

Rejecting Haitian Refugees
Haitian Boatpeople in the Early 1990s

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Introduction

Introduction

America, the land of “milk and honey” and “freedom and equality,” has always been a destination for immigrants throughout the world. In fact, a history of the United States is undoubtedly a history of immigration, refuge, and resettlement. The many diverse populations that form the US speaks to the country’s large-scale admittance of immigrants. Groups and individuals migrate to the US in search of better economic opportunities, to reunite with families, and to escape political repression back home. This last motivation to migrate, freedom from repression of various kinds, has brought many groups of foreigners to the US in the late 20th century, from places like Vietnam, Europe, Cuba, the former Soviet Union, the former Yugoslavia, Ethiopia, and Somalia. Despite their “welcoming” stance towards political refugees, however, the US has been very selective, and in many cases downright cruel, in choosing which groups of individuals would be allowed to enter its borders. An “open arms” policy was not extended to all refugees who sought safe haven in the US. Many migrants have been turned back, denied refugee status, and forced to face political terror upon return to their devastated home countries.

This is the story of Haitian boatpeople. In as early as the 1960’s, hoping to escape political turmoil and violence in Haiti, Haitians began selling everything they had in an effort to reach America. Boarding rickety, over-crowded boats, they endured hunger, pain, sadness, and all sorts of atrocities just so they could have a “normal” life away from conditions at home. Despite their suffering, Haitians have been forcibly turned away by the United States. The US deemed Haitians “economic migrants,” and let it be known

that they would not benefit from the refugee policies that it had granted other countries and individuals.

This thesis will explore the US rejection of desperate Haitian boatpeople in the early 1990s. During this time, Haitians were escaping a politically unstable government under President Aristide following his coup. The situation in the country was very violent and oppressive. Opponents to Aristide's rule went on a rampage killing Aristide supporters, burning homes and villages, torturing, kidnapping, and threatening political opponents, and aiding economic corruption. A large number of Haiti's population—since support for Aristide was widespread—was left with little options. Thus, many took the risk of boarding unsafe boats hoping to reach America. Yet, instead of being welcomed by the US, as contemporary Cuban refugees were, Haitians were summarily turned back to Haiti and denied asylum or refugee status. The US made the argument that Haitians were not escaping political terror, but that instead they were escaping poverty. Never mind the fact that Haitians were being amputated and thrown into mass graves; according to US officials Haitians were economic migrants and would not receive special treatment. From 1991 to 1994, Haitians were interdicted, detained, and repatriated in large numbers. US Coast Guard cutters literally stopped Haitian boats and delivered Haitians back to the gates of terror. Some Haitians were imprisoned in detention camps, such as the one in Guantanamo Bay, Cuba, and Krome Detention Center in Florida. Hardly given proper screenings or legal representations, the majority of detained Haitians were also sent back to Haiti. Those who did reach the US had their applications for asylum denied; many were subject to deportation.

In rejecting Haitians, the US acted in a racist, discriminatory, and contradictory manner. This reaction comes out of a deep, historical animosity towards Haitians. Haitians have been isolated by foreign powers ever since Haitians overthrew colonial slavery in the late 18th century. When the US occupied Haiti in the early to mid 20th century, relations with the island did not improve; instead, racism and a severe stigma against Haitian culture were produced. These negative viewpoints on Haiti undoubtedly led to the terrible policies against Haitian boatpeople later on.

The Haitian Diaspora, who had previously migrated to the US during the 1960s and 1970s, grew angry with America's treatment of new Haitian boatpeople. Several activists used various means to fight the injustices that Haitian boatpeople encountered at the hands of the US government. Yet, as a stigmatized minority in the US, Haitians did not have the economic, political, or social capital to completely overturn these injustices. Unlike the Cubans in Miami, Haitians faced severe prejudice, racism, and hardships in the US. Nevertheless, Haitians and their advocates fought for their rights. Their concept of unity and their transnational identities helped to break down the obstacles that kept so many Haitians from finding refuge in America.

This thesis is divided into three sections. The first section is devoted to understanding Haiti's history and America's relation to it. Slavery, revolution, US occupation, dictatorship, and the first Haitian boatpeople are explored in an effort to highlight the deep-seated racism and prejudices that mark US-Haitian history. The second section, which is the central focus of this thesis, explores the situation in Haiti after the coup, the mass exodus of Haitian boatpeople, the US policies to return and deter Haitian boatpeople, and the arguments surrounding the debate. The controversies pertinent to this

historical event are addressed and linked to the US's animosity towards Haiti and its peoples. Finally, the third section looks at the Haitian Diaspora and political activists to illustrate the ways in which they fought against unfair US policies towards Haitian refugees. Thus, the main argument of this thesis is as follows:

The United States government's reactions and policies against Haitian refugees following Aristide's overthrow in 1991 were discriminatory, contradictory, politically motivated, and disregarding of human rights. With a history of racism and prejudice towards Haitians, the US allowed forced repatriation, harsh detention, and the denial of temporary protected status to shape its handling of desperate Haitian boatpeople. Yet, with the use of their own political, social, and cultural agency, and their historical concept of unity, the Haitian Diaspora, along with other non-Haitian activists, fought vehemently (despite many obstacles) against the cruel injustices of Haitian refugees by the United States government.

Section One:
Haitian History

Isolated Black Republic

In 1804, Haiti gained its independence from France. After 12 years of bloody revolt, former black slaves succeeded in ridding the country of white colonialists. Led by Toussaint Louverture, the revolution was significant for several reasons. The uprising not only marked the overthrow of a rather powerful colonial power, but it also marked the defeat of a white army by black rebel slaves. Haiti, thus, became one of only two independent republics in the Western Hemisphere, and the first ever independent Black republic of the modern world. The only other independent republic on the western side of the Atlantic Ocean was the colossal United States of America. Having gained its independence from the British in 1776, the US, in its fervor, boasted ideas of freedom, independence, democracy, and equality; yet these ideas did not include Haiti.

Although they had both gained independence by defeating imperial European colonialists, the US did not recognize Haiti's independence until 1862. Instead of acknowledging the revolutionary zeal that prompted the former slaves and Louverture to rise against France, Thomas Jefferson denounced the revolt and the killing of white planters by black slaves. Although he believed in the emancipation of slaves, he premised this belief on an ugly fear of blacks rising up against slave masters—not in the inherent equality of all blacks and whites.¹ Thus, Jefferson did not recognize Haiti, and referred to the rebel slaves as “cannibals.”² Racist accounts of the events unfolding in Haiti dominated the American landscape. The words “barbaric” and “massacre” were used

¹ Thomas Jefferson. *Notes on the State of Virginia*. Edited by William Peden. W.W. Norton: New York, 1972. p. 138

² Edwidge Danticat. “Ignoring the Revolution Next Door.” Time Magazine. June 27, 2004.

repeatedly in documenting the revolt. Robert Lawless, in his book *Haiti's Bad Press*, points to how several accounts portrayed the situation in Haiti as the “tragedy of the annihilation of the white population.”³

Most Americans were especially fearful of what Haiti represented—an independent land of free ex-slaves. Slave owners and politicians did not want American slaves to be influenced by the radical events occurring in Haiti. Montague illustrates this fear: “It is not difficult to perceive how the idea of an independent negro nationality in America would affect the ante-bellum planter, to whom public order and private fortune were alike based on the premise that negroes were unfit for self-government.”⁴ Jefferson, a planter himself, foresaw the possible consequences of maintaining contact with Haiti, and subsequently adopted a policy of isolation. In addition, the US stopped all trade with Haiti. Thus, the bloody revolution in Haiti produced a deep fear, disgust, and isolation of Haitians by the United States. This is all besides the fact that the revolution actually led to the growth and empowerment of the US. In surrendering to rebel slave forces in Haiti, Napoleon (lacking sufficient military forces in the West) gave up his dreams of colonial expansion in the Americas and sold Louisiana to the US for a small price in 1803.⁵ Despite this unintended consequence, the US did not recognize or legitimize Haiti as an independent state. It was not until 1862, when the US was dangerously divided on its own issue of slavery, that President Lincoln publicly recognized Haiti as an independent black state.

³ Robert Lawless. *Haiti's Bad Press*. Schenkman: Rochester, Vermont, 1992. p. 41.

⁴ Ludwell Lee Montague. *Haiti and the United States, 1714-1938*. Duke University: Durham, 1940. p. 24.

⁵ Malissia Lennox. “Refugees, Racism, and Reparations: A Critique of the United States Immigration Policy.” *Stanford Law Review*. Vol. 45, No. 3 (Feb, 1993), pp. 692.

Racism and Segregation during American Occupation, 1915-1934

The years after its Independence and leading up to the American Occupation of Haiti were years of political instability, corruption, incessant murder, poverty, and mob rule. After 1804, Haiti saw 22 presidents. Out of the 22 presidents that led the country, only one president served his entire term. Six were assassinated in office, one resigned, and fourteen were ousted by military coups.⁶ The ongoing instability in Haiti caused the US to intervene in 1915. Driven by the rhetoric and goals of the Monroe Doctrine, the US attempted to gain influence and strategic control over the Caribbean in an effort to ward off any possible European power in the Western hemisphere. They also saw the political instability in Haiti as a threat to US stability. A determination for “order” and “stability” became highly important in foreign relations with the Caribbean.⁷ With this justification for intervention, US military troops entered Haiti in 1915. They were invited by wealthy light-skinned Haitian mulattos (mixed with French and African) who had historically made up a corrupt and self-serving ruling class in Haiti. Mulatto elites wanted an end to the violence and political assassinations they faced due to frequent mob rule; thus, they welcomed American occupation.

Despite their intentions, the United States’ occupation was marked by economic self-interest, racism, and disregard for the Haitian populace. The first thing that the US did once in Haiti was take control over the country’s finances. In 1914, the US had seized all of the gold from Haiti’s *Banque Nationale* and carried it off to New York.⁸ The US

⁶ Hans Schmidt. *The United States Occupation of Haiti, 1915-1934*. Rutgers University: New Brunswick, NJ, 1971. p. 42.

⁷ *Ibid.*, p. 46.

⁸ Brian Weinstein and Aaron Segal. *Haiti: Political Failures, Cultural Successes*. Praeger: New York,

monopolized Haitian imports, took control of the banking industry, and transferred Haiti's debt from France to the US.⁹ They established a fifteen-hundred-strong Haitian military force, headed by white American officials, called the *Gendarmerie d'Haiti*.¹⁰ The US also installed a puppet state with Haitian mulatto elites acting as hand-picked client-presidents and officials. Says David Nicholls of this undemocratic procedure: "The Americans decided to adopt a system of indirect rule and looked for a likely candidate for the presidency of Haiti, who would be able to command a degree of support from local [mulatto] elites, but would at the same time collaborate fully with the United States administration—that is, who would do as he was told."¹¹

In order to recruit workers for the maintenance of local roads, the US reintroduced the *corvee* in 1916, which was "an 1863 Haitian law that had called on peasants to help maintain local roads by paying a tax or, alternatively, working for free as a construction worker."¹² Since many peasants did not have the money to pay taxes, they were forced to work without pay. The system soon reflected slavery. Philippe Girard states: "Stories quickly leaked of peasants rounded up by soldiers of the *gendarmerie* and led to work tied up with ropes. For Haitians mortified that 1915 had erased 1804, the symbol was too strong. The whites, it seemed, had brought slavery back with them."¹³ Repeated attacks on the system by peasant uprisings ended the *corvee* in 1920.

