

# Another key day for Elián

## ELIÁN

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members outside the appeals court today.

"This case has gone on too long," said Ray Pitts, a spokesman for the group. "It should never have gotten to this point. The father should be allowed to come and get his son and leave. Where are the father's rights?"

That is the atmosphere that will likely pervade the city streets outside of the appeals court while similar arguments are expressed inside. To deal with the expected crowds and media, police have closed three blocks of Forsyth Street in front of the courthouse and a few nearby streets.

Besides federal marshals, there will be 40 local police officers on the streets. Barricades have been set up to keep the crowds away from the courthouse.

"We're used to dealing with demonstrations," police spokesman John Quigley said. "There will be an area there for people who want to let their opinions be known. We expect them to do it in a peaceful and lawful manner."

The discussion inside the courtroom, however, will likely feature a passionate debate over whether a 6-year-old can independently file for asylum and whether the federal government should give considerable weight to his father's wishes.

The Justice Department on Wednesday filed with the court a report by a government-appointed psychiatrist and social worker.

Summarizing the report, a Justice Department official said Elián told his father he feared he would be put in jail if he went back to Cuba, but the father assured him that would not happen. The report also says Elián was adjusting well to being with his father, the official said.

Present at today's hearing will be Lázaro González, the great-uncle who is trying to keep Elián in the United States, and his daughter Marisleysis. Both arrived Wednesday afternoon with Spencer Eig, the first attorney whom family spokesman Armando Gutiérrez recruited on their behalf. Elián's father is not expected to attend.

The judges have no deadline to issue a ruling. But legal experts predict the judges will move quickly.



**IN MIAMI:** Olga Rasco applauds a speaker Wednesday during a rally in front of the downtown federal building. Rallies to keep the Cuban boy in the United States were staged in several cities around the nation on Wednesday.

Staff photo/  
A. Enrique Valentin

## THE APPEALS COURT HEARING

A panel of three judges from the 11th Circuit Court of Appeals in Atlanta has allotted 40 minutes for the hearing, which is scheduled to begin at 9 a.m. today. Here is a breakdown of how it will proceed, and the time allotted for all sides.

- Attorneys for Elián's Miami relatives: 20 minutes.
- U.S. government attorneys: 15 minutes.
- Attorney for Elián's father: 5 minutes.
- The judges: They could take months to rule, but many legal experts expect them to issue a decision swiftly, within three weeks.
- The losing side: After the ruling, either party has 45 days to request that the case be taken up by the full 12-member appeals court. If the court refuses, the losing side would have 90 days to appeal to the Supreme Court.

"I would expect the decision in two to three weeks," said Jeffrey Brauerman, a former immigration judge and INS counsel who is now an immigration lawyer in Plantation. "The question is what happens after they rule."

If the judges deny Elián an asylum hearing, immigration law experts say the case could drag on for months.

The first delay could come after the decision, because either side would have 45 days to ask all 12 judges of the 11th Circuit Court to hear the case.

If the full court refused, the losing side would then have 90 days to appeal to the Supreme Court.

In Havana on Wednesday, the boy's grandparents complained that they won't be able to see the boy before the hearing because

U.S. officials did not give them visas.

"Elián is the only thing I have left," said Raquel Rodríguez, whose only child, Elián's mother, died in the tragic sea journey that sparked the international custody battle over the boy.

Elián's paternal grandfather, Juan González Sr., said the appeals process was a mystery to them.

"We have no idea" what to expect, González said. "We have received so many blows we don't what they are going to give us next."

The grandparents had hoped to spend time with the boy at Wye Plantation in Maryland, where he is staying with his father, stepmother, half brother and others from their Cuban hometown.

The Cuban government issued a

statement on Wednesday blasting the U.S. government for not immediately issuing the visas, and accused Miami's exile community of trying to torpedo today's appeals hearing.

In Miami on Wednesday, more than 1,000 people who want Elián to stay in the United States gathered in front of the Federal Courthouse, waving U.S. flags and singing the *Star-Spangled Banner*. Cuban flags were noticeably absent at the morning rally, which shut down two downtown blocks.

"His mother lost her life to bring him to a free country," said Randolph Muñoz, 61, as he held a small U.S. flag. "In a communist country like Cuba, fathers have no right over their children."

In Jersey City, N.J., Alina Fernández, Cuban President Fidel Castro's daughter, and Lázaro González greeted each other with clasped hands when they met in Liberty State Park to speak at a lunchtime rally of about 200 people.

Staff Writers Jose Dante Parra Herrera and Vanessa Bauzá contributed to this report, which was supplemented with information from Sun-Sentinel wire services.