



WEEKLY MEDIA BRIEFING WITH ATTORNEY GENERAL JANET RENO

U.S. DEPARTMENT OF JUSTICE

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ATTY GEN. RENO: Approximately 40 years ago, we saw the beginning of new people coming to Miami, thousands of Cubans coming from an island they loved, because of Castro. It has been wonderful to watch what has happened in the community in the years that have passed, for these people have made a very wonderful contribution to that community.

They have worked very hard. In the beginning, they held three jobs at a time. The family worked together. The family was a strong and powerful structure in that community, and that has helped others understand the value of family.

They became the leaders of Miami. They are the bankers, the businessmen, the citizens, the physicians, and doctors and lawyers that lead the city. And they are the musicians, the artists, the poets, the professors and the architects, who have built a splendid city shining in the sun. They are also very warm and generous people, and they also believe passionately in what they believe in.

Forty years later, a mother and her 6-year-old boy followed them, crossed the Gulf Stream. The mother died. The boy survived miraculously and made it. Relatives took him in. They have cared for him, and they love him dearly. So does

his father, who wants to be reunited with him.

This case has been heartbreaking for everybody involved. But we believe that the law is clear. The father must speak for the little boy because the sacred bond between parent and child must be recognized and honored, and Elian should be reunited with his father.

But having made that decision, we did not move hastily although nothing, no court order or anything, prevented us from doing so. The relatives had their day in court, and we gave them an opportunity to file. A Federal District Court judge in Miami heard their case and affirmed our decision.

Even then we did not move hastily, although nothing prevented us from doing so. There was no court order, no stay, no injunction that prevented us from doing so.

Now questions have been raised about limiting Lazaro Gonzalez's right of appeal. He is currently pursuing an appeal, but there is no court order or any effect of court that stays the actions that we can take. Nonetheless, we have been engaged in conversation, and we're continuing conversation this morning in Miami, to try to work out a resolution that will ensure that an appeal is heard in a timely way, that nothing will be done to return Elian if that has happened, and if everyone agrees that we will abide in a prompt, orderly way with the rulings that come down in that appeal.

But then some officials yesterday suggested that if we take action, it is a provocation, a provoking of people that would produce risk, that could contribute to violence. They said that they would not be responsible for that, that I would be.

The people I know in the Cuban community came to this country and have contributed so much to it because they believe in the rule of law. They came to this country seeking a democratic society in which to live, where all people can speak, and there are processes and procedures for people to be heard. I don't think they came to this

country to incite violence. I think they came to this country to be able to speak their mind, to follow the law, to respect others, and to see that those processes were carried out.

Those are the people that I think will speak, ultimately, with the loudest voice, and although we may disagree as to what happens, I think, for the Cuban community I know, we're in solid agreement that the rule of law should apply, that democratic principles must be honored, enforced, and supported in every way possible, and that respect must be given to everyone involved in this very difficult issue in which we all try to seek what we believe to be right.

Q Have you spoken to Mayor Penelas since his statement yesterday?

ATTY. GEN. RENO: No.

Q Do you intend to?

ATTY. GEN. RENO: I believe Doris tried to reach him. I had spoken to him about a week ago when he was here for the gun announcement at the White House.

Q Are you concerned that if there is unrest he really will not allow the Miami police to deal with it?

ATTY. GEN. RENO: Well, first of all, it's the Metro Dade police under his jurisdiction. And I think, again, I have been there when I wondered whether the federal government was going to support us, and then in the middle of Hurricane Andrew's recovery, when local government couldn't do it, the federal government was there. I have been there when drugs seemed to be overwhelming the community, and the federal government was there. I think, in this great country, which is operated on principles of federalism, the government in Miami will continue to uphold the law and to work with other law enforcement to see that the law is honored the right way.

Q Ms. Reno, going back to your letter -- excuse me, the INS

letter from earlier this week -- the issue is that once the federal appeals process has ended, the Justice Department wants assurances that the family would abide by and not, for example, go to state court and pursue other means. Is that what the central issue is in the negotiations?