Racial tension defined the years of American Occupation in Haiti. From the beginning, American officials' ignorance of Haitian culture dominated affairs: William J.

1984. p. 24.

⁹ Lennox, 1993. p. 693.

¹⁰ Lennox, 1993. p. 694.

¹¹ David Nicholls. *From Dessalines to Duvalier: Race, Colour and National Independence In Haiti*. Cambridge University: Cambridge, 1979. p. 146.

¹² Philippe R Girard. *Paradise lost: Haiti's tumultuous journey from Pearl of the Caribbean to Third World hot spot*. Palgrave: New York, 2005. p. 81.

¹³ *Ibid.*, p. 81.

Bryan, then Secretary of State, remarked of Haitian peoples: “Dear me, think of it! Niggers speaking French.”¹⁴ With the arrival of white American wives in 1916, a strict segregation, resembling Jim Crow, separated the whites from the blacks. Blacks, including the mulatto elite, were barred from entering white bars, clubs, restaurants, hotels, and neighborhoods. Schimdt writes: “The American Club, which was the social center of the American colony, was closed to all Haitians, even the client-president; the only blacks allowed to participate in club functions were the Haitian waiters.”¹⁵ Tensions between white US soldiers and the mulatto elite were especially striking. Since mulattos believed themselves to be white (having light-skinned complexion), they were appalled by the Americans view that all Haitians were black, and thus inferior. White US soldiers were not fond of the pompous attitudes of the mulatto elite and dismissed them as “niggers” and “gooks.”¹⁶

During the 1920s, the US military occupation led an anti-Voodoo campaign in Haiti. Voodoo, a West African-derived religion based on spirits, ancestors, and nature, is a very sacred tradition among black Haitians. Girard mentions how “US soldiers destroyed Voodoo temples and drums, while black Haitians murmured that their white masters were trying to stamp out the most visible element of slave culture to impose their European version of Christianity.”¹⁷ The racism, segregation, and prejudice that US soldiers espoused created a lot of tension among the population. After several violent demonstrations, riots, and strikes, the US finally ended occupation in 1934.

¹⁴ Ibid., p. 89.

¹⁵ Schimdt, 1971. p. 137.

¹⁶ Ibid., p. 139.

¹⁷ Girard, 2005. p. 86.

Although the occupation succeeded in promoting infrastructure—such as roads, public works, health care, government agencies, and education—the occupation did not change conditions for the poor. The poor black Haitians remained poor, and the rich Haitian mulatto elite remained rich. In addition, the occupation did not promote democracy, and, thus, maintained Haiti’s politically corrupt nature. In fact, the US-organized Haitian military stands as a symbol of the occupation’s ills: “The occupation also brought about long term if erratic links between the U.S. military and some Haitians. U.S. marines trained the first professional military in Haitian history and retained formal and informal contacts after 1934. The Haitian army, but not the various paraprofessional forces, continued to look to the U.S. for training, equipment, and tactical doctrines such as counterinsurgency.”¹⁸ Many historians and commentators denounced the role of the US government in Haiti. Writing in 1923, George W. Brown remarks: “Obviously the position in which we find ourselves in Haiti is one of embarrassment and one which has affected the prestige of our country detrimentally.”¹⁹ Nonetheless, US occupation in Haiti highlights the deep relations that connect the two countries. It also highlights the massive influence that the US has had over Haiti. Malissia Lennox quotes one historian: “the success or failure of a Haitian government is always ultimately determined by relations with the US.”²⁰ Thus, the US continued to play a role in Haitian politics—oftentimes to the detriment of Haiti and Haiti’s poor masses.

¹⁸ Weinstein and Segal, 1984. p. 30.

¹⁹ George W. Brown. “Haiti and the United States.” The Journal of Negro History. Vol. 8, No. 2, April, 1923. p. 152.

²⁰ Lennox, 1993. p. 692.

Duvalierism and the First Haitian Boatpeople

At the height and towards the end of US occupation in 1934, discontented Haitians had developed a strong dislike of white foreigners. What followed was a recapturing and pride for blackness. A *noirisme* movement swept across Haitian black intellectual circles. This movement is similar to the *negritude* movement that was occurring among French-speaking black students in Paris in the 1930s. The *negritude* ideology, with its ideas springing from the Harlem Renaissance, embraced blackness, rejected white colonial domination, and sought to form solidarity among the African Diaspora.²¹ The Haitian *noirisme* movement, though similar to the *negritude* ideology, was specifically anti-mulatto in their approach. They ridiculed the mulatto elite for imitating French styles and customs, and sought to establish *blackness* as national pride. Says Girard: “*Noiristes* studied and embraced anything African; they incorporated Creole folk tales in their writings, rehabilitated Voodoo, and fought against the widespread prejudice against black skin.”²² This movement contributed to the rise of the notorious Francois “Papa Doc” Duvalier in the late fifties. Born in 1907 to a middle-class family, Duvalier received a fine education and obtained a medical degree. As a doctor, Duvalier operated clinics throughout the country treating infectious diseases, such as yaws and malaria. He soon became known as “Papa Doc” to the many black Haitians who were grateful and inspired by his work. His shy personality, his participation in the *noirisme* movement, and his positive impact in the community all contributed to his victory in the 1957 presidential elections—albeit there were major instances of electoral fraud.

²¹ David Nicholls. “Ideology and Political Unrest in Haiti, 1930-1946.” Journal of Contemporary History. Vol. 9 No. 4. October 1974. p. 5. pp. 3-26.

²² Girard, 2005. p. 87.

Once president, Papa Doc's entire political façade was unmasked. Instead of a shy and benevolent leader, Papa Doc revealed himself to be a ruthless, heartless, and by-any-means-necessary type of dictator intent on stamping out any opposition to this leadership. Although his main targets were the anti-Duvalier mulatto elite, anyone was susceptible to Papa Doc's wrath if they were considered a threat to his regime. In response to political prisoners staging a hunger strike in 1958, Papa Doc captured relatives of the prisoners and staged unspeakable acts of cruelty against them. The wife of one prisoner, for instance, was "dragged out of her home, taken to an isolated location, gang-raped, gunned, and left for dead in a ditch."²³ In one infamous rumor, Papa Doc was said to have had several opposition activists buried alive in a hole near a popular intersection for Voodoo worshipping.²⁴ In order to limit the power of the military, Papa Doc established his own voluntary security unit, popularly known as the *Tonton Macoutes*. Dressed in blue jeans, denim hats, and sunglasses, these bands of thugs usually came from Haiti's poorest slums and the countryside. They were loyal to Duvalier in exchange for his monetary support. They ruthlessly roamed the streets harassing, stealing from, torturing, imprisoning, and killing political enemies and anyone who stood in their way—both rich and poor alike. In 1964, Papa Doc crowned himself Haitian president-for-life.

Although they suspended aid to Haiti in 1963 due to Duvalier's oppressive regime, the US government secretly supported Duvalier. During this Cold War period of intense opposition to communism and the Soviet Union, the US government collaborated with Duvalier (who was elected in 1957) in the hopes that Haiti would not turn communist, as Cuba had done. "The Kennedy Administration turned a blind eye to

²³ Ibid., p. 95.

²⁴ Ibid., p.95.

Duvalier's repressive rule and ongoing human rights violations in exchange for anti-Cuban support" states Lennox.²⁵ After his death in 1971, Duvalier's nineteen year old son, Jean-Claude "Baby Doc" Duvalier, assumed presidency. The US is said to have had a role in this succession also: "The 1971 transition from Duvalier Senior to Duvalier Junior, for example, was part of a deal worked out between Francois Duvalier and the Nixon administration...[Duvalier] would support a new economic program guided by the United States, a program featuring private investments...incentives as no custom taxes, a minimum wage kept very low, the suppression of labor unions, and the right of American companies to repatriate their profits."²⁶

Jean-Claude Duvalier's regime differed little from his father's. Born into luxury and power, Baby Doc was into fast cars and women.²⁷ Although he was less prone to exerting violence, the Tonton Macoutes continued their cruelty under his leadership. The years of Duvalier dictatorship is said to have cost 30,000 to 60,000 Haitian lives.²⁸ Although infrastructure was promoted, most of the money from foreign aid went into Baby Doc's pockets. In his attempt to secure foreign money, Baby Doc exploited Haiti and its masses. In addition to the US government providing monetary aid in exchange for Duvalier's anti-communist promises, US business interests were directly involved in the trade of Haitian blood during the early to mid 1970s: "Luckner Cambronne, the powerful minister of the interior and rumored lover of Papa Doc's widow Simone, added a lucrative trade in body parts. Through his company Hemocaribbean, he exported Haitian

²⁵ Lennox, 1993. p. 697.

²⁶ Lawless, 1992. p. 160.

²⁷ Girard, 2005. p. 100.

²⁸ Weinstein, 1984. p. 43.

blood, plasma, and cadavers to U.S. hospitals and medical schools.”²⁹ The US government also continued to provide training to a corrupt Haitian military.

The violent atrocities committed against Haitians and the poverty that grew under the Duvalier dictatorships led to the mass exodus of Haitians by boat from the 1960s to the 1980s. Robert Lawless explains how the first migrants fleeing Papa Doc’s rule were from the professional classes, while migrants fleeing during Baby Doc’s rule were from all classes.³⁰ These Haitians boarded small unsafe boats hoping to reach Florida and obtain asylum. Despite their hardships, the US had no intention of welcoming Haitians (especially poor Haitians who made up the majority of later boatpeoples) into America. Although many Haitian boatpeople made it to America and lived illegally there in a growing Miami immigrant community, many others were intercepted by US marines, detained, and immediately sent back to Haiti. In September 1981, the Reagan administration devised the Haitian Program, which included in it an agreement signed with Baby Doc that allowed the US Coast Guard to interdict Haitian boats and send refugees back to Haiti.³¹ In return for signing the treaty, the US officially increased foreign aid—which only benefited Baby Doc’s personal finances. Robert Lawless states: “Of the approximately twenty-two thousand Haitians turned back at sea since 1981, only twenty have been allowed to come into Miami to pursue political asylum claims.”³² In Miami, Americans were “shocked to see five Haitian men caged and shackled on the deck of a freighter awaiting deportation to Haiti.”³³ This sort of rejection and mistreatment towards Haitian refugees took on monumental proportions, especially in the

²⁹ Girard, 2005. p. 102.

³⁰ Lawless, 1992. p. 62.

³¹ Ibid., p. 103.

³² Lawless, 1992. p. 130.

