Winners and Losers In The Elian Face-Off

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If anyone has any doubt which side of the Elian debate the media are on, that doubt was dispelled by the media's peculiar silence about the way the NBC crew assigned to supply video footage to the networks was roughed up, maced and forced to the ground with a rifle butt by the government gunmen who raided Lazaro Gonzalez's home in Miami.

Just suppose that George W. Bush's security guards had treated the media like that to prevent their taking pictures. We wouldn't have heard the end of such an attack on the press's First Amendment rights.

Kicking NBC's cameraman to the ground wasn't any accident. Shortly before the Miami raid, all the networks and Miami television stations received a fax from Bill Clinton's attorney (a.k.a. Castro's attorney) requesting the media to "refrain from broadcasting any coverage" of the raid.

Fortunately, an Associated Press cameraman managed to take the now famous pictures. The loaded machine gun aimed at the terrified six-year-old and his fisherman savior is new proof of the adage that a picture is worth a thousand words.

Most of the media tried to downplay the embarrassing real-life action picture of the MP-5 submachine gun aimed at innocent people by smothering it among dozens of posed pictures from Greg Craig's press releases showing a happy Elian with his father, but the machine-gun picture is the legacy of the Clinton Administration. We'll be watching to see if that picture wins the Pulitzer prize it deserves.

The Clintonites manipulate the language of communication for agitprop more skillfully than anyone else in our times. Again and again, their spokesmen echoed Clinton's ultimate chutzpa, "The rule of law has got to be upheld," and Janet Reno's false assertion that she "had no alternative."

Of course, Reno had alternatives other than a nighttime break-in of a private home by machine-gun-toting agents using a battering ram. She could have gone to court and, following an adversarial hearing, secured a court order.

Reno didn't do that because she feared she wouldn't get it, having already been denied such an order by the U.S. Court of Appeals. So she arranged a fig leaf of legality by getting an ex parte (without hearing the other side), after-hours, inappropriate search warrant from a magistrate.

What was the urgency to grab Elian before dawn on Easter Saturday? He was in no danger of harm; the only danger of harm came later from the G-men brandishing loaded guns.

The urgency was that Reno wanted to moot the impending decision of the 11th Circuit Court, which had indicated that Elian might apply for asylum. After a few weeks with his father and psychiatrists from Castro, the Clinton Administration, and the pro-Castro National Council of Churches, any such application by Elian would surely be withdrawn.

The other urgency seems to be that Reno got tired of negotiating. Being weary of negotiating was a major factor in her raid in Waco as well as the government's previous raid at Ruby Ridge. Being weary of negotiating is not a good reason to endanger human lives.

Senator Bob Graham (D-FL) thought he had a "commitment" from the President that there would be no taking of Elian "at night." Graham now joins the ranks of friends to whom Clinton lied.

Child-custody negotiations don't usually take place between midnight and 5 a.m. Those negotiations must have been a decoy to put the family off its guard.

This isn't a custody fight between Elian's Miami relatives and his father but between the Miami relatives and Castro. CNN reported that Castro just visited a special boarding school created in a two-story house in Havana where he plans to have Elian and his classmates stay for at least three months after the boy's return.

The one clear winner in the Elian face-off is Castro. There are many losers but the most important is the Fourth Amendment, which is supposed to guarantee American citizens the constitutional right to be

secure in their houses against "unreasonable searches and seizures." Criminal conduct, danger, or real emergency could make searches and seizures reasonable, but those situations didn't apply to Elian.

Do we want an America in which federal agents, helmeted, goggled and garbed in battle gear, force entry into a private home, threaten the owners with loaded machine guns and trash the contents, in order to resolve a child-custody dispute? Whatever happened to due process?

The Miami raid is being called a "dynamic entry" that was "done professionally," the euphemisms of a police state. Perhaps we should amend the Fourth Amendment to add "except when the end justifies the means."