ATTY. GEN. RENO: Our -- I don't want to comment on the negotiations because I haven't been there, and the people on the scene should comment. but what we're trying to do is to make sure that we honor what Judge Moore said and try not to delay this; that we give them their day in court and the right to an appeal and that there be an assurance that having done that, this matter can be resolved.

Q Ms. Reno, is there something of a contradiction though, in saying that on the one hand, you will jointly file with the family and ask for expedited review, and the Court of Appeals has now said oral argument would be in something like the second week in May, but at the same time say that you might revoke parole before that date if the family doesn't stipulate what it will do once the appeal is over?

ATTY GEN. RENO: There is not an inconsistency because we have pointed out to the court that they have not taken the action that would ordinarily be taken if they wanted to stay the proceeding, which would be to move for an injunction against us. And we are trying to work through all of these issues, bending over backwards, I think, to address the concerns that have been raised.

Q Mr. Reno, you said that you'd prefer a consensual resolution of this over anything else. How important is it for Juan Miguel Gonzalez and his family to come to the United States for this process, in order to work that type of arrangement out?

ATTY GEN. RENO: Well, as far as I am concerned, it's always better when families work matters out between themselves. They do a better job than government.

Q Do you think it would be impossible to work this out without him coming to this country?

ATTY GEN. RENO: I wouldn't speculate.

Q Ms. Reno, like it or not, whatever the merits of the case, this has become a political battle. In Havana, Castro is using Elian to prop up his regime. In Miami, the Cuban American community has found the first effective political hammer that they have had in 40 years.

Lazaro Gonzalez and his family have to live in this community. If they are seen as acceding or bending to your wishes, they are going to have problems. If no one is going to have a change of heart in this dispute, aren't you left in the end with solely the weight of law to resolve this dispute in a way in which you think is correct?

ATTY GEN. RENO: First of all, I'd take issue with you. Having lived in that community, the Cuban community found something far better to express their political beliefs in, and that is by going to vote. And they do that, and they do it well.

And they have made, again, contributions in showing people that we cannot take democracy for granted, that it is important to go vote. And they have achieved tremendous successes by voting that didn't include threats of violence or other situations that would be inconsistent with the rule of law.

Secondly, we have said from the get-go that politics should not be involved in this. One man, I'm told, said, "I remember Janet. She came to us seeking our votes, and now she doesn't pay any attention to us." I pay attention, based on the law, and I try to explain to people why we're doing something.

I think it's absolutely critical that we consider the law and how it operates here, and let it spell out what should be done. And I have, sworn as I am to uphold the federal law, tried to do that.

Q Ms. Reno, you have said this morning that your position here has been consistent all the way back to January, when

Ms. Meissner made her initial announcement. Why do you think the community there believes that the Justice Department is acting precipitously? And are you concerned about some of the rhetoric that some of the family's representatives have used?

ATTY GEN. RENO: I think it is important for everyone to speak in measured, thoughtful terms. And I think the more that can be done, the better people can understand and appreciate what people are trying to do in this situation.

Q Ms. Reno, you've said that it's always better for families to work things out for themselves. If and when Juan Miguel comes to the United States, does the Justice Department step back and let him take care of it, or does he sort of enter the negotiations as a third party?

ATTY GEN. RENO: I will make judgments how to proceed when I get there.

Q But there's been no discussion yet of exactly what role he might play in this, if and when he comes?

ATTY GEN. RENO: We're going to continue our discussions this morning, and I think it would be premature to comment on the other.

Q Are you optimistic that an appeal -- how optimistic are you that a settlement can be worked out?

ATTY GEN. RENO: This --

Q Considering what the mayor and the police have said regarding their plans, whatever they may be, in the event the child is transferred back, don't you consider that potentially inciting some dangerous incident down there? I mean, given their statements, I mean, it's pretty unusual for them to back away from responsibility in their own communities.

ATTY GEN. RENO: I would not ascribe labels on it; I would just say this is a nation where we expect our laws to be

enforced, where we expect law enforcement to cooperate together, where we expect that matters will be resolved without violence, without threats of violence, and that they will be resolved in the courts, at the polls, and in other administrative proceedings.

