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IS THE US PREPARED TO HANDLE ANOTHER MARITIME MASS MIGRATION?

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ABSTRACT

TITLE OF THESIS: Evaluating the US Response to the 1991-1993 Haitian Exodus: Is the US Prepared to Handle Another Maritime Mass Migration?

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The problems posed by maritime mass migration to the US present unique and challenging national security concerns. Two such recent immigrations, the 1980 Mariel Boatlift and the 1991-1993 Haitian exodus, as well as the ongoing problem of illegal immigration to the US, leave many to conclude that the US has lost control of its borders. This thesis examines the Haitian 1991-1993 emigration to the US to evaluate if the US handled this incident well, what the best way to handle such a migration should be, and its implications for future US handling of similar problems.

Haitian maritime immigration to the US has been an ongoing problem for over 30 years, fueled by the disparities between a poor, violent Haiti on one hand, and a rich, democratic US on the other. The US will continue to be plagued by this concern as long as the fundamental factors motivating emigration exist in Haiti. Certainly, economic plight and random violence in Haiti motivate Haitians to emigrate, but as the recent exodus has shown, US immigration policy has at least as strong an effect on Haitians.

The types of challenges presented by this maritime mass migration were varied. At the bottom line, there are the humanitarian concerns of getting the Haitians off their rickety boats at sea, and bringing them safely ashore. Additionally, a location must be found, preferably in the country of origin, to screen the refugee applicants. The US must monitor conditions in the immigrants' country to assess what is motivating them to emigrate, as well as to assure that returned migrants are not being persecuted. The Intelligence Community likewise realized

the difficulties in collecting against a problem such as immigration from a poor country such as Haiti, creating significant problems in predicting the volume of emigration.

Finally, the US handling of the mass migration also indicates the importance of addressing the political aspects of the event. To its detriment, the US did not press hard enough to end the political stalemate begun by the 1991 coup in Haiti. It is important that US policymakers realize the connection between solving the political and economical problems in Haiti, and reduced emigration. Once solved, however, US involvement in Haiti will need to be ongoing to ensure that country is rebuilt, both economically and democratically. This is the only long-term way to prevent significant migration to the US.

**EVALUATING THE US RESPONSE TO THE 1991-1993 HAITIAN EXODUS:
IS THE US PREPARED TO HANDLE ANOTHER MARITIME MASS
MIGRATION?**

by

(b)(3), (b)(6)

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do not reflect the official policy or position of the
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PREFACE

This thesis examines the US handling of the 1991-1993 Haitian mass migration to the US. The thesis itself is unclassified. An annex to the thesis, classified SECRET NOFORN WNINTEL NOCONTRACT, evaluates the Intelligence Community's response and support to US policymakers during this crisis.

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CHAPTER 1

INTRODUCTION

On 28 October 1991, the Coast Guard Cutter Steadfast interdicted the 30-foot sailboat Marco with 19 Haitian immigrants bound for the US.¹ Occurring nearly one month after a military-led coup to overthrow Haitian President Jean-Bertrand Aristide, and just days after the US announced a severe embargo to be imposed on the *de facto* regime, this event was the inauspicious beginning trickle of an impending flood of immigrants. The US response to this maritime mass migration was at times tentative, and often hampered by various legal actions advanced by refugee advocacy groups.

Eventually, however, US actions effectively controlled the migration. Desperately seeking an end to the deluge of immigrants that reached a peak of 152 boats carrying 13,103 migrants in May 1992 alone, the US began direct repatriations to Haiti on 24 May to stem the tide.² The affair had become a foreign policy and operational nightmare, overloading the capabilities of the various agencies involved, as well as distracting the US from other foreign policy issues.

At the operational level, the migration interdiction itself was handled rather well. Intelligence support and immigrant processing were slow to come up to speed and can be improved upon for future interdiction efforts. On the strategic or national level, US policy was

¹US Coast Guard, Commander Atlantic Area (Aoo), "Haitian Migrant Operations Timeline." 1 September 1992. Copy provided by Coast Guard Headquarters (G-OLE).

