephew **Eliau** from her home in a raid Saturday in Miami.

Classification

Language: English

Subject: CHRISTIANS & CHRISTIANITY (90%); IMMIGRATION (84%); CHILD CUSTODY & SUPPORT (84%); CITIZENSHIP (69%); POLITICAL ASYLUM (64%); FAMILY (64%); FAMILY LAW (64%); US STATE GOVERNMENT (61%); MIGRATION ISSUES (60%)

Company: GRAHAM HOLDINGS CO (53%); GRAHAM HOLDINGS CO (53%); IMMIGRATION & NATURALIZATION SERVICE (91%); IMMIGRATION & NATURALIZATION SERVICE (57%)

Organization: IMMIGRATION & NATURALIZATION SERVICE (91%); IMMIGRATION & NATURALIZATION SERVICE (57%)

Ticker: GHC (NYSE) (53%)

Geographic: MIAMI, FL, USA (90%); FLORIDA, USA (79%)

Load-Date: April 25, 2000