

# U.S. ready to use force to remove Elian Gonzalez

by David A. Vise  
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WASHINGTON — Attorney General Janet Reno and other senior Clinton administration officials have devised a plan to use force to remove Elian Gonzalez from the home of his Miami relatives unless they agree to cooperate in turning the boy over to authorities and his father, people familiar with the matter said Friday.

Rather than approaching the house by night, senior Justice Department officials have decided, if necessary, to send a team of federal marshals and immigration officers to take custody of the youngster in daylight. They anticipate resistance from a human chain of anti-Castro protesters, sources said.

The decision to remove Elian during the day was made after Justice Department officials consulted with two psychiatrists and one psychologist about the least traumatic way to take custody of the child, sources said.

Officials are counting on local police to handle any rioting by protesters. While they prefer a peaceful resolution of the matter after weeks of negotiations, Attorney General Janet Reno and Deputy Attorney General Eric H. Holder Jr. now are prepared for the potentially ugly spectacle of televised conflict with protesters in Miami to uphold the law, sources said.

The arrival on Thursday, April 6, from Cuba of the 6-year-old's father, Juan Miguel Gonzalez, who pleaded for custody of his son again Friday, cemented that decision, sources said.

"We are going to constantly be taking the temperature of the relatives and of the crowds around there, and we will plan to use the minimum amount of force," a Clinton administration official said. "At no time will we be losing sight of what is in the best interest of the child, and we are absolutely committed to being sensitive to what may prove traumatic as humanly possible."

"We fully expect the local police to fulfill their responsibility to the citizens of the city of Miami and Dade County to protect innocent people from being harmed and property from being destroyed," the official added.

Reno emphasized Friday that she wants to resolve the situation peacefully and called on the family to live up to its pledge to comply with the law.

Elian's Miami relatives and their attorneys have said they will comply with the law in dealing with the boy's custody and would not try to impede federal officials who come to take him away. The relatives have said repeatedly, however, that they would not help officials in removing Elian but would merely stand aside.

Talks between Immigration and Naturalization Service officials and the Miami relatives who are caring for Elian broke off Thursday, April 6. Friday, a legal and tactical strategy kicked into gear after Reno met with Juan Miguel Gonzalez for about an hour in her office suite at the Justice Department.

Reno was moved by her discussions with Gonzalez, sources said, just as she had been by reading the transcripts of INS interviews with him

in Cuba. She and her advisers have decided that it is time to make contingency plans to forcibly take custody of Elian, who was picked up in the ocean on Thanksgiving Day after his mother and others drowned attempting to flee Cuba.

Reno, whose tenure as attorney general began with the fiery deaths of 75 people near Waco, Texas, after the Branch Davidian compound was stormed by FBI agents, once again is in an extremely difficult position regarding the best way to resolve a potentially lethal dispute.

Politically, the stakes are high, but Reno believes the dynamics have shifted since the boy's father arrived, pleaded for the return of his son, and freely expressed the desire to return to Cuba, sources said.

As law enforcement officials were devising possible forcible-entry scenarios, White House officials were watching with concern, determined that the Justice Department avoid taking any action that might spark unrest in Miami.

While White House officials said they are not directly making decisions in the Elian Gonzalez case, senior Clinton aides are being updated several times daily. They expect to be briefed — and given the right of refusal — on any plan that Reno and her subordinates want to carry out.

"Our concern is that the rule of law prevail, and that everyone involved is respectful of the rule of law," a senior White House official said.

The Justice Department plan has been developed by Reno, Holder, Immigration and Naturalization Service Director Doris N. Meissner, and two

senior Justice Department staff members who report to Holder: James E. Castello, associate deputy attorney general, and Brad Glassman, counsel to the deputy attorney general. Castello and Glassman have previously worked together on sensitive immigration matters.

Reno reiterated Friday an offer first made to the family in Miami last week: turn over Elian immediately to his father, who is staying in Bethesda, Md., and she will seek to have them remain in the United States while the appeals process over Elian's immigration status and custody continue. Or, alternatively, keep the boy until federal marshals seize him pursuant to a court order, but there would be no government effort to keep Juan Miguel Gonzalez and his son from returning to Cuba before the appeals process is over.

The Justice Department plan, which has been reviewed by White House officials, includes seeking a court order directing the relatives in Miami to turn Elian Gonzalez over to the INS. If they do not comply, they can be held in contempt of court and subject to criminal sanctions or fines.

"Our duty and responsibility is to fulfill the order of a court and to see that the rule of law prevails," a Clinton administration official said. "Reno and Holder and Meissner are of one mind. . . . Local disturbances will in no way prevent the law from being enforced."

Reno declared Friday: "There is a bond, a special, wonderful sacred bond, between a father and his son, one that I intend to uphold."



KRT PHOTO BY CARL JUSTE

Six-year-old Elian Gonzalez (left) gives a kiss to Donato Dalrymple, one of the two fishermen who rescued him last November, while they play in the on the slide in his Miami relative's home. At right is Lazaro Martel.