³³ Ibid., p. 131.

decades following Duvalierism. Negative tensions surrounding the Duvalier dictatorship led Baby Doc and his wife to flee Haiti in 1986. He left behind an economically devastated and politically unstable government. A new hope was badly needed in Haiti, one that would uplift its oppressed black masses and encourage them to remain in Haiti. Only time would tell if such a hope would be realized.

Section Two:
Haitian Boatpeople in the 1990's

Terror after the Coup

After Jean-Claude Duvalier's escape to France in 1986, Haiti endured four years of political instability. These years were marked by the rise and fall of four corrupt and ineffectual presidents, military-controlled regimes, election violence, and an overall disregard for justice and democracy. Even the US State Department, which had historically supported the army's control over the government in an effort to curb popular movements that may have introduced communism to the region, could not continue to justify corruption in Haitian politics. Opposition to the status quo began to grow widely after 1986. Yet, this was not a specific oppositional party or an easily identifiable opponent. Instead, opposition took the form of social movements in which organizations, churches, journalists, trade unions, peasants, and political groups catered to the needs of the poor masses and raised their political awareness. This movement is noteworthy when placed side-by-side with the political instability and corruption of a non-democratic regime that was, at the moment, plaguing the nation. Dupuy explains: "Taken together, the views and struggles waged by the broad and varied opposition movement represented nothing less than a call for the restructuring of Haiti into a democratic, just, and egalitarian society."³⁴ The movement, thus, symbolized a powerful force throughout the country that was only waiting to come to the surface—a force that, when introduced, would be a force to be reckoned with.

Jean-Bertrand Aristide embodied this force in 1990. A Roman Catholic priest, Aristide gained popularity from his sermons that criticized the government, the upper

³⁴ Alex Dupuy. *Haiti in the New World Order: The Limits of the Democratic Revolution*. Westview Press: Boulder, CO, 1997. p. 53.

classes, the military, and the Catholic Church (which had been condoning the status quo and the privileges of the elite). He preached liberation theology which uplifted the concerns of the poor, and spread the gospel of love, justice, and democracy. He was also the leader of *Ti Legliz* (“Little Church”), which was the Catholic Church’s progressive and political sector that targeted the needs of the poor and oppressed. Aristide often evoked the image of class warfare with his image of the “Great Table.” In his speeches he would talk about how the privileged classes ate luxurious foods atop the table, while the masses starved and growled underneath. He would then go on to say that the masses would one day topple the table with all of their strength and take what was rightfully theirs.³⁵ Coming from a poor background himself, the masses gravitated towards his empowering and vivid messages. In October, when he announced that he would be running for president, voter registration throughout the country (especially among the poor) surged. Surviving three prior attempts against his life by Duvalierists, the masses were convinced that Aristide was no ordinary candidate, and that in fact he was sent by God to fulfill an important task.

On December 16, 1990, Election Day, Haiti experienced a massive victory when Aristide was elected as the first democratically elected president of the Republic of Haiti. Aristide garnered an overwhelming percentage of the vote—67.48 percent to be exact. His main opponent Marc Bazin only received 14.22 percent.³⁶ Spectators were also impressed with how smoothly the elections ran in December. America’s Watch reported: “There was no violence and little intimidation. The army defended the integrity of the

³⁵ Dupuy, 1997. p. 75.

³⁶ “Haiti: The Aristide Government’s Human Rights Record.” New York: Americas Watch, The National Coalition for Haitian Refugees and Caribbean Rights. Vol. 3, Iss. 12, November 1, 1991. p. 7.

balloting. It was a day of awesome achievement for the Haitian people.”³⁷ This achievement could be attributed to the new commander-in-chief of the army, General Herald Abraham, who believed that the army should not be involved in politics. It was also attributable to the tightened Provisional Electoral Council (CEP), and a number of international monitors who traveled to Haiti just to make sure that the elections were conducted in a proper manner. President Aristide was inaugurated into the presidency on February 7, 1991; no group expressed more excitement of the outcome than the masses of once oppressed, but now hopeful, Haitian citizens.

Yet, this joy was not shared by every Haitian citizen. Those against Aristide included some individuals from the wealthy mulatto elite, the bourgeoisie, top-ranking military officers, and Duvalierists. They feared Aristide’s plan to redistribute the country’s wealth, reorganize the army, and abolish the historically corrupt system of section chiefs that terrorized peasants throughout the countryside. Established government officials, such as those in Congress, grew bitter towards him after feeling that their roles were being ignored. Thus, early in his career, Aristide’s coup was being envisioned and constructed. On September 30, 1991, only seven months after the inauguration of President Aristide, the inevitable occurred. The night before, Aristide was kidnapped out of his house and taken to the National Palace. He and his close associates were beaten and attacked along the way; some were even killed. At the palace, Aristide was taken to General Raoul Cedras (whom Aristide had appointed as head of the army), and was told that Cedras was now the President. Aristide was subsequently spared his life, and forced to flee the country on a plane flying to Venezuela.

³⁷ Americas Watch, November 1991, p. 7

The next day, the country learned that there had been a coup and that President Aristide was no longer in Haiti. This infuriated the masses of Aristide supporters in the city. Yet, their actions were curbed by several incidents of troops firing into crowds, killing and wounding dozens upon dozens of unarmed individuals. Farmer interviews a physician who describes the moment:

“When I reached the [park in front of the palace], it was chaos. There were large numbers of people there to protest, but the soldiers were firing on them...One group had foolishly climbed up on a pedestal of a statue of the Indian, and the soldiers were shooting them, picking them off! I threw myself to the ground, and heard my brother-in-law yelling at me to run. But it was those who were running who were shot...It was really the first time I realized that people could be treated the same as animals.”³⁸

This terror persisted for months as the military junta attempted to wipe out political opponents and reestablish rule by force. Murder, torture, unwarranted arrest, and destruction of property all signified the days that followed the coup. Evans Paul, for example, the mayor of Port-au-Prince and a highly regarded supporter of democracy, was arrested and tortured by General Cedras’ guards while at the airport waiting to communicate with Aristide.³⁹ Several Haitian human rights groups estimated that the death toll resulting in two weeks of violence amounted to about 1,000; and 500 deaths were estimated after that.⁴⁰ This high rate does not include the hundreds of people who suffered life-threatening injuries. At the hospitals, blood-soaked victims blocked the hallways, and many died untreated. There was a severe shortage of doctors and nurses to

³⁸ Paul Farmer. *The Uses of Haiti*. Common Courage: Monroe, Maine, 1994. p. 182.

³⁹ “Haiti: The Human Rights Tragedy, Human rights violations since the coup.” Amnesty International. New York: January 1992. p. 6.

⁴⁰ “Return to the Darkest Days: Human Rights in Haiti since the Coup.” Americas Watch, National Coalition for Haitian Refugees, Physicians for Human Rights. Boston: December 1991. p. 3.

attend to patients, as they fled the localities hoping to escape death and the responsibility of attending to large numbers of patients.

Freedom of speech was also significantly repressed after the coup. In Haiti, the radio functioned as a source of news for the majority of people in the cities and throughout the villages. Yet, after the coup, as many as nine out of fifteen radio stations were destroyed and shut down.⁴¹ Several radio broadcasters were killed, threatened, and tortured. Attacks on clergy, popular organizations, and peasant resources, were a recurring crisis. The reinstatement of section chiefs (resembling corrupt “feudal lords”) in the different villages led to a surge of violence and death throughout the countryside. The Tonton Macoutes, Duvalier’s private security, resurfaced and unleashed their anger on a daily basis. In the jails, inmates— those whose only crime was their support of Aristide— suffered severe beatings, a lack of food, and even murder. Women and children, in addition, were not spared during this brutal climate.

The junta soon established a civilian provisional regime in an effort to look legitimate in the eyes of international observers. Legislators are said to have been forced to name Joseph Narette as provisional President, and Jean-Jacques Honorat as provisional Prime Minister.⁴² The junta and Honorat justified the coup by openly pointing fingers at Aristide, stating that he did not follow the Constitution and had committed several human rights abuses. Although Aristide did have a small record of human rights abuses (for at times inciting violence among his supporters),⁴³ this fact did not warrant the subsequent terror that embodied the coup and its aftermath. Supporters of the junta and the

⁴¹ “Silencing a People: The Destruction of Civil Society in Haiti.” Americas Watch, National Coalition for Haitian Refugees. New York: February 1993, p. 107.

⁴² Farmer, 1994. p. 186

⁴³ Girard, 2005. p. 121.

provisional government simply desired to return Haiti to its days of widespread corruption, and its unethical rule of the minority over the majority. This is evident in Honorat's response during an interview when told to offer his thoughts on democracy: "There is no relationship between elections and democracy."⁴⁴ Thus, violence and corruption spread like wildfire in the weeks and months following the coup. The Haitian people were left with few options.

Haitian Boatpeople and US Policy

In an effort to avoid being captured by ruthless soldiers, thousands of Haitians fled their homes after the 1991 coup. Internal displacement, in which Haitians would run away and go into hiding within the country's borders, increased as the violence got worse. The Human Rights Watch report titled "Fugitives from Injustice: The Crisis of Internal Displacement in Haiti," calls the internal displacement of Haitians "marronnage."⁴⁵ This alludes to the historical practice of slaves who ran away from their masters and organized their own hidden communities in the mountains. The "new" *maroons* who were fleeing supporters of the coup were oftentimes supporters of Aristide and pro-democracy fighters. The number of internally displaced people is reported to have been about 300,000.⁴⁶ In running away from their normal lives, these maroons posed problems for their families and the communities and individuals that hosted them. In their absence, maroons also helped the coup regime sustain power: "In short, by killing

⁴⁴ Americas Watch, December 1991. p. 17

⁴⁵ "Fugitives from Injustice: The Crisis of Internal Displacement in Haiti." New York: Human Rights Watch/Americas, Jesuit Refugee Service/USA, National Coalition For Haitian Refugees. Vol VI, No. 10, August 1994. p. 2.

⁴⁶ *Ibid.*, p. 2

thousands and displacing scores of thousands more, the army has sought to choke the political, social, and economic structures that could pose a challenge to its illegal regime.”⁴⁷ A large number of Haitians also ran across the border into the Dominican Republic after the coup.

The most striking images of fleeing Haitians were the numerous refugees (mainly from Haiti’s poor masses) who escaped by boat, hoping to reach American soil. These refugees were called ‘boatpeople’; and there was estimated to be about 35,000 of them who fled in the six months after the coup.⁴⁸ To gain entry into the boats, many Haitians sold everything they had, including their farms, land, and livestock. They risked their lives on rickety boats that were not well-built or safe enough to endure such a long and tortuous journey. Boats were often overcrowded and lacked basic necessities, such as food and water. Many travelers grew sick, and the boats were filled with vomit, feces, and urine. Yvonne, a Haitian character in the nonfiction account “Storming the Court” endures the following pain:

*“All she wanted was stillness and warmth, a place to lie down, a ray of sunlight. The boy beside her leaned between his legs and heaved, and as the boat rolled, his head jerked toward her. A trail of vomit slapped against her leg. He looked up, eyes a haze of pain and apology, then fell forward and threw up again. Yvonne let go with one hand for just a moment and stroked the boy’s head. She didn’t believe they would ever see land again.”*⁴⁹

⁴⁷ Human Rights Watch, August 1994. p. 2

⁴⁸ Georges A Fauriol. *Haitian Frustrations: Dilemmas for US Policy*. CSIS: Washington, DC, 1995. p. 77.