And with that in mind, I just think it's very important that everybody remember why we love this nation so much. And having traveled and having listened to justice ministers who will sit right where Pete is sitting, and I sit across the table, and I hear their hopes and fears for their fragile democracy, we cannot take our democracy for granted. We cannot let it be subject to threats of violence. We must ensure that it operate in a way that gives everyone the right to express their opinion, everyone the right to be heard, but understanding that in the long run, we've got to make it work through the rule of law.

Q Ms. Reno, given the fact that you're from the community, has that made this process easier or more difficult for you?

ATTY. GEN. RENO: It is a community I was born in, raised in. It's a community I love. And when it's hurting, it hurts me.

Q Ms. Reno, to follow up on the question about the father, if the father comes to Washington with other relatives and friends, does that present you with another option, slightly different way of resolving it, such as turning the boy over to the father while he's here in Washington while the appeals process plays out? Would that be something you would consider?

ATTY. GEN. RENO: Those all will be option, but otherwise, I don't do "what-ifs."

Q Is the father coming?

ATTY. GEN. RENO: I don't do "what-ifs." (Laughter.)

Q Ms. Reno, how did you hear about this possibility of the

father coming yesterday? A lot of people heard it through a speech of Fidel --

ATTY. GEN. RENO: Carol told me. (Laughter.)

(Cross talk.)

Q Was it through Castro's speech that she heard about it? Was there any channels open up, in other words, on this?

ATTY. GEN. RENO: There have been discussion with the lawyer for the father, but that's how I heard about what was happening.

Q Do you think that fact that it's coming from --

ATTY. GEN. RENO: Carol's a good source. (Laughter.)

Q Do you think that fact that it's coming from someone like Fidel Castro, that hurts the situation instead of coming directly from the father or --

ATTY GEN. RENO: I don't know.

Q Ms. Reno, back to the statements by the Miami-Dade officials, would you describe them as helpful or unhelpful?

ATTY GEN. RENO: I would let others characterize their nature, and just urge a positive response that encourages everyone to work together to enforce the law.

Q The family has repeatedly, through their lawyers and their spokesmen, characterized what you're asking for from the great uncle as an open-ended or blank-check commitment to do whatever the government may ever ask them to do. Is that an accurate characterization of what you're asking?

ATTY GEN. RENO: No, it's not.

Q Why not?

ATTY GEN. RENO: Because all we've asked is, either file an action for an injunction, which the court can grant or not, but you will have an opportunity stay it, and they have not done that. That is something that they can do. We have also said that if you are not going to do that, let's agree to an expedited briefing schedule that will have the matter heard promptly. But if you will -- there will be no point in that if you just drag it out forever. If the court rules for us, and if you don't get a stay in the Supreme Court, then let's get this matter resolved.

Q Ms. Reno, is there a possibility of antitrust action against the other guns manufacturer who are talking about more or less ganging up on Smith & Wesson?

ATTY GEN. RENO: I have not discussed that with anybody. I just heard about it this morning. So I'd have to check into it.

Q Ms. Reno, are you sure in your heart of hearts that this -- what's called the "miracle boy," Elian, whose mother wanted him here in a free world, should have to go back to what is a very repressive -- that's Castro's prison? Why, after this miracle of his coming, should he have to go back?

ATTY GEN. RENO: I have known a lot of people in the Cuban community who were raised in Castro's Cuba, who had come to this country, and who, when they came, were perfectly wonderful people.

I also know --

Let's take this case. Suppose a man and his wife, and their 6- year-old boy, were on their way to a family reunion. There was a terrible accident; the wife was killed, the little boy miraculously escaped injury, and the father was seriously injured.

The little boy went to live with Aunt Lucy, who was rich, lived in a big house, had moderate political opinions, and did everything just right by the little boy. The father got

out of the hospital, after about six weeks, still severely disabled, but started seeking to get the little boy back.

Aunt Lucy said: "No, I can far better raise this boy. To take him away from me now would be terribly damaging to him, psychologically. I can do better by him. I can send him to college. And I don't like his father's political beliefs."