²"Haitian Migrant Operations Timeline." The Coast Guard later came out with official statistics on interdictions. Where discrepancies between these stats and the time line exist, the official stats were used.

also slow to evolve, as several responses were tried before settling on the May 1992 policy. The US was frustrated by numerous legal maneuvers, pressured by public concern over the plight of Haitians, and caught in the dilemma of attempting to apply pressure to the *de facto* regime, while at the same time this pressure was contributing to the migration.

Additionally, the US fared poorly handling the political aspects-- particularly negotiations and the embargo--of the crisis. It is especially at the strategic level that improvements must be made so that the US can prevent if possible, or better handle future mass migrations from Haiti and other Caribbean nations. This thesis will assess the success and effectiveness of the US response to the Haitian migration of 1991-1993, and by derivation, determine if the US is prepared to handle another similar situation.

IMMIGRATION AS A NATIONAL SECURITY CONCERN

Illegal maritime migration, especially from Caribbean islands to the US, is an ongoing national security problem, which has only worsened in recent years. From the US perspective, concerns of humanity and opportunity in a nation of immigrants, compete with a need to control US borders and not encourage a flood of refugees to attempt emigration to this country. Controlling immigration is extremely difficult considering the length of the US border, the limited resources used to patrol it, the recent liberalization of immigration laws, and the increased intervention of advocacy groups.

Over the recent decades, Caribbean maritime migration to the US has steadily increased. The magnet of political freedom and of the US economy--with its alluring opportunity for improving one's standard of living--is indeed a strong attraction. Two recent mass migrations from Haiti and Cuba severely tested the US' ability to control the number of immigrants entering this country. Over 125,000 Cubans fled to the US in the Mariel Boatlift of 1980. More recently, over 40,000 Haitians

attempted to emigrate to the US since the coup deposing Aristide in September 1991 and the economic sanctions that followed. It is vital that the US develop an effective response to such migrations so that they can be controlled by the US, and not by the immigrants involved. This is important, ". . . . because unregulated and emergency migrations bespeak a loss of control. They challenge the capacity of governments to uphold basic sovereignty, in this case the choice of who resides in one's country."³

The issue of immigration in the US is an emotionally charged one. Many argue that virtually everyone in the US was an immigrant at some point, so it is hypocritical to set limits or prevent others from attempting to do the same. Especially with respect to Haiti, the US has been accused of racism, courting conservative support, and returning people to a brutally repressive government, while continuing an outdated policy of favoring refugees from communist countries.⁴

As the nation with the highest standard of living in the hemisphere, as well as enviable traditions of political and personal freedom, the US is a constant enticement to those in less developed countries. This is especially the case for Haiti, which is both relatively close to the US (about 600 miles by sea), and one of the poorest countries in the hemisphere. However, the US' total annual legal immigration of roughly 950,000 (800,000 legal immigrants plus about 144,000 political refugees), difficult enough to control, is overwhelmed by an estimated 2-3 million illegal entrants. This has led many to the conclusion that the US has simply lost control of its borders.⁵

³Doris Meissner, "Managing Migrations," Foreign Policy, Sequence 86 (Spring 1992): 68.

⁴Myra MacPherson, "The Excluded," The Nation, 6 April 1992, 436-437.

⁵Peter Brimelow, "Time to Rethink Immigration?" National Review, 22 June 1992, 30.

It has taken a long time for most people to realize how important immigration is as a national security issue. The Mariel Boatlift of 1980, and especially the recent Haitian mass migration have focused attention on the issues of controlling foreign policy with respect to immigration and refugee law, as well as problems of "asylum fraud" as significant national security concerns.⁶ A Roper Organization poll conducted in early 1992 demonstrated the depth of concern over immigration with the following findings: 54% of respondents thought that current immigration laws allowed too many immigrants into the US each year, while 21% felt the laws were about right; 86% regarded the issue of immigration as either very important or moderately important; 69% believed Congress should pass laws to reduce immigration; and 80% stated that the nation's immigration policies needed revision.⁷

The US should not be ashamed of attempting to limit immigration. It has traditionally accepted about twice as many immigrants as the rest of the world combined.⁸ The national debt is already an ominous problem. Supporting existing schools, hospitals, and welfare programs is costly enough without adding millions of new "citizens" each year. Recent terrorist attacks in 1993, such as the shooting outside the CIA headquarters in Langley, VA., and the bombing of the World Trade Center in New York City involved immigrants who exploited the US immigration system to enter, leave, or remain in the US.⁹ The US should not forget the inviting inscription to the world's huddled masses found on the Statue of Liberty; yet neither should it forget its own security and sovereign right to control its borders.