⁴⁹ Brandt Goldstein. *Storming the Court: How a Band of Yale Law Students Sued the President and Won*. Scribner: New York, 2005. p. 59.

Despite this desperate attempt to escape a violent and fearful existence back home, Haitian boatpeople were not received with open arms by the United States. From the start, the US government's goals were to return all Haitian boatpeople and deter others from leaving the country. With added pressure from Southern Florida officials who saw poor and unskilled Haitian refugees as a burden to the economy, the government set up barriers to prevent a large scale migration of Haitian refugees across US borders.

Interdiction was the name of the game. By intercepting boats on the high seas, the US Coast Guard was able to prevent Haitian boatpeople from reaching Florida shores. Upon interception, US marines would transfer migrants onto the cutters, and sink their rickety boats. Yet, under US immigration law and its acceptance of the 1967 UN Protocol Relating to the Status of Refugees, the US had an obligation to not return political refugees. The Protocol incorporates Article 33 of an earlier 1951 convention by the same title, which states: "No contracting state shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."⁵⁰ Thus, the US was to conduct interviews onboard cutters to determine whether or not Haitian migrants could be screened-in as political refugees, who would then be eligible to apply for asylum. As more and more people fled Haiti in the months following the coup, the Bush administration decided to convert the U.S. military base in Guantanamo Bay, Cuba into a refugee camp. Those who were

⁵⁰ Convention relating to the Status of Refugees. Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, convened under General Assembly resolution 429 (V) of 14 December 1950 *entry into force* 22 April 1954, in accordance with article 43.

intercepted, thus, were boarded onto US Coast Guard cutters and taken to Guantanamo where they would be interviewed and screened. Those who were not screened-in were immediately sent back to Haiti and denied appeal.

Initially, 30 percent of those who were interviewed were found to have a “credible fear of persecution” and, thus, allowed to enter the United States.⁵¹ In the US, those screened-in Haitians were then allowed to apply for asylum which would give them permission to live and work in the US. In reality, though, the rate of asylum granted to Haitian applicants was extremely low. In May 1992, the refugee camp in Guantanamo was beginning to become overcrowded. So on May 24, President Bush issued Executive Order 12807, also known as the “Kennebunkport Order.” This controversial order required that all interdicted Haitians be immediately repatriated back to Haiti, without given the chance to screen for asylum. This symbolized a return to the 1981 agreement signed between the US and Duvalier regime, which allowed the US to forcibly return Haitian boatpeople intercepted on the high seas. Haitians were later advised to use in-country processing centers instead. In February 1992, the US set up an office in Port-au-Prince’s U.S. Embassy to handle and process requests for refugee resettlement in the US. Yet this option remained unrealistic to many true refugees who feared persecution; the offices were just too conspicuous.

During his campaign, Bill Clinton promised to do away with Bush’s cruel interdiction and forced repatriation policy. Many Haitians were excited and got ready to set sail after he took office in January 1993. Yet, he did not follow through with his promise. Instead, Clinton tightened Bush’s order by blockading the island with 22 US

⁵¹ Fauriol, 1995. p. 78

ships, and expanding the number of in-country processing centers.⁵² Clinton covered up his policies concerning Haitian boatpeople by publicly supporting the return of President Aristide and democracy to Haiti. Clinton's administration was against the military coup that ousted Haiti's first democratically elected president. But at the same time, Clinton's administration continued to have Haitian escapees repatriated to this same dangerous country. This contradiction sparked much opposition from the public and Aristide himself. Nevertheless, the policy of forced repatriation continued well into 1994.

Controversy Surrounding US Policy towards Haitian Boatpeople

US policies regarding Haitian boatpeople sparked a lot of controversy in national and international debate. The repatriation, detention, and denial of asylum to desperate Haitians did not sit well with many politicians, government officials, activists, and citizens. As the crisis in Haiti reached unbelievable levels, it was difficult to imagine that Haitians were being returned, en masse, to such terror. In Congress, the fates of Haitian boatpeople were examined and debated. There were those who agreed with the US policy of detention and repatriation, and those who argued against it wholeheartedly. In one congressional hearing, dated November 1991, the policies of interdiction, detention, and repatriation are explored.⁵³ A second hearing, dated June 1992, examines the US policy of immediate repatriation under President Bush's Executive order.⁵⁴ Both hearings take

⁵² Ibid. p. 78

⁵³ Cuban and Haitian immigration : hearing before the Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary, House of Representatives, One Hundred Second Congress, first session, November 20, 1991.

⁵⁴ U.S. policy toward Haitian refugees : joint hearing and markup before the Subcommittees on Western Hemisphere Affairs and International Operations of the Committee on Foreign Affairs, House of

place during the massive outflows of Haitian boatpeople, and during the unending crises that was terrorizing Haiti. Although supporters of repatriation offered solid arguments to support their claims, it was clear that the issue of returning Haitians to a dangerous state was highly problematic. Thus, I concur with opponents against US policy towards Haitian boatpeople. I argue that these policies were: discriminatory, unfair, contradictory, politically motivated, and disregarding of human rights. With the lives and fates of Haitian boatpeople resting heavily upon the whims of the United States government, it is unfortunate that the US chose such an oppressive route.

The policy of interdiction and forced repatriation received a lot of attention and criticism from the moment it was used against Haitian boatpeople fleeing after the 1991 coup. In the 1991 congressional hearing, New York Representative Charles B. Rangel calls the US policy “abominable” and “racist.” He then offers this metaphor in an effort to ground the immorality of repatriation: “Our response to the dramatic attempts by some Haitians to escape persecution in their homeland is tantamount to having fire and police personnel in our cities decide, case by case, which calls they will answer and which ones they will ignore.”⁵⁵ Bush’s infamous Kennebunkport order of May 1992 sparked a lot of opposition among supporters of Haitian boatpeople. The order conflicted with the 1967 Protocol Relating to the Status of Refugees which, as mentioned earlier, restricted the US and other states from returning (*refoulement*) refugees to a persecuting state. In the 1992 hearing, Arthur Helton, director of the Refugee Project, blasts the government for their forced repatriation policy: “Non-refoulement is the tenet of refugee law. The Administration, however, chooses to ignore this precept...the President purports to

Representatives, One Hundred Second Congress, second session, on H.R. 5360, June 11 and 17 1992.

⁵⁵ Hearing, November 1991. p. 24.

authorize the Coast Guard to forcibly repatriate Haitians interdicted at sea, without even a cursory inquiry to ascertain whether they have valid asylum claims...this position is wrong.”⁵⁶

Repatriation supporters, though, argued that the 1967 UN Protocol did not extend to Haitian boatpeople because repatriations occurred *outside* of US territory. Ambassador Brunson McKinley, with the Department of State, remarks: “Our position, simply put, is that the UN Refugee Convention does not impose an obligation on a state with respect to refugees outside of its own territory.”⁵⁷ On June 21, 1993, the policy received thumbs up when the Supreme Court ruled 8-1 that the policy was not in violation of US law or the 1967 UN Protocol.⁵⁸ This sort of selective and legalistic view of a humanitarian document is what angered many opponents who were against the administration’s policies. It was also why repatriation, as author Ernest H. Preeg mentions, “was still not ‘conscionable’ to many Americans.”⁵⁹

Before the Kennebunkport Order was introduced, lawyers and politicians argued that Haitian migrants should be afforded due process under law during their interviews and screenings. Whether aboard Coast Guard cutters or at detention centers, such as in Guantanamo or the Krome Detention Center in Miami, Haitians had a right to fair and adequate interviews, a right to seek counsel, and a right to appeal screening denials. Many policy opponents were appalled with the speedy interviews and trials that Haitian boatpeople were afforded by the INS. Jean-Pierre Benoit, in his essay “Unsafe Havens,”

⁵⁶ Hearing, June 1992. p. 100

⁵⁷ Ibid. p. 48

⁵⁸ Fauriol, 1995. p. 78

⁵⁹ Ernest H Preeg. *The Haitian Dilemma: A Case Study in Demographics, Development, And U.S. Foreign Policy*. CSIS: Washington, D.C. 1996. p. 61.

states that interviews lasted no longer than eight minutes in the Guantanamo detention center, and only four minutes aboard cutters.⁶⁰ He also mentions how interviewers were ignorant of current events in Haiti: “The INS officers conducting the initial conversations and interviews had little or no training or knowledge about Haitian politics. For example, they could not identify...contemporary political actors such as Francois Duvalier...or General Cedras.”⁶¹ On organizational measures, he comments: “No adequate records were kept. Often, officers on the Coast Guard cutters failed to note who had been screened in and who had been screened out. Often, Haitians moved from cutter to cutter...the interview forms contained no space for credibility determination.”⁶²

The right to counsel was a highly controversial issue regarding the screening processes of Haitian boatpeople. Without legal representation, Haitians could not supply needed information or documents during arbitrary interviews; nor could they adequately voice their cases for asylum. Cheryl A.E. Little, representing the Haitian Refugee Center, describes the lack of counsel at Krome: “The vast majority of Haitians facing deportation have no legal representation whatsoever. Very few have even a basic knowledge of their rights to apply for asylum. Most seem fatalistic and passive. Barriers to communication with legal representatives abound, and frankly, many of these are consciously imposed by the INS.”⁶³ “Storming the Court,” by Brandt Goldstein, describes how a group of Yale Law students and professors sued the President in a case that highlighted the government’s denial of counsel to Haitian detainees in Guantanamo. In the book, the characters point to the First Amendment and a lawyer’s right to free speech in

⁶⁰ Jean-Pierre Benoit and Lewis A. Kornhauser. “Unsafe Havens.” University of Chicago Law Review. Vol. 59 No. 4, Fall 1992. p. 1456.

⁶¹ Ibid. p. 1456

⁶² Ibid. p. 1456

⁶³ Hearing, November 1991. p. 148.

communicating with his or her clients. They also discover that the amendment applied to US military bases, i.e. Guantanamo Bay.⁶⁴ Battling their case in court, the group eventually won a temporary restraining order and a preliminary injunction that required the INS to allow Haitians to obtain lawyers.⁶⁵ Yet, this victory was derailed when Bush issued his Executive Order.