# 19 Marines die in crash of Osprey, a controversial aircraft

by Tony Perry  
and Judy Pasternak  
Los Angeles Times  
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Plans to deploy a controversial military aircraft now in the final stages of testing were cast in doubt Sunday after 19 Marines were killed in a weekend crash that ranks among the most deadly peacetime accidents in years.

A tilt-rotor V-22 Osprey, built to take off like a helicopter but then rotate its propellers 90 degrees to fly like a fixed-wing craft, crashed nose down Saturday night near a municipal airport at Marana, Ariz., about 15 miles northwest of Tucson.

The aircraft, which was landing when it crashed, was participating in an exercise simulating the rescue of personnel from a hostile environment.

Of the 19 dead, 14 were members of combat troops from Camp Pendleton, north of San Diego, one was from the Miramar Marine Corps Air Station in San Diego, and four were Osprey crew members from a helicopter squadron in Quantico, Va.

The crash was the third most deadly

involving military personnel within the United States in the past ten years. In no other crash have more Marines been killed, the Marine Corps said.

*"Evaluating new equipment and training for war, like war itself, puts life at risk. In peace and war, Marines accept that risk — it is a bond between us."*

-Richard Danzig,  
Navy Secretary

Since 1990, the only crashes of military aircraft in the United States with greater loss of life were the crash of an Air Force plane in 1995 that killed 24

and the collision of two Air Force planes in 1994 that killed 23.

"This terrible loss of life is a reminder of how many men and women in the nation's military put their lives at risk, each and every day, so that we might be a free people and the cause of peace can be advanced throughout the world," President Clinton said in a statement issued after he called the commanding officers of the victims.

Military crash investigators probing the charred wreckage of the aircraft Sunday did not speculate in public about the cause of the accident, which occurred at about 8 p.m.

They will attempt to determine if the crash was the result of mechanical malfunction, pilot error, or problems associated with night-vision goggles and the use of forward-looking infrared radar. Goggles allow crew members to see in the dark but can sometimes impair peripheral vision. Some witnesses said they thought the plane was on fire before the crash.

In response to the crash, a Pentagon spokesman said no Ospreys will be flown "until we can get our arms around what may have happened."

The Boeing Co., which produces the Osprey jointly with Bell Helicopter Textron of Fort Worth, Texas, issued a statement calling the crash "a source of great concern and sorrow for all of us."

"Both companies [Boeing and Bell] are cooperating and supporting the Marine Corps to determine the cause of this accident," the statement said.

A Marine Corps spokesman Sunday declined to say whether the crash might jeopardize plans for the aircraft. "I don't even want to speculate on that," Capt. Rob Winchester said. "It's going to be based on the investigation."

The military has experimented with the Osprey for more than a decade at a cost of several hundred million dollars. Saturday's crash occurred during the final stages of a seven-month evaluation period to determine the aircraft's "operational suitability" for deployment. The Marines in Saturday's crash were training for deployment to the Persian Gulf.

The first twin-turbine Ospreys are set to deploy within three years with Marines from a helicopter squadron in New River, N.C. The entire fleet of

Ospreys is not scheduled to be ready until 2014.

"Evaluating new equipment and training for war, like war itself, puts life at risk," Navy Secretary Richard Danzig said in a prepared statement. "In peace and war, Marines accept that risk — it is a bond between us."

As investigators began the laborious job of determining the cause of the crash, Marine Corps officers and senior enlisted personnel fanned out across the country to notify the families of the dead and to stay with them to help them deal with their grief.

"The entire Marine Corps family grieves for the Marines we've lost in this tragedy, and our thoughts and prayers go out to their families," Marine Corps Commandant Gen. James Jones said.

For Camp Pendleton, the Osprey crash marked the second tragedy in four months. In December, a CH-46 crashed in the ocean during a training mission off Point Loma, killing six Marines and a Navy corpsman.

The Osprey, named for a large, diving bird of prey, is meant to be the Marine Corps' replacement for the ag-

ing CH-46 Sea Knight helicopters, which have been criticized as too slow, too loud, and too prone to maintenance problems.

The Osprey is built to achieve speeds in excess of 325 mph and fly at an altitude over 22,000 feet. With twice the capacity and range of conventional helicopters, the aircraft is designed to carry 24 troops and external loads of 15,000 pounds for distances as far as 2,000 miles. The craft can also fly high enough to be used by paratroopers.

The Marine Corps, which has ordered 360 of the \$44 million Ospreys, has stuck with the new aircraft despite some congressional criticism and a crash into the Potomac River in 1992 that killed four Marines and three civilians. That crash was caused when an engine caught fire, a design defect the military insists has been corrected.

"The Marine Corps has stuck its neck way out with the Osprey and bet very heavily that its brand-new technology will work," said Stephen Millikin, a retired Navy helicopter pilot and editor of *The Hook*, the publication of the San Diego-based Tailhook Association, a carrier aviation support group.

# Army Corps of Engineers' N.Y. cleanup spurs criticism, probe

by Michael Grunwald  
The Washington Post  
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TONAWANDA, N.Y. — A bleak industrial site cluttered with rusting trash bins and danger signs sits next door to the elementary school here, a radioactive relic of the race to build the atomic bomb. The site concealed a secret uranium plant during World War II, processing ore from Colorado and Congo for the historic Manhattan Project. Now it conceals a contaminated mess, a wartime legacy of low-level nuclear waste.