⁶Georgie Anne Geyer, "Refugee Policy Iceberg," Washington Times, 6 March 1993, Sec. C1.

⁷Nancy E. Roman, "Haitian Policy Defended at Court," Washington Times, 3 March 1993, Sec. A3.

⁸Theodore H. White, America in Search of Itself: The Making of the President 1956-1980 (New York: Harper and Row Publishers, 1982), 362.

⁹Geyer, "Refugee Policy Iceberg," Sec. C1.

Control of maritime mass migrations poses a particularly acute problem for the US. As the recent Haitian migration demonstrated, the immigration system can easily be overwhelmed, while public opinion, legal constraints, and foreign policy options severely limit the US' ability to control this type of event. Such a migration affects numerous federal agencies: the Department of State, the Department of Justice--particularly the Immigration and Naturalization Service (INS), the Coast Guard, the Department of Defense, as well as members of the national security and intelligence communities. As the response to the Haitian exodus illustrated, these agencies were overwhelmed by the event, with many of their other duties suffering as a result. For instance, there is much evidence that points to the fact that narcotics traffickers exploited the chaos surrounding the mass migration to smuggle drugs and even Asian aliens through other routes in the Caribbean.¹⁰

Especially when the situation gets out of hand, or receives extensive (and often negative) publicity, agencies are consumed with solving the problem, but also find their policy options limited. Mass migrations can have severe political consequences--as President Carter found in the 1980 presidential elections, and as exhibited by President Bush's careful maneuverings concerning the Haitian immigration issue during the 1992 campaign. Handled poorly, or too slowly, mass migrations become uncontrollable events, indicating the need for an early, decisive response, before public opinion, or sheer numbers of immigrants force decisions.

Lost amid all the debate is the safety of life issue that becomes nearly impossible to manage. With thousands of people crammed into small, rickety, ill-equipped boats attempting a dangerous 600 mile journey, the potential for many deaths is significant. There is no way

¹⁰"The Haitian Connection," Washington Times, 3 September 1992, Sec. A1.

of knowing how many Haitians have died attempting to make their way across the Windward Passage and north to Florida, although the Coast Guard and INS estimate that as many as half do not make it.¹¹ On 9 February 1992, the Coast Guard Cutter Mohawk rescued 13 Haitians who had run out of food and water, off a 20-foot sailboat that had been at sea for three days, but was still in sight of Haitian shores.¹² Later, about ninety Haitian immigrants perished on 21 July 1992, when their small boat capsized, indicating the hazards of the trip.¹³

It is imperative that the US learn its lessons from its handling of mass migrations so that future ones are well managed. Having a credible plan of attack, while coordinating a cooperative response among the interdiction, foreign policy, and intelligence agencies may mean the difference between a successful operation and saving lives on one hand, and a migration disaster on the other. Obviously, the only long-term, effective way to reduce the flow of immigrants from Caribbean nations such as Haiti (and especially in the case of Haiti) is to address the conditions that create those immigrants.¹⁴ However, when this is not done, or when unexpected migrations are triggered, the US must be able to discern the motivating factors for the migration and execute an effective response to handle the migration.

HISTORY OF US HANDLING OF HAITIAN IMMIGRATION

The history of the US' handling of Haitian immigrants is controversial, has denied most Haitians entry into the US, and has only

¹¹James Silk, Despite a Generous Spirit: Denying Asylum in the United States (Washington, DC: US Committee for Refugees, 1986), 24.

¹²John N. Cushman, Jr., "Haitians Face Perils of the Sea to Reach US," New York Times, 11 February 1992, Sec. A7.