Supporters of the US policy of interdiction and repatriation constantly argued that Haitian boatpeople were not political refugees, but that most of them were economic migrants. As economic migrants, thus, Haitians were not eligible for refugee or asylum status, and could be returned to Haiti. In the 1992 hearing, for example, Ambassador Brunson McKinely states: “Clearly, there were political refugees in this flow...but we also had many that were economic in their motivation...the magnet effect certainly operated on people who were not suffering any form of political oppression but simply wanted a better economic opportunity.”⁶⁶ In tagging the larger quantity of Haitian boatpeople as “economic migrants,” the government was able to justify its policies and disregard the entire “refugee” conversation. Vanessa B. Beasley, author of “Who Belongs in America?” calls this a *dissociation* of the term refugee.⁶⁷ She goes on to say that President Bush used this distinction in an effort to make it seem as if he was protecting the US borders and America from illegal immigrants. She quotes him saying: “Yes, the Statue of Liberty still stands, and we still open our arms to people who are politically

⁶⁴ Goldsein, 2005. p. 37-38.

⁶⁵ Victoria Clawson, Elizabeth Detweiler, and Laura Ho. “Litigating as Law Students: An Inside Look at the Haitian Centers Council.” *The Yale Law Journal*. Vol. 103 No. 8, June 1994. p. 2343.

⁶⁶ Hearing, June 1992. p. 41

⁶⁷ Vanessa B. Beasley. *Who Belongs in America?: Presidents, Rhetoric, and Immigration*. Texas A&M University Press: College Station, 2006. p. 212.

oppressed. We cannot and, as long as the laws are on the book, I will not, because I've sworn to uphold the Constitution, open doors to economic refugees all over the world.”⁶⁸

It is understandable that government officials believed many Haitian boatpeople to be economic migrants, especially since Haiti suffered as the poorest nation in the western hemisphere. And, of course, some boatpeople were indeed escaping economic distress. Yet, this rash point of view does not take into account the high rate of interdictions that occurred *after* the coup. According to Appendix A in the CSIS report, interdictions shot from only 1,131 in 1990, to 9,941 in 1991, and then to a whopping 31,401 in 1992.⁶⁹ This can only mean that the majority of Haitians fled Haiti because of the coup and the day-to-day violence that followed. This argument is only reinforced when compared side-by-side to the high number of internally displaced Haitians mentioned previously. Benoit remarks: “Since...the elections of 1990, many more people have been politically active...The numbers of Haitians with well-founded fears of persecution may have thus increased...In the first large flow of Haitian emigrants after the coup, then, one might have anticipated a substantial number of political refugees.”⁷⁰

Also, those who argued that Haitians were merely economic migrants failed to address how political problems in Haiti directly affected economic conditions. In Haiti, the military was not only killing and jailing people; they were stealing from citizens, burning down farms, raiding stores, and slaughtering livestock. In addition, the US, UN, and the Organization of American States (OAS) issued an embargo on Haiti as a response to the military coup. Although the embargo was meant to curb violence by hurting the military and the elite regime, it also burdened the economy and drained the poor masses.

⁶⁸ Beasley, 2006. p. 216.

⁶⁹ Fauriol, 1995. p. 88

⁷⁰ Benoit, 1992. 1454

Thus, many Haitian boatpeople were fleeing economic conditions that resulted from severe *political* disruption. Representative Charles B. Rangel states: “In Haiti, there is no separating the economics from politics...In the final analysis, the refugees do not stop to ask whether the bullets they are fleeing are economic or political.”⁷¹

In making it seem as if the Haitian population was mainly fleeing poverty, the US government continued to spread the image that Haiti was safe enough to return to. Repatriated Haitians, they believed, would not be put in danger were they to be forcibly returned to the country. Brunson McKinley states: “Since the coup in October 1991, we have returned some 22,000 Haitians. We are monitoring all over the country...and we have found no credible evidence that returnees are targeted for persecution.”⁷² The “monitoring” involved includes members of the Haitian Red Cross, OAS, and UN observers. Benoit explains how the Haitian Red Cross was far from independent: “The Haitian Red Cross is neither a member of the International Red Cross nor ‘independent of government interference or pressure.’ A recent videotape from a hidden camera shows Red Cross workers with handguns poorly concealed on their persons.”⁷³ The UN and OAS observers were scant and soon forced to leave Haiti. In “Half the Story: The Skewed US Monitoring of Repatriated Haitian Refugees,” Americas Watch reports that surveys and interviews with repatriated Haitians are flawed because 1) the inquiries are biased, 2) repatriates facing greater risk of persecution are not interviewed, and 3) the open setting, brief questioning, and the presence of intimidating military personnel skew

⁷¹ Hearing, November 1991. p. 24

⁷² Hearing, June 1992. p. 50

⁷³ Benoit, 1992. p. 1460

repatriates accounts of persecution.⁷⁴ Benoit states that persecution of repatriates is indeed real, and gives the example of repatriate “Pierre”:

“Soldiers barraged his house with bullets, killing Pierre’s father within. When the soldiers had arrived, Pierre and his wife had been behind the house and they hid in the brush. After the rampage, a neighbor informed Pierre that, as they were leaving, the soldiers proclaimed that they had come to kill the FNCD delegate who had been returned.”⁷⁵

In addition to claiming that Haitians were economic migrants and were not at risk of danger once returned to Haiti, the US government justified its interdiction program by constantly promoting its “humanitarian” efforts at keeping safety at sea. Robert S. Gelbard, deputy assistant for Inter-American Affairs, states: “In responding to this extremely difficult situation, our overriding concern has been to save lives.”⁷⁶ In their reports, interdiction supporters constantly describe how “unfit” Haitian boats are for the journey, and exaggerate how many boats have capsized and resulted in drowning. The CSIS counters these statements: “Interdiction resulted in the destruction of all Haitian boats, regardless of their seaworthiness. US Coast Guard officials also say that some boats actually sank when passengers rushed to one side or tried to escape the Coast Guard vessel.”⁷⁷ Jocelyn McCalla, executive director of the National Coalition for Haitian Refugees, questions the actual number of those who have drowned: “I would say that, first of all, there is not one shred of evidence that for every Haitian intercepted on the high seas one drowns. The administration keeps saying this kind of thing, but to my

⁷⁴ “Half the Story: The Skewed U.S. Monitoring of Repatriated Haitian Refugees.” New York: Americas Watch, National Coalition for Haitian Refugees. Vol.4 Iss. 4, June 30, 1992.

⁷⁵ Benoit, 1992. p. 1462.

⁷⁶ Hearing, November 1991. p. 58

⁷⁷ Fauriol, 1995. p. 79

knowledge they have not even come up with any figures on this issue.”⁷⁸ Safety at sea was an important motive behind interdictions, but it only covered-up the true motive of the US government—which was to keep Haitians away from US borders.

Repatriated Haitians, according to US government officials, were also given the option to use In-Country Processing Centers. These centers, as mentioned previously, were set up at the US Embassy in Port-au-Prince and in several highly populated Haitian cities. The processing centers allowed Haitians to fill out applications for refugee status in the United States. Although the program had good intentions, it was also unrealistic. Since most Haitians who were the targets of political persecution remained in hiding, it was highly unlikely that they would expose themselves to danger in an extremely public place. Americas Watch, in their report titled “No Port in a Storm,” states: “By definition, no matter how well structured and managed, ICP cannot meet the needs of a significant group of asylum seekers who distrust the program or believe that they would put themselves or their loved ones in danger by approaching it in the current political climate.”⁷⁹ Mismanagement and the slow rate of processing also spoke volumes to the center’s unreliability. Even McKinely, who supports ICP, admits that processing is “sluggish”: “So it looks as though it is a little sluggish when you think that only 12 have actually left for the States, but it is a process which is working.”⁸⁰ Harold Koh, the Yale Law Professor who sued the government, retorts by saying: “Twelve out of 287 have been brought to the United States at this point. It is not surprising that this is not just ‘a

⁷⁸ Hearing, November 1991. p. 203

⁷⁹ “No Port in a Storm: The Misguided Use of In-Country Refugee Processing in Haiti.” New York: Americas Watch, National Coalition for Haitian Refugees, Jesuit Refugee Service/USA. Vol. 5 Iss. 8, September 1993. p. 31.

⁸⁰ Hearing, June 1992. p. 56

little sluggish.’ It is not an option. If you don’t have the time to wait, you won’t come.”⁸¹ Ralph Pezzulo, in “Plunging into Haiti,” reports a depressing figure: “As of February 25, 1994, out of 19,164 Haitians applying at the Cap Haitien office for asylum, 151 had been approved by the INS.”⁸² In-Country Processing did not function as a viable option for many Haitians. Thus, Haitians continued to flee their homes, and Haiti altogether.

In Guantanamo, in addition to denying Haitians due process and locking them up behind barbed-wire fences, many Haitians were later secluded when tested positive for HIV. In February 1992, the INS decided to test all Haitians for the disease. The US, at the time, did not test many other refugee groups for HIV, including Cubans.⁸³ This need to test Haitians for HIV can no doubt be the result of America’s erroneous assumption that Haitians were the cause of the AIDS epidemic in America. Testing positive for HIV, over 200 Haitians were detained in Guantanamo Bay for over a year.⁸⁴ Michael Ratner, for the Center for Constitutional Rights, states: “The refugees have been treated like prisoners of war, for the ‘crime’ of being HIV-infected. Untreated, poorly fed, and denied the minimal dignity due any refugee, some of the Haitians have attempted suicide.”⁸⁵ Since they were screened in to have a credible fear of persecution, the HIV-infected refugees were not forcibly repatriated. It was not until June 1993 that a court order demanded the release of the HIV-infected refugees out of Guantanamo and into America.⁸⁶ The isolation and disrespect refugees faced from US officials in the detention camps speaks to the discriminatory, and very racist, policies that the US applied against Haitians.

⁸¹ Hearing, June 1992. p. 71

⁸² Ralph Pezzullo. *Plunging into Haiti: Clinton, Aristide, and the Defeat of Diplomacy*. University Press of Mississippi: Jackson, 2006. p. 246.

⁸³ James Ridgeway (Editor). *The Haiti Files: Decoding the Crisis*. Essential: Washington, D.C. 1994. p. 200.

⁸⁴ Beasley, 2006. p. 221

⁸⁵ Ridgeway, 1994. p. 201

⁸⁶ Beasley, 2006. p. 221

Politics Surrounding Haitian Boatpeople

US policies against Haitian boatpeople were also politically motivated and connected to a historically corrupt US-Haiti foreign policy. In 1981, the Reagan administration and the Duvalier regime signed an agreement that would allow the US Coast Guard to return interdicted boatpeople to Haiti. In return, the US increased Haitian aid to \$11.5 million.⁸⁷ This cooperation with corrupt officials in Haiti was not new to the US government. The US has historically relied on the Haitian military and dictatorships—who were allied with the rich and influential players in Haiti—to keep the masses from rebelling against their state of poverty. During the Cold War era, this sort of revolutionary zeal was to be highly monitored and squashed. Thus, although the US was aware of the abuses resulting from Duvalier’s dictatorship, they secretly supported him and hoped that he would not turn Haiti into a communist state, like Cuba.

