

Reno Discounts Ruling on Elian; Fla. Court Has No Standing, Lawyers for Miami Relatives Told

The Washington Post

January 13, 2000, Thursday, Final Edition

Copyright 2000 The Washington Post



Section: A SECTION; Pg. A02

Length: 730 words

Byline: Karen DeYoung; Sue Anne Pressley, Washington Post Staff Writers

Body

Attorney General Janet **Reno** said yesterday that a Florida **court** order granting temporary custody of **Elian** Gonzalez to his great-uncle in **Miami** "has **no** force or effect" on a federal government decision that the 6-year-old should be returned to his Cuban father.

In a letter to attorneys for Lazaro Gonzalez, the great-uncle who is seeking to keep the boy in this country, **Reno** also said she saw **no** reason for reversing last week's Immigration and Naturalization Service **ruling**.

The question of who has legal authority to speak for the child regarding his immigration status in this country "remains one of federal, not state, law," **Reno** said. If the **relatives** want to challenge the INS decision, she said, the Justice Department is prepared to litigate the matter in federal **court**.

But **Reno's** letter, while continuing to call on **relatives** to cooperate, gave **no** indication of how INS intends to enforce its **ruling**. In the meantime, she said an INS deadline for compliance Friday had been extended, and said there was **no** intention to forcibly remove the boy from the **Miami** home of his great-uncle.

In response to the letter, Spencer Eig, an attorney for the boy's **Miami relatives**, said, "The government continues to deny **Elian** his legal and constitutional rights." He said the custody order by **Miami-Dade Circuit Court** Judge Rosa Rodriguez was "based on protecting **Elian** from imminent harm" if he is returned to Cuba.

Elian has been the subject of a tug of war between his father in Cuba--who wants him sent home--and **relatives** in **Miami**--who want him to stay in Florida--since he was found adrift in the Atlantic Ocean on Nov. 25.

Both in their Florida **court** petition, and in federal asylum claims, the attorneys for the **Miami relatives** had argued that returning **Elian** "to Fidel Castro's communist regime . . . would place [him] in an environment which will cause the child's mental and emotional [and] physical health to be significantly impaired . . . [and] he would be deprived of food, clothing, shelter and medical treatment."

Reno said that neither the attorneys, nor Lazaro Gonzalez, had any **standing** to seek asylum for **Elian**, since the INS had decided that only his father could represent him. In any case, she said, while the law allowed for asylum on the basis of "possible torture or persecution in the child's home country," the INS had "found **no** objective basis" for such a conclusion.

Reno Discounts Ruling on Elian; Fla. Court Has No Standing, Lawyers for Miami Relatives Told

The Justice Department, while rejecting state court intervention, is eager to see the matter brought before a federal court, where it is confident of prevailing. Eig said such action would be taken "in the near future, after observing Martin Luther King Jr. Day" next Monday.

Officials in Washington puzzled yesterday over the holiday reference, some speculating that the attorneys were merely delaying, while others suggested that Miami's Cuban American community was trying to placate African Americans and Haitians there who have long protested what they see as special immigration treatment for Cubans and who have been increasingly disgruntled over the ongoing dispute.

One indication of the volatile feelings in south Florida came when a Miami television station, WPLG, on Tuesday night broadcast footage of Elian and a friend playing. An airplane passes overhead and Elian, looking up, is heard to say in Spanish, "Yo quiero que tu me regresas a Cuba," or "I want you to take me back to Cuba," the station said. Off camera, adults can be heard saying "No, no," amid some scattered applause.

The report caused an immediate upheaval because many relatives and supporters have maintained Elian wants to stay in the United States. But when the passage was rebroadcast on the city's Spanish-language stations this morning, emotional callers were divided among those who agreed with the station's translation and those who insisted Elian had really said "Yo quiero que no me regresas a Cuba," or, "I don't want you to take me back to Cuba."

The station submitted the passage to numerous linguistic experts and native speakers yesterday, and, as protesters including Rep. Iliana Ros-Lehtinen (R-Fla.) gathered outside the station, even played the passage for passersby before a live camera on the street. It concluded in its evening broadcast that it was impossible to be certain.

Pressley reported from Miami; DeYoung from Washington.

Classification

Language: ENGLISH

Subject: LAW COURTS & TRIBUNALS (90%); CHILD CUSTODY & SUPPORT (90%); IMMIGRATION LAW (90%); LAWYERS (90%); IMMIGRATION (89%); US STATE GOVERNMENT (89%); POLITICAL ASYLUM (89%); JUDGES (79%); JUSTICE DEPARTMENTS (79%); ATTORNEYS GENERAL (79%); CITIZENSHIP (78%); US FEDERAL GOVERNMENT (77%); CIVIL RIGHTS (74%); HUMAN RIGHTS & CIVIL LIBERTIES LAW (74%); LAW ENFORCEMENT (74%); PETITIONS (73%); TORTURE (71%)

Company: US DEPARTMENT OF JUSTICE (56%); US DEPARTMENT OF JUSTICE (56%)

Organization: US DEPARTMENT OF JUSTICE (56%); US DEPARTMENT OF JUSTICE (56%); US DEPARTMENT OF JUSTICE (56%); US DEPARTMENT OF JUSTICE (56%)

Industry: LAWYERS (90%)

Person: FIDEL CASTRO (56%)

Geographic: MIAMI, FL, USA (93%); FLORIDA, USA (94%); ATLANTIC OCEAN (58%); CUBA (90%); UNITED STATES (79%)

Reno Discounts Ruling on Elian; Fla. Court Has No Standing, Lawyers for Miami Relatives Told

Load-Date: January 13, 2000

End of Document