To say that father couldn't get that child back, in those circumstances, tears at the very fabric of the family relationship. And I think it's important that we put that in perspective here.

Q Even though he'll be going back to a repressive society? Do you agree that Cuba is a repressive society?

ATTY GEN. RENO: I surely do. But I also, as I point out to you, have seen people raised in situations in Cuba, who have come to this country, who are perfectly wonderful people.

Q Ms. Reno, people keep framing this debate in political terms or in religious terms or any other terms you want. Your central issue is the right of a parent to a child, regardless of all these side issues. Is that correct?

ATTY GEN. RENO: That and the rule of law.

Q Ms. Reno, if Elian has said in his own words now that he wants to stay in this country, he does not want to go back to Cuba, do you worry that if he does go back to Cuba now, that would affect him in any way, the way he is treated?

ATTY GEN. RENO: No. I think most people understand a 6-year-old.

And I can remember, I loved to go to my grandmother's house. She had such a wonderful house, and she cooked us biscuits just right, and she loved us. And she took us to the movie, and she got us French vanilla ice cream. And she read to us, and she taught us how to play cards. And she

was a wonderful lady.

And it came Sunday afternoon, and I'd run around behind the house and cry because I didn't want to go home.

Q In other words -- in other words, his words are not his own feelings?

ATTY. GEN. RENO: I think they are his own feelings. They were certainly my feelings when I ran around the house and cried and didn't want to go home, and I think we've got to understand that this is a very special, wonderful six-year-old boy who has been taken in by relatives who love him dearly and who cared for him.

Q Ms. Reno, what is your reaction, if I may ask, what is your reaction to the television interview with the little boy and the television production surrounding him this week? Did you have a chance to see a tape of that and --

ATTY. GEN. RENO: No, I didn't.

Q Do you have any reaction to the fact that it happened at all?

ATTY. GEN. RENO: No, I'll leave that to you all.
(Laughter.)

Q Ms. Reno -- (off mike) -- one question about the Voice of America settlement. I'm wondering if, in the wake of that settlement, since it went on for so long and ended up being settled for \$580 million, if you have looked at other cases that have been languishing in the Civil Division. I know there's one, (Traut ?) versus the Navy, it's a sexual discrimination case that was filed in '73. Are you looking at the policy of how you consider you're fighting these cases and pursuing a defense of the government, or has nothing really changed since that settlement occurred last week?

ATTY. GEN. RENO: I haven't looked at the other case. I shall do so. But what we have tried to do, in everything

that I have approached, is see what can be done to use alternative dispute resolution techniques to resolve issues in a timely, prompt manner that will best serve justice.

Q Ms. Reno, speaking as the top law enforcement officer in the country, do you think that the positions that the police departments have taken in Miami are appropriate regarding this case?

ATTY. GEN. RENO: Well, first of all, all I've heard from are the -- what I've heard in the press, and I think before I talk about the police departments, everybody should be given a chance to look at the issue and work through it and make sure that we all work together to enforce the law.

Q Ms. Reno, I'm sorry -- can you say whether the review of the New York Police Department includes this latest incident from last week?

ATTY GEN. RENO: I can't comment on what's included.

Q How can that review avoid the political situation up there, given the Senate race and the fact that Mrs. Clinton's running for the Senate?

ATTY GEN. RENO: Everything that I have tried to do, whether it be in the case involving Elian or otherwise, is to make sure that politics are not involved in the actions of the Justice Department.

Q How can that --

ATTY GEN. RENO: That's easier said than done. (Laughter.) But there are also situations that must be pursued, regardless of what time of the year or time of the years it is, and we are going to do everything that we can to make sure that the matter is pursued free of politics.

Q Is that realistic, given the fact that, after all, this is New York?

ATTY GEN. RENO: I cannot turn away from situations that

require review, and I will continue -- since I don't know New York politics, and I'm not an expert on New York politics, and I'm down here, I think I'm going to be in a real good position to ignore New York politics and to try to pursue it the right way.