During the 1990 elections, the US government made no secret about its support for Marc Bazin, Aristide’s electoral opponent. Dupuy states: “Bazin, who had shown his willingness to compromise with the military, would not likely pursue widespread criminal indictments against military officers.”⁸⁸ This is the opposite of what Aristide represented. During his campaign and as President, Aristide denounced the military, along with the rich, for their corruptions. When Aristide was overthrown in 1991, the Bush administration condemned the coup, but also pointed fingers at Aristide. In not doing anything to reinstate Aristide, but continually repatriating Haitian boatpeople, the

⁸⁷ Malissia Lennox. “Refugees, Racism, and Reparations: A Critique of the United States Immigration Policy.” *Stanford Law Review*. Vol. 45, No. 3 (Feb., 1993), pp. 703.

⁸⁸ Dupuy, 1997. p. 63

US government went down an extremely contradictory path. Chairman John Conyers, speaking in the 1991 congressional hearing, questions the obvious: “Now the major question here, of course, is, what are we doing to bring President Aristide back to Haiti? Until we solve that problem we are never going to change anything there.”⁸⁹ By returning Haitian boatpeople to Haiti, the administration was tacitly showing their support of Aristide’s overthrow and the military junta.

Clinton’s foreign policy goals were both similar to and different from Bush’s. Unlike Bush, Clinton fought for Aristide’s return to Haiti, and the return of democracy. In fact, he and Aristide developed a close relationship during Aristide’s exile in the States. Nevertheless, Clinton did not halt Bush’s policy of repatriation, and continued to forcibly interdict and return Haitians to terror in Haiti. His justification was that as soon as Aristide was returned to power, the refugee situation would no longer be a problem. In the meantime, this contradiction was attacked by politicians, human rights organizations, Haitian community groups, ordinary citizens, and Aristide himself. In demonstrating how the US was the cause of the huge migrant outflow, Philippe Girard describes Aristide’s claim: “The refugee policy, he [Aristide] declared, amounted to setting a home on fire, then ‘throwing people [trying to flee] back into the house.’”⁹⁰ It was also clear that Clinton intended to follow historical precedent by not totally condemning the military, and having Aristide negotiate with them. The 1993 Governors Island Agreement is a demonstration of this fact. The agreement between Aristide and General Cedras (who initiated and controlled the junta) called for the return of Aristide; but it also absolved the

⁸⁹ Hearing, November 1991. p. 103

⁹⁰ Philippe R Girard. *Paradise lost: Haiti's tumultuous journey from Pearl of the Caribbean to Third World hot spot*. Palgrave: New York, 2005. p. 131.

military of its many crimes.⁹¹ This contract was Clinton's recognition (and acceptance) of the power that the Haitian military held over, not only Haiti, but over US-Haitian relations. The fact that the junta did not even honor the contract only proves this fact. Thus, it is important to look at the situation of Haitian boatpeople in this context, and not in isolation. It shows how the US was politically motivated in its actions against Haitian migrants, and how this motivation was historically determined and interest-based.

Comparison to Other Refugee Groups

In looking comparatively at US policy among other refugee groups, it is safe to state that US treatment of Haitian boatpeople is racist, politically-driven, contradictory, and egotistic. During the same time that Haitians were escaping a politically oppressive Haiti by boat, Cubans were also fleeing communist Cuba by boat. It is no secret that Cubans were accepted by the US, while Haitians were summarily being turned back. Lennox points to the double-standard of the Cuban/Haitian policy: "Under the Cuban Adjustment Act of 1966 the government routinely grants sanctuary and eventually permanent residency to Cubans. Haitian refugees, in contrast, are denied entry under the Haitian interdiction program. This racial double standard leads to grim consequences."⁹² The 1966 Act, by accepting large numbers of Cuban refugees, served as the US's attempt to discredit Castro and emphasize the shortcomings of communism. This motive had nothing to do with finding and offering safe haven to refugees—it was purely political. As mentioned previously, since Haitians were coming from a noncommunist country, the US saw no threat in returning them to Haiti—no matter how dangerous the country had become.

⁹¹ Dupuy, 1997. p. 145

⁹² Lennox, 1993. p. 716

In justifying the government's continuing acceptance of Cubans in 1991, Gelbard states: "The fundamental difference between the treatment of Cubans at sea and Haitians at sea is that any Cubans who are returned will, by definition, go to prison, because that is the way the Cuban Government has treated them."⁹³ Yet, this does not explain why Haitians were being repatriated and denied asylum on such a large scale. In fact, it just demonstrates the US government's assumption that most Haitian boatpeople were not political refugees, but economic migrants. Little highlights this inconsistency: "Typically, less than 2 percent of Haitians are awarded asylum on an annual basis even during times of enormous political upheaval in Haiti. In 1989, almost 10 times more Cubans were granted asylum than Haitians."⁹⁴

The Central American refugee issue ran parallel to the Cuban/Haitian dilemma. Foreign policy and political agendas highlighted why the US accepted Nicaraguan migrants escaping leftist regimes, while rejecting Salvadoran and Guatemalan migrants escaping right-wing governments. Norman L. Zucker, author of "Desperate Crossings," eloquently states: "The United States could choose to close one eye and look only through the other: to ignore (as it did for the Cubans and Nicaraguans) the economic deprivation and see only the political, or (as in the case of the Haitians, Salvadorans, and Guatemalans) to ignore the political problems and look only at the economic. Anticommunist foreign policy determined which eye would be blind and which would see. But refugee flows are *never* driven by pure, uncomplicated political forces. Political instability itself creates economic insecurity."⁹⁵ This observation, which points to the

⁹³ Hearing, November 1991. p. 98

⁹⁴ Ibid. p. 142

⁹⁵ Norman L. Zucker and Naomi Flink Zucker. *Desperate Crossings: Seeking Refuge in America*. M.E. Sharpe: Armonk, NY, 1996. p. 82.

biased double-standard that plagues US refugee policy, is portrayed in this question raised by Florida Representative Lawrence Smith: “Why is it that we could...allow the Nicaraguans in, with the turmoil in their country exactly the same to a large degree as exist now in Haiti—random violence, a chaotic government, a despot at the till—and at the same time refuse the Haitians and allow for this policy [1981 agreement]?”⁹⁶

Other refugee groups that the US accepted in large numbers were from Eastern Europe and Asia during and after the years of the Soviet Union threat. “In the years 1982 to 1990, the United States admitted nearly 300,000 refugees from the Soviet Union and Eastern Europe, over 350,000 from the Near East and South Asia, and over 430,000 from East Asia.”⁹⁷ These large numbers are in complete contrast to Haitian figures: “The sixty-one asylum applications granted out of 25,500 Haitians who were either interdicted or reached US shores and applied for asylum best indicate this chance. This represents an acceptance rate of less than .25 percent.”⁹⁸ What a disgrace! Could the US government be so selfish and cold-hearted as to reject such a large percentage of a fairly small number of desperate Haitian boatpeople? Apparently so. Donald Payne, with the Committee of Foreign Affairs, offers this argument: “You take Portugal that took 1 million Angolans in a country of 9 million people when they had that crisis. If you take Malawi with a population of 4 or 5 million, they took 1.2 million Mozambiquans. That’s like us taking 70 million Haitians, you know.”⁹⁹ Rejecting such a large number of Haitians, in comparison to other refugee groups, shows just how inequality and racism helped to shape US refugee policy.

⁹⁶ Hearing, November 1991. p. 36

⁹⁷ Zucker, 1996. p. 85

⁹⁸ Benoit, 1992, p. 1452

⁹⁹ Hearing, June 1992. p. 58

In attempting to show how US policy towards Haitian boatpeople was racist, McKinley continually asks his colleagues to respond to scenarios such as this: “If the situation existed in Ireland with the ragtag, crooked, violent group of gangsters who call themselves soldiers, do you think for one minute that the United States of America would return these Irish people to Ireland?”¹⁰⁰ This question is never directly answered. Gene McNary, Commissioner of the Immigration and Naturalization Service (INS), makes a general response about how all illegal immigrants are returned under the law, and then goes on to speak about Cuban/Haitian policy.¹⁰¹ Although a concrete answer cannot be given, it is not difficult to surmise that the US would adopt an open door policy for this European group. The United States’ immigrant history of accepting peoples of northwestern European descent (including the Irish and British), while rejecting “others”, speaks volumes to the ongoing racism in America, and racism in its policies against Haitian boatpeople. The Haitian Diaspora in America was aware of this evil current that pervaded America, its peoples, and its government. Nevertheless, Haitians fought against the injustices and barriers that they faced in an effort to make US-Haitian relations and policies more benevolent.

¹⁰⁰ Hearing, November 1991. p. 107

¹⁰¹ Ibid. p. 107

Section Three:
Haitian Diaspora

Hardships of the Haitian Diaspora in America

Despite the US government's cruel effort to prevent Haitians from entering American borders, a large community of Haitian migrants, both legal and illegal, grew in south Florida's Miami-Dade county. Alex Stepick estimates there to have been around 150,000 Haitians in Miami during the 1990s.¹⁰² In between downtown Miami and Liberty City, Haitians' strong presence can almost be defined as an ethnic enclave. In fact, this area is popularly known as Little Haiti because of its population and its physical resemblance to Haiti. Yet, many Haitians did not fare well in this new "safe haven." Although they were safe from political terror and severe poverty back home, Haitians who made it to America were soon faced with a different set of hardships. America, they soon realized, would not be receptive towards Haitian migrants. Having three strikes against them—they were black, foreign, and non-English speaking—Haitians were isolated by the larger community, and were the targets of racism and discrimination.

Earlier Haitian immigrants who had arrived in Florida during the 1970s and 1980s faced the worse hardships in America as far as employment. In as early as 1981, when the AIDS epidemic was just rising into America's consciousness, the Centers for Disease Control (CDC) listed Haitians as one of the 4 H's who were at risk for AIDS: the other H's being homosexuals, heroin abusers, and hemophiliacs.¹⁰³ This information adversely affected many Haitians in the employment sector as employers refused to hire them. "Many lost their jobs. The primary employment agency for Haitians suddenly

¹⁰² Alex Stepick. *Pride Against Prejudice: Haitians in the United States*. Allyn and Bacon: Boston, 1998. p. 5.

¹⁰³ Robert Lawless. *Haiti's Bad Press*. Schenkman: Rochester, Vermont, 1992. p. 11.

found it nearly impossible to place any of its clients, and widespread negative stereotypes of Haitians stretched even more broadly and deeply.”¹⁰⁴ Even after the CDC removed Haitians from the list of at-risk groups in 1985, Haitians continued to suffer discrimination and marginalization because of having been associated with the disease.