The Army Corps of Engineers, the nation's largest and most energetic public works agency, is supposed to fix that mess. In September 1997, after a late-night flurry of political machinations, Congress transferred the radiation cleanup program for Tonawanda and 20 similar sites from the Department of Energy to the Corps. Eager to take on the \$140 million-a-year mission, Corps officials argued that their agency was "a natural for the job."

But in Tonawanda, a gritty suburb of Buffalo, the Corps may be making an environmental and political mess of its own. The agency's \$28 million cleanup plan for the site would allow radioactive uranium levels at least six and possibly 30 times higher than any other such plan in history; state and federal

regulators say they have never seen a weaker proposal. New York's health department warned that the site may need a radioactive materials license — after the cleanup.

Meanwhile, the Environmental Protection Agency has launched a criminal investigation into early disposal efforts in Tonawanda, probing whether the contractors hired by the Corps mishandled waste and even manipulated data to disguise radioactive material as less dangerous garbage. California regulators are investigating, too; they claim that more than 2,000 tons of Tonawanda debris was buried illegally at a San Joaquin Valley dump without a federal radioactive waste license. On Wednesday, April 5, a Senate committee will hold a hearing on the broader Corps decision to dispose of many of its Manhattan Project leftovers in such landfills.

The Corps insists its cleanup of the so-called Linde-Praxair site here will protect human health and the environment. And the agency's first two radiation cleanups — one in Tonawanda, one in nearby Buffalo — do appear to be success stories. The Corps believes less stringent standards make economic sense at Linde-Praxair, because the waste is confined to an industrial location and is generally considered "low level" uranium, thorium, and radium. Sen. Barbara Boxer, D-Calif., says one

Corps lawyer told her it is so safe, she could roll around in it.

Leading radiation experts emphatically disagree. They caution that even low-level waste can increase cancer risks, and even low-



WASHINGTON POST PHOTO

Radioactive dirt being removed from one of several Army Corps of Engineers cleanup sites in Tonawanda, N.Y. The Corps' recent entree into nuclear waste offers a new example of how this agency's ties to Congress have allowed it to expand its mission over the years.

level waste sites can hide dangerous "hot spots." And they warn that the Corps is literally breaking new ground in radiation protection, ignoring long-accepted procedures and introducing unprecedented assumptions into its cleanup plan.

Arjun Makhijani, president of the Institute for Energy and Environmental Research outside Washington, D.C., reviewed hundreds of pages of Tonawanda documents at

*The Washington Post's* request. Makhijani also spoke at length to a Corps technical expert, and while he was impressed with the agency's openness, he believes its plan "sets a poor example for cleanup in other

areas of the country." "The Army Corps has claimed it is cleaning up this site to a free-release standard — clean enough so that homes can be built there and children can play," he said. "I have concluded that its claim is based on egregious assumptions." The story of the Corps' recent entree into nuclear waste offers a new example of how this unusual Pentagon-based agency's close ties to

Congress have allowed it to expand its mission over the years, sometimes into areas where its qualifications are in question. The result, say environmentalists, anti-tax advocates, and local activists, has been a steady stream of wasteful pork-barrel projects, vast environmental damage — and now, at Tonawanda, the specter of a radiation debacle.

In recent months, the agency's military-led bureaucracy has been criticized for devising an internal "Program Growth Initiative" designed to boost the agency's budget by \$2 billion, and for allegedly rigging a study to justify billion-dollar projects on the Mississippi and Illinois rivers. Army Secretary Louis Caldera recently announced a series of management reforms designed to restore public confidence in the Corps, but suspended them on Thursday, April 6, after just one week, a response to heavy pressure from several key Republican senators.

The agency's defenders inside and outside Congress say the Corps — an aggressive, 37,000-employee powerhouse with a can-do mentality — is the obvious choice for an earth-moving job like Tonawanda. "We've got the expertise," said George Brooks, a top Corps engineer in Buffalo. "We know we can do this."

But the Corps is taking an unprec-

edented approach to nuclear cleanup, and its critics ask why a public works agency is setting new radiological standards. The Corps, they say, didn't enhance its case when it refused to follow the normal procedure of hiring a "verification contractor" to monitor its work in Tonawanda — even after a local citizens group offered to pay the bill.

"The Corps just doesn't seem to be operating in the real world," said Paul Giardina, chief of the radiation and indoor air branch for the EPA's New York regional office. "They're so far out of line; we've never seen anything like it."

Corps officials have refused to change the controversial numbers in their official plan, but in public meetings, they have pledged that their final cleanup levels at Linde-Praxair will be well below the legal maximums, satisfying the demands of the critical state and federal regulators. The blunt-spoken commander of the agency's Buffalo district, Lt. Col. Mark Feisterstein, has offered a straightforward message to the community: trust us.

"To me, the Army is an organization where to the maximum extent possible you do the right thing, and that's why I stayed in it," Feisterstein said at a meeting last April. "Again, if you trust your military, that's why Congress gave this mission to the Corps of Engineers."