Q Ms. Reno, in the matter of the e-mail investigation, can you say, are you actively considering requests from Congressman Burton and others on Capitol Hill to bring in a special counsel, rather than have the Campaign Finance Task Force look at this?

ATTY GEN. RENO: I always consider Congressman Burton's requests.

Q Well, what's the likelihood of that happening at this point, since he raises the concern that --

ATTY GEN. RENO: Oh, I'm reviewing it, so I can't comment on the likelihood.

Q Ms. Reno, can you explain how it is that two separate divisions of the Justice Department can be involved in this matter of the e-mail without there being any conflict or clash?

ATTY GEN. RENO: That is one of the issues that we have faced that was different than my situation at home, where I had only criminal jurisdiction. And there are situations which arise where the Civil Rights Division has one position, and the Civil Division is defending against the position taken by the Civil Rights, and a wall is created between them. And it is done in those situations.

Q Can you --

ATTY GEN. RENO: I'll ask Myron to give you as many examples as we can.

Q Okay. But can you explain how, in the particular case of the e-mail, the Civil Division can be walled off from the Criminal, or vice versa?

ATTY GEN. RENO: It will be walled off, and the -- we'll take steps to see that the civil matter does not interfere with the criminal matter.

Q Ms Reno, you used a phrase you have used before: you try to do the right thing; you're trying to resolve the Elian situation peacefully and getting the parties to work together. But ultimately, is the federal government ready to enforce the rule of law?

ATTY GEN. RENO: You bet.

Q Ms. Reno, still on the same subject, who provides protection for Juan Gonzalez in Miami or Washington? Is that a State Department responsibility?

ATTY GEN. RENO: We will address those issues as we come to them.

Q Is there a possibility of federal involvement in protection?

ATTY GEN. RENO: We will address all those issues as they arise.

Q Ms. Reno, you've expressed your personal opinion about a lot of issues here, and sometimes that was in contradiction to what the existing law is. Do you think that the law governing these types of Elian Gonzalez situations is a good law? Is it -- I know that it is the law, but do you believe in your heart that this is the proper procedure to handle a boy like this?

ATTY GEN. RENO: Yes, I do.

Q A follow-up on Pierre's question about whether the federal government --

ATTY GEN. RENO: Because --

Q Excuse me.

ATTY GEN. RENO: Because I think it's proper for the father to decide what to do for the child.

Q And that the discretion of INS being essentially the sole means of determining that is the proper way to do it, instead of -- (off mike) -- for example, "best interest of the child" standard being used?

ATTY GEN. RENO: The "best interest of the child" standpoint says that the father can't decide that. And here, the father speaks for the child.

Q Ms. Reno, in answer to Pierre's question about whether the government is ready to enforce --

ATTY GEN. RENO: I mean, if you go to changing the law, then you will have an aunt saying, "I can take care of that child better than the father can, and the father shouldn't be able to speak for the child. And I'm going to take the child and let some judge decide it."

I think we have got to have some presumption in favor of the family and of parents.

Q Is there any question, though, about the capacity of the father to make an informed choice in this particular situation because he is in Cuba?

ATTY GEN. RENO: Based on everything that I know, there is not.

Q Are you troubled at all that nobody from the federal government who is making these critical decisions for this child's future has met the child, talked to the child in any way?

ATTY GEN. RENO: I think that from everything that I have heard, the position is clear as to what he might say. And the bottom line is: If the 6-year-old arrived at the principal's doorstep and said, "I don't want to go home with my daddy; I want to stay and go home with my teacher,"

and the 6-year-old has the right to decide what to do, that's not going to be very effective in enforcing strong family relationships. I think, again, these -- just in terms of custody situations in divorce, they are some of the most difficult, difficult issues of all. They are fraught with emotion and heartbreak and loss.

There are two things that, it seems to me, we all should agree on: that, however this matter works out, we should do it in the most orderly, fair, prompt way possible; to drag this out does no one any good; and secondly, that it be done under the rule of law, according to democratic principles that I think every single person involved except Castro, holds dear. And I don't think we should let efforts that might undermine the rule of law or democratic principles feed into his propaganda.

Thank you.

Q Thank you.

END.

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