Employment opportunities for Haitians who arrived in later years increased with time (although the unemployment rate remained high) as employers began to take note of how hard Haitians worked without complaining. Yet, their low-skill, low-wage, menial jobs—such as in hotels, restaurants, clothing factories and farm work—kept many Haitian immigrants in poverty. It did not matter whether or not Haitians had any previous skills or education (although, indeed, many lacked these forms of human capital); many ended up with dead-end jobs. American employers simply did not recognize or value the experience that Haitian immigrants might have possessed. Stepick states: ““Haitians, who are commonly bilingual (French and Haitian Creole) and frequently even trilingual (Spanish, too) enter a land where they do not speak the dominant language and where employers and others may not recognize their educational degrees or previous job experience. In short, much of their human capital becomes irrelevant.”¹⁰⁵ The experiences of Haitian workers also portray the difficulties that Haitians faced with racism and discrimination at the workplace. In one example, cost-saving strategies at a seafood restaurant severely limited the number of hours Haitians were allowed to work. Angry with the new situation, a Haitian woman continues to work beyond her hours, forcing her manager to yell at her, “Punch out immediately!” This began an argument in

¹⁰⁴ Guillermo J. Grenier and Alex Stepick III. (Editors) *Miami Now!: Immigration, Ethnicity, and Social Change*. University Press of Florida: Gainesville, 1992. p. 65

¹⁰⁵ Stepick, 1998. p. 37

which the woman claimed that the manager had no respect for Haitians.¹⁰⁶ Stepick mentions how “Haitians have been particularly vulnerable to arbitrary, prejudiced management and can easily lose jobs for little reason.”¹⁰⁷ Working conditions for Haitians in several agricultural labor camps were also horrendous: “In 1990, Little Catepillar’s crew went on strike at the Virginia Eastern Shore labor camp...to protest fetid bathrooms overflowing with sewage.”¹⁰⁸ Thus, the employment sector remained a bleak avenue for many Haitians who continued to suffer from poverty and prejudice.

In schools, Haitian youth also faced racism and discrimination. Haitians were made fun of by their peers for simply being Haitian: “Students severely ridiculed and beat up anyone who looked Haitian, or who spoke Creole or accented English. African American students mocked newly arrived Haitian boys for playing soccer, instead of football and basketball.”¹⁰⁹ Haitian students who kept their Haitian identities were called “just comes.” They were markedly different from the rest of the population, and were thus isolated within the school. Many teachers and administrators did not make school any easier for Haitian American youth. In one incident, Stepick explains how school officials put a classroom full of Haitian students in an equipment storage area when they ran out of room. Kids soon began calling the space ‘Krome North,’ signifying the Florida INS detention center where many Haitian boatpeople were held after being interdicted by US Coast Guards.¹¹⁰

¹⁰⁶ Alex Stepick et al. *This Land is Our Land: Immigrants and Power in Miami*. University Of California: Berkeley, 2003. p. 103.

¹⁰⁷ Stepick, 1998. p.42

¹⁰⁸ Karen E. Richman. *Migration and Vodou*. University Press of Florida: Gainesville, 2005. p. 63.

¹⁰⁹ Stepick, 1998. p. 60

¹¹⁰ Ibid. p. 61

Unlike Haitians, Cubans in Miami had the city in the palm of their hands. With a large number of businesses throughout the city, and a large number of professional Cubans in the government, Miami Cubans controlled and benefited from much of Florida's economics and politics.¹¹¹ This situation can be attributed to America's higher rate of acceptance towards Cuban migrants than towards Haitian migrants. Cubans quickly penetrated Florida in larger numbers and were given the freedom and resources to determine their lives—an opportunity Haitians were hardly afforded.

Nevertheless, Haitians have remained a solid force and presence in Miami because of their determination and deep commitment to a concept of unity. Written across the Haitian flag is the powerful phrase: “L’Union Fait La Force” (Unity Makes Strength). Unity allowed Haitians to overthrow slavery in the 18th century and keep Haiti a sovereign nation for centuries to follow. Isolated and discriminated against by the larger community in Florida and by the US government, Haitians (like other immigrant groups) have survived by sticking together, helping each other out, and appealing to their identities as Haitians. In tight-knit residential communities, like Miami's Little Haiti, Haitians foster social, economic, and political networks that benefit its disadvantaged population. For example, through friends and family, Haitian immigrants are able to secure employment: “When asked how they found their first job, nearly 70 percent replied that friends or kin helped them.”¹¹² This is a form of social capital. Other forms of assistance and support are: sick visits, prayer, childcare, transportation, shopping, money lending, housing, and food.¹¹³ Several Haitians have also contributed to the growth of Little Haiti's business sector. Michel S. Laguerre lists some of these businesses that cater

¹¹¹ Stepick, 2003. ch. 2.

¹¹² Stepick, 1998. p. 20.

¹¹³ Ibid. p. 20.

to the Haitian community: restaurants, shipping firms, bakery shops, grocery stores, travel agencies, money transfer operations, and the music industry.¹¹⁴

Transnationalism also plays a defining role in the lives of many Haitian immigrants. Long-distance nationalism (one form of transnationalism) is defined as “a claim to membership in a political community that stretches beyond the territorial borders of a homeland. It generates an emotional attachment that is strong enough to compel people to political action that ranges from displaying a home country flag to deciding to ‘return’ to fight and die in a land they may have never seen.”¹¹⁵ This sort of nationalism and love for their home country unites the Haitian Diaspora. Together, Haitians send remittances back home in the form of money, clothes, and other goods. Business owners promote transactions between the two countries. Haitians pay special attention to news involving Haitians and Haiti. Many even decide to return to Haiti after living in the US for a while. They also welcome and fight for desperate Haitian refugees who make it to America by boat. Despite the hardships they encountered in America, Haitians have been able to unite and form a community and identity that would help them battle the series of injustices they faced.

Fighting for the Justice of Haitian Refugees

In response to the refugee crisis, members of the Haitian Diaspora took on activist approaches in an effort to publicly combat some of the racist, discriminatory,

¹¹⁴ Michel S. Laguerre. *Diasporic Citizenship: Haitian Americans in Transnational America*. St. Martin's Press: New York, 1998. p. 113-121.

¹¹⁵ Nina Glick Schiller and Georges E. Fouron. *Georges Woke Up Laughing: Long-Distance Nationalism and the Search for Home*. Duke: Durham, 2001. p. 4

contradictory, and unlawful policies against Haitian refugees by the US government. These approaches included political organizations, community establishments, collective action, media, music, and the arts. In “Haiti: Dangerous Crossroads,” Jean Jean-Pierre talks about the effects of President Aristide naming the Haitian Diaspora (which makes up more than 1.5 million Haitians worldwide) the “Tenth Department.”¹¹⁶ This term, referring to the nine regions that make up Haiti’s landscape, is meant to signify the responsibility that Haitians living abroad (as the “tenth department”) have to their home country and their peoples. Thus, the Haitian refugee issue prompted the Diaspora to become a more prominent feature in Haitian-American affairs. “The Haitian ‘boat people,’ although not admitted to the United States in great numbers, became the impetus for the rise of new Haitian-American political organizations; and the treatment of these refugees became the rallying cry for existing ones.”¹¹⁷

One of these organizations was the Haitian Refugee Center (HRC). Founded in mid-1970, the HRC gave legal assistance to refugees in Miami and in detention camps. They also fought in many legal battles concerning US policies against Haitian refugees. For instance, in *Haitian Refugee Center v. Baker (1991)*, the HRC argued that the INS was not conducting fair screening interviews for refugees at Guantanamo Bay.¹¹⁸ Although they did not win the case, another organization, the Haitian Centers Council (HCC), would pick up where they left off the following year. In *Haitian Centers Council v. McNary (1992)*, the HCC was able to acquire a temporary restraining order which would stop the INS from re-screening already screened-in refugees (most of whom tested

¹¹⁶ NACLA (Editors). *Haiti: Dangerous Crossroads*. South End Press: Boston, 1995. p. 195.

¹¹⁷ *Ibid.* p. 199.

¹¹⁸ *Haitian Refugee Center, Inc., et al., Plaintiffs-Appellees, v. James Baker, III, Secretary of State*. United States Court of Appeals, Eleventh Circuit. - 950 F.2d 685 Dec. 19, 1991.

positive for HIV) without offering them legal representation.¹¹⁹ In speaking about the importance of these organizations, Alex Stepick states: “The legal victories frustrated the U.S. government’s efforts to stop the flow of Haitians to south Florida. Without these legal victories, it is likely that the U.S. government would have succeeded in its efforts, and a critical nucleus of Miami’s Haitian community never would have been formed.”¹²⁰

Another important organization was the National Coalition for Haitian Refugees (NCHR). Executive Director Jocelyn McCalla explains that the NCHR is “an organization which includes among its members representatives of the major voluntary agencies, civil rights organizations, human rights groups, refugee advocates and Haitian community associations.”¹²¹ The NCHR took part in several congressional hearings and spoke for the rights of Haitian refugees, while highlighting the United States’ racist, discriminatory, and biased policies. In 1993, a women’s organization in Brooklyn, named Haitian Women for Haitian Refugees (HWHR), fought to have the over two-hundred HIV-infected refugees released from Guantanamo Bay after being held there indefinitely for testing positive. HWHR then helped to resettle these Haitian refugees in America.¹²² Finally, church organizations also played a role in assisting Haitian boatpeople. The Pierre Toussaint Center in Miami is one example. Thomas Wensky, a Polish-American priest at this Haitian church, speaks of the center: “We have a center that deals with legal issues. Thanks to its work, we help people obtain residency or political asylum...I recall many people I received straight from the boat, with wet pants on; today, 12, 15 years later

¹¹⁹ Haitian Centers Council, Inc. v. Gene McNary, Commissioner, Immigration and Naturalization Service; No. 2023, Docket 92-6144. United States Court of Appeals, Second Circuit. Decided July 29, 1992.

¹²⁰ Grenier, 1992. p. 72.

¹²¹ Cuban and Haitian immigration : hearing before the Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary, House of Representatives, One Hundred Second Congress, first session, November 20, 1991. p. 136.

¹²² NACLA, 1995. p. 208

they own a house.”¹²³ Thus, political organizations and community establishments actively assisted and represented Haitian refugees, while also fighting for their rights through the courts.

Through protests and demonstrations, the Haitian community and its advocates used collective action to criticize the US governments’ ill-treatment of Haitian boatpeople. On April 12, 1994, Randall Robinson, executive director of TransAfrica, with the support of the Haitian community and human rights organizations, began a hunger strike to denounce the government’s actions towards Haitian refugees.¹²⁴ They called for a more effective economic embargo on Haiti’s coup regime and for the immediate termination of forcible repatriation. Robinson garnered a lot of attention and support for Haitian boatpeople. Ten days later, the Clinton administration announced that it would grant refugee status to 400 Haitian refugees who were found on a boat overseas the day before.¹²⁵

Both Haitian-American and American media reported on the Haitian refugee crisis in an effort to expose the US government’s anti-Haitian refugee policies. Haitian newspapers, such as *Haitian Observatuer* and the *Haiti Proges*, dedicated several articles to issues surrounding Haitian boatpeople. Opitz states: “HP [*Haiti Progres*] informed its readers continually on the Haitian refugee crisis. There were about 97 articles on the refugee issue, including a few announcements, published during 32 months of reporting.”¹²⁶ American newspapers also actively pursued the subject. The title of one

¹²³ Charles Arthur and Michael Dash. (Editors) *Libete: A Haiti Anthology*. Markus Wiener Publishers: Princeton, 1999. p. 203.

¹²⁴ Georges A Fauriol. *Haitian Frustrations: Dilemmas for US Policy*. CSIS: Washington, DC, 1995. p. 85.

