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ANALYSIS

FATHER'S ARRIVAL CHANGES DYNAMICS

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WASHINGTON — It's a whole new ballgame now.

The arrival of Juan Miguel Gonzalez on American "free soil" changes the dynamics of the bitter custody dispute over his 6-year-old son Elián, mostly by undercutting arguments for blocking a reunion between the Cuban father and his boy.

The father's appearance in this country is expected to have little impact on the legal aspects of the case, but it makes a world of difference in the larger realm of politics and public perceptions surrounding it.

With an anxious father waiting to embrace his son, Attorney General Janet Reno now has a powerful incentive — as well as political cover — to force Elián's Florida relatives to turn him over to Juan Miguel and his immediate family for an eventual return to Cuba.

"In terms of the law, it has been clear from the beginning the father has custody of his little boy, and he need not come to the U.S. to exercise the rights of parental custody," said Jose Pertierra, a Cuban-American immigration lawyer in Washington.

"But in political terms, his presence here changes the whole dynamic of this case."

"Because he has arrived, it

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THE CRISIS OVER CUSTODY

Father arrives, dynamics shift

■ FATHER

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undermines the arguments made that he is not free to come here and that if he did come here he would ask for asylum," Pertierra said. "Guess what? He's here, he hasn't asked for asylum, and he wants to go back with his son to Cuba. So much for those arguments.

"Attorney General Janet Reno already has the ability to act swiftly but has been unwilling to do so. Now there is a living, breathing father nearby telling her, 'I want you to go in and bring back my boy.' If ever there was an incentive to get her to act swiftly, this is it."

Gonzalez is planning to meet with Reno later today, where he likely will make a formal request for custody.

Exile leaders, sensing that their cause of keeping the boy in this country is losing, turned sad, defensive and bitterly resigned on Thursday.

"Today is a sad day for democracy, freedom and the rule of law," Rep. Ileana Ros-Lehtinen, R-Miami, declared on the House floor within hours of the father's arrival.

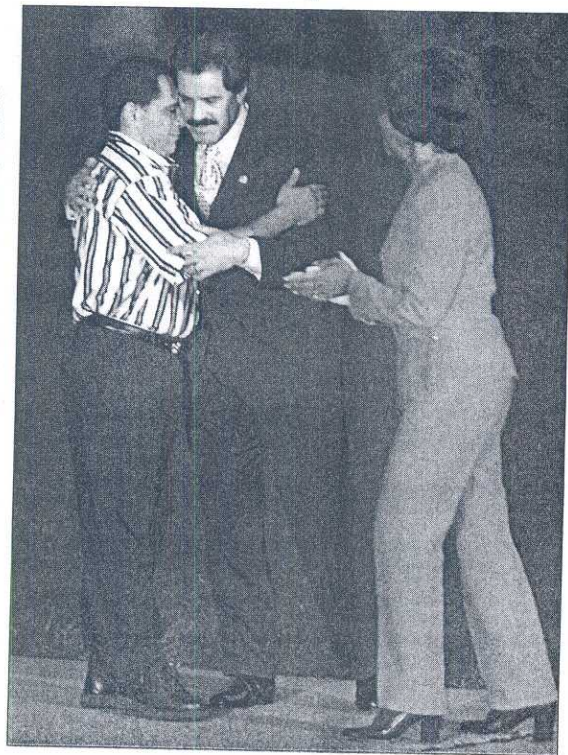
She and other exile leaders questioned why the father waited four months to come to this country to see Elián.

"Why not sooner, Mr. Gonzalez? Why not directly to Miami that you may immediately hug your son?" the Cuban American National Foundation stated on Thursday.

The defensive tone underscored their frustration, as public opinion and political realities mounted against them.

This extraordinary case always has been played out in the court of public opinion, and public opinion outside of Miami has always tended to support Elián's return to his father. Polls consistently show that two-thirds of the public favors a father-son reunion, and the father's presence will only reinforce that view.

"That's been the general perception that people had all along, par-



NEW FRIENDS: Juan Miguel Gonzalez, left, bids farewell to Rep. Jose Serrano, D-N.Y., and Rep. Maxine Waters, D-Calif., after the two members of the U.S. House visited with him in Bethesda, Md., on Thursday. AP photo/Rick Bowmer

ticularly casual viewers, who see this in terms of the relationship of a father and son. The people who dissent from that are the ones avidly following the case, strong conservatives or Cuban exiles, who see it as a dispute between two political and economic systems," said Richard Noyes, a media and public opinion analyst for the independent Media Research Center in Alexandria, Va.

If the father appears to be speaking freely and independently, public opinion will side with him all the

more, Noyes said. But he added a caveat: "If the intense media scrutiny over the next few days reminds people of the stark differences between the two systems, and if the father appears to be not a free agent, people may begin to change their minds.

"People will figure out fairly quickly whether he is kept on a short leash by representatives of the Cuban government or is a genuine person who is speaking his own views all along."

With few obvious signs of secu-

rity and his wife and youngest son in tow, Gonzalez appeared to be speaking from the heart on Thursday when he arrived to seek Elián. But nobody can know all the pressures he has been under.

The father's arrival now puts the burden on the Florida family members to make their case for hanging on to the boy, but they seem to be running out of objections.

"The family is in a more difficult position now that the father is here. It will cause them to look for new reasons why not to turn over the child," said Jeffrey Brauwerman, a former immigration judge and now an immigration attorney in Plantation. "They seem to be amending or modifying their demands every time this case takes a twist or turn. They seem to be putting up terms that they feel cannot be met.

"They can no longer say they will not turn him over. They can just keep negotiating on the terms of the turnover."

That still leaves a giant leap — the extrication of Elián from the Little Havana home where he has lived since being pulled from the sea. The father's presence in Washington could ease that step, too.

"The fervor of the demonstrations in Miami would be less intense if the boy is going back to his father in Washington rather than going straight back to Cuba," said Pertierra, the Cuban-American immigration attorney.

"Now that the father has come here, everybody can step back, calm down and think about things so that when a decision comes down and he returns to Cuba with his son, hopefully the passions will have cooled somewhat. "But I'm not naive enough to think it will be easy."

Staff writer David Cazares contributed to this report.

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