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A mother and child caught in a global nightmare

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NOAH K. MURRAY/THE STAR-LEDGER

Elena Mazza of Elizabeth is fighting a federal judge's order to deport her daughter, Arianna Adan, 5, to Argentina. Mazza, an American citizen, was living there with the girl's father and fled because she says he abused her and Arianna, also a U.S. citizen.



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The photograph is disturbing. A little girl, just 3, her underpants fitted tightly over her head, covering her mouth like a gag, her eyes peering through the leg holes.

"It was disgusting and frightening," says the child's mother, who received the picture in an e-mail sent by the child's father and used it in court. She has accused him of abusing both her and their child. She says she doesn't know how the picture was taken.

man, Ariel Adan, who sent the e-mail.

A few weeks ago, a federal judge in Newark ordered Arianna Adan, now 5, deported to Argentina, with or without her mother. In effect, U.S. District Judge William Walls ruled that Arianna is Argentina's, not this country's, concern.

Or, as Adan's lawyer, Walter Lesnevich of Hackensack, says: "I don't know if he abused the child and, frankly, I don't really care. It's Argentina's problem."

Arianna, like her mother, is an Ameri-

"Federal courts are not equipped to handle these issues," says Elliot Gourvitz of Springfield, Mazza's lawyer. "They don't know family law; it's a state matter."

Or, as Merle Weiner, a University of Oregon law professor and expert on such cases says, "Federal courts cannot look at the issue of the best interests of the child."

Because these cases are a mat-