¹²⁵ *Ibid.* p. 85.

¹²⁶ Götz-Dietrich Opitz. *Haitian Refugees Forced to Return: Transnationalism and State*. Lit Verlag:

Miami Herald article screams out in bold “Stop Haitian interdiction!”¹²⁷ In a June 1992 article of *The New York Times*, an editorial writer states: “Only one consistent principle seems to drive the Bush Administration’s: Make life harder for ordinary Haitians—whether they are struggling to survive at home, escape by sea or keep up hope in barbed-wire refugee camps.”¹²⁸ Haitian radio programs and television stations also spoke to and for Haitian refugees; a few are *Radio Tropicale*, *Radio Soleil d’Haiti*, and *Tele-Haiti*. Laguerre states: “Radio journalists...offer special programs dealing with practical matters to help ease the adaptation of the immigrants; for example, professionals talk on the air about health, religion, insurance, banking, taxes, housing, and education.”¹²⁹ Radio programs also incited Haitians into political action: “Radio is also the foremost vehicle for political activism. Through radio announcements, thousands of Haitians can be assembled for a demonstration with only a day’s notice. In the Tenth Department, radio gives a voice to the voiceless.”¹³⁰

Haitians also used their artistic talents to get the larger American community to envision, understand, and hopefully rectify the bleak situation of Haitian refugees. Renowned Haitian novelist Edwidge Danticat wrote several novels and stories exploring Haitian immigrants in America and their struggles to find a place for themselves in a new country. In one of her short stories, *Children of the Sea* (1993), Danticat writes eloquently in describing the thoughts of Haitian boatpeople: “Some of the women sing and tell stories to each other to appease the vomiting. Still, I watch the sea. At night, the

Berlin, 2005. p. 141.

¹²⁷ Cuban and Haitian immigration : hearing before the Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary, House of Representatives, One Hundred Second Congress, first session, November 20, 1991. p. 41.

¹²⁸ “Still Punishing Haitian Victims” *The New York Times*. June 11, 1992. (<http://query.nytimes.com/>) Accessed March 21, 2008.

¹²⁹ Laguerre, 1998. p. 135.

¹³⁰ NACLA, 1995. p. 201.

sky and the sea are one. The stars look so huge and close...At times I feel like I can just reach out and pull a star down from the sky as though it is a breadfruit or a calabash or something that could be of use to us on this journey.”¹³¹ In a poem titled “Boat People” (1991), Felix Morisseau-Leroy captures the historical migrant experiences of Haitian ‘boatpeople’ from the days of slavery to the present: “In Africa they chase us with dogs/Chained our feet, embark us/Who then called us boat people?...We run from the rain at Fort Dimanche [torture prison in Haiti]/But land in the river at Krome [detention camp in Florida]/It’s them that call us boatpeople.”¹³²

A movie shown across the country and during a 1992 New York Film Festival really revealed to the public just how miserable life was for Haitian refugees. Opitz describes how “Haiti: Killing the Dream” started with “personal accounts by three refugees, witnesses to the terror in Haiti after the coup, who also remarked the racism and the disdain by US authorities, to which they were exposed on Guantanamo.”¹³³ Haitian music and recording artists also called for justice. In one *compas* song (Haitian dance music), the band Magnum Direct sympathizes with their fellow Haitian migrants: “When I see what’s happening to my brothers/My insides ache until I cry/We’re asking for liberty for our brothers/They sold everything they had at home/To look for a better life” [translated from Creole].¹³⁴ The Fugees, a very popular Haitian-American hip-hop group, and whose name undoubtedly comes from “refugee” and “refugee camps,” were famous for putting issues surrounding the Haitian Diaspora, including Haitian refugees, to the forefront. In their well-known song “Ready or Not,” the rapper Praz makes a reference to

¹³¹ Arthur, 1999. p. 197.

¹³² Ibid. p. 184.

¹³³ Opitz, 2005. p. 106.

¹³⁴ Arthur, 1999. p. 196.

Haitian boatpeople: “I refugee from Guantanamo Bay/Dance around the border like I’m Cassius Clay.”¹³⁵

Although they did not win any massive victories for Haitian migrants (such as Temporary Protected Status for all Haitian refugees), the collective and creative actions of the Haitian community, along with their advocates, led to the strength of the Haitian presence in the US. Through organizations, community establishments, media, and the arts, Haitians were able to unify and identify with a cause. In conclusion to his essay “Haitians in Miami,” Stepick powerfully states: “The mere existence of the Haitian community in Miami is testimony to the perseverance and struggle to survive of its members. The U.S. government has done virtually everything possible to stop the flow of Haitian boatpeople to south Florida. The federal government, however, has been thwarted...With great difficulty a Haitian community has emerged in Miami.”¹³⁶ *That* is the legacy of Haitian boatpeople.

¹³⁵ “Ready or Not” Artist: Fugees, Album: The Score, Label: Sony, Released: February 13, 1996.

¹³⁶ Grenier, 1992. p. 78.

Conclusion

Conclusion

In early to mid 1994, the situation in Haiti was only getting worse. The military and coup supporters were not only punishing Aristide's supporters and political activists; they were also targeting ordinary Haitian citizens. Despite his awareness and public condemnation of this crisis, President Clinton continued to have Haitian boatpeople immediately repatriated. At one point, he even called fleeing Haitians merely "economic migrants"—reintroducing the controversial debate surrounding the status of Haitian boatpeople.¹³⁷ Aristide returned to Haiti to complete his term in office on October 15, 1994. President Clinton's goal of restoring democracy (and Aristide) to Haiti—partly in order to relieve America of the Haitian refugee crisis—directly spoke to the relationship between *political* instability and migrant boatpeople. Only after political pressure at the federal and grassroots level (including Randall Robinson's hunger strike) did the Clinton administration agree to change its forced repatriation policy. On May 8, 1994, Clinton announced that interdiction would still be carried out, but that Haitians would be screened aboard US Coast Guard cutters for refugee considerations.¹³⁸ Other countries in the Caribbean would also be encouraged to screen and take in Haitian refugees. Later in July, due to the increase in migrants, Clinton once again changed the policy. Those Haitians picked up at sea would no longer have the chance to resettle in America; instead they would have to resettle in other Caribbean countries. Clinton continued to highlight in-

¹³⁷ Vanessa B. Beasley. *Who Belongs in America?: Presidents, Rhetoric, and Immigration*. Texas A&M University Press: College Station, 2006. p. 231.

¹³⁸ *Ibid.*, p. 229.

country processing centers as the “best” option, despite its clear inconvenience and danger to Haitian political targets.¹³⁹

Policies of interdiction, detention, and repatriation continued to dominate the United States’ handling of Haitian boatpeople well into the new millennium. In an October 2002 congressional hearing, speakers spoke against the new INS parole policy.¹⁴⁰ The new policy, implemented in December 2001, stated that Haitians would be detained for an indefinite period of time until their asylum appeals were reviewed. The reason for this new policy was to deter Haitians from coming by sea, and to screen out terrorist attacks—especially in light of September 11th. Yet, these rationalizations (like others in the past) did not stop the US from “picking and choosing” whom it wanted to rescue. Cuban boatpeople continued to be afforded special privileges in contrast to Haitian migrants. Under the Cuban Adjustment Act of 1966, Cubans who reached US shores were allowed to remain in the US and apply for permanent resident status after one year. Detained Cubans were rapidly released and allowed to file applications for asylum with their families and with legal assistance.¹⁴¹ Haitians, on the other hand, faced hostility and deportation. In the 2002 hearing, Marie Jocelyn Ocean, a Haitian who had been detained, described what life was like in the detention centers: “At night when I would try to sleep at the jail they would flash lights in our eyes and bang on our doors, and it would startle me terribly. Sometimes it made me remember bad things that happened in Haiti.”¹⁴² Indeed, Haiti during this time was plagued by serious acts of

¹³⁹ Ibid., p. 232.

¹⁴⁰ The detention and treatment of Haitian asylum seekers : hearing before the Subcommittee on Immigration of the Committee on the Judiciary, United States Senate, One Hundred Seventh Congress, second session, October 1, 2002.

¹⁴¹ Dana Canedy and Eric Schmitt. “In Florida, a Limbo for Haitians Only.” The New York Times. May 13, 2002. (<http://query.nytimes.com/>) Accessed April 2, 2008.

¹⁴² Hearing, October 2002. p. 84.

violence and political instability as the rivalry between Aristide supporters and his opponents carried on. Despite the situation, Haitians continued to be either interdicted and repatriated, or detained and deported by the US government.

Today, Haitians are still being picked up by US Coast Guard cutters and sent back to Haiti.¹⁴³ Although the most recent flows have dramatically decreased in number since the crisis in 1991-94, their rejection by the US speaks to the ongoing discrimination of Haiti and Haitians by the United States. In 1991 through 1994, Haitians were well within their rights to flee a brutal coup regime hoping to find safe haven elsewhere. The terror in Haiti was rampant and highly visible—an Aristide supporter would be a fool to remain in the country. Yet and still, the governments of Bush and Clinton upheld a forcible repatriation policy that not only put migrants at risk of danger upon return, but singled out Haitians for repatriation. This sort of discrimination of Haitians by the US has historical and political roots that stretch back to Haiti's independence, the American occupation of Haiti, and the United States' acceptance of corrupt Haitian dictatorships such as Duvalier. In each of these instances, ordinary Haitian citizens are silenced, unrecognized, and victimized. The US government, instead of being welcoming and supporting of Haitian boatpeople, continue to stop their boats and return Haitians to Haiti.

Despite the fact that the US government believed Haitian migrants to be a “threat” to local American society, Haitians had become a vibrant and beneficial addition to communities across the nation. Dina Paul Parks, the Executive Director of the National Coalition for Haitian Rights, had this to say about Haitians' contributions: “Our community [Haitians in the US] has produced individuals such as Pierre-Richard Prosper,

¹⁴³ Terry Aguayo. “Boat Carrying 100 Haitians Beaches in Florida.” The New York Times. March 29, 2007. (<http://query.nytimes.com/>) Accessed April 2, 2008.

the US Ambassador-at-Large for War Crimes Issues; Dr. Rose-Marie Toussaint, the first African-American woman to head a liver transplant service in the world... We are doctors, taxi-cab drivers, lawyers, home health aides, journalists, entertainers, even executives... We are a people who love our country but when forced to leave it, we make an extraordinary impact where we land, and the community is enriched for it.”¹⁴⁴ With the help of a unified Haitian Diaspora and others who supported their cause, Haitian migrants have been able to transcend the constant struggles they faced in America, and make the extraordinary contributions that Parks lists. The US government’s continued fears of a Haitian “threat” are completely unfounded; it is simply used to rationalize a racist, unjust, and discriminatory policy of immediate return. With a history of fighting against oppression, and with their value of unity and Haitian identity, Haitians will hopefully be able to one day overturn unfair US policies towards Haitian boatpeople. Until then, the saga continues.

¹⁴⁴ Hearing, October 2002. p. 11.

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