¹³Howard W. French, "90 Haitians Drown as Boat Capsizes," New York Times, 22 July 1992, Sec. A9.

¹⁴John A. Scanlan and G.D. Loescher, "Mass Asylum and Human Rights in American Foreign Policy," Political Science Quarterly 87, no. 1 (Spring 1982): 47.

recently evolved into a more equitable system. The challenge for the US, especially during a mass migration, is to balance fair treatment for legitimate political refugees against the need to prevent a flood of illegal economic immigrants. Haitian migration to the US is a relatively new problem, and mass migrations a more recent phenomenon, so the US is still learning how to best handle these situations.

The roots of significant migration occurred during the late 1950's and early 1960's, the first years of François ("Papa Doc") Duvalier's rule. A combination of economic stagnation of the late 1950's, as well as Duvalier's use of violence to consolidate his power, induced many Haitians to flee. Similar to the Cuban migrants of this era, most fleeing Haitians were businessmen, professionals, government officials, and others of the middle class. Most of these left Haiti via airplane. However, lower class Haitians who could not afford airfare, or visa and exit taxes took to the seas in small boats, marking the origins of Haitian maritime migration to the US.¹⁵

From the early 1970's on, a steady stream of Haitian migrants began arriving in Florida. As opposed to the early immigrants, these arrivals were predominantly lower class, uneducated people. While the earlier surge had been accepted as refugees fleeing from the initial terror of François Duvalier's oppression, the boat people of the 1970's were viewed as illegal economic migrants seeking better employment and living conditions in the US.¹⁶ Strict INS policies were put into place to slow this growing Haitian migration which totalled about 3,500 people from 1972 to 1977. However, in spite of a tough INS "Haitian Program" designed to thwart these immigrants, the rate of migration increased,

¹⁵Gilbert Loescher and John Scanlan, "Human Rights, US Foreign Policy, and Haitian Refugees," Journal of Interamerican Studies and World Affairs 26, no. 3 (August 1984): 319.

¹⁶Silk, 15.

with over 2,500 Haitian boat people arriving in Florida in 1979.¹⁷

While the US response to the Haitian immigrants of the 1970's was effective--the overwhelming majority were returned to Haiti--it was also quite unfair. Most Haitians probably did not qualify as political refugees, but US screening procedures at that time denied most of them a fair hearing to determine this fact. Procedures were used that were perhaps justified if an enormous flood of immigrants were arriving in the US. However, this was not the case.

Immigration Legal Concerns

US screening procedures were challenged by various church and civil rights groups, as well as the US House Subcommittee on International Organizations. The INS and State Department were accused of employing several techniques to deny Haitians a fair chance to make a claim for asylum. These included: very brief interviews of the immigrants; denying legal assistance in most cases; lack of training for INS agents in either asylum law or conditions in Haiti; the State Department's generally all-inclusive denial of asylum without review of individual cases; and in general, "a consistent pattern of conduct. . . designed to defeat most Haitian claims."¹⁸

These practices were contested in 1979 when several lawsuits were filed on behalf of Haitians. In perhaps the most significant case, *Haitian Refugee Center v. Civiletti* of 1980, many screening procedures were struck down. The US District Court of South Florida held that the Haitians seeking asylum had been denied both due process and a fair hearing, and that the INS had established a program which expelled Haitians regardless of their claim to asylum. The INS was directed to design a plan to reprocess the claims and grant a fair hearing to

¹⁷Silk, 15.

¹⁸Loescher and Scanlan, 332-335.

Haitians whose claims had already been rejected.¹⁹

In an attempt to improve the quality of US asylum screening procedures, Congress passed the Refugee Act of 1980. This law detailed responsibilities in the Executive Branch for processing asylum cases, provided a definition of the term refugee, and directed the president to establish a limit for the number of refugees allowed into the US each year (in FY1992 144,000 were allowed). Within the Executive Branch, INS makes rulings on asylum applicants, while the State Department provides advisory opinions on conditions in source countries, addressing whether or not the claims of the asylum seekers are justified.²⁰ The Act also expanded those eligible to be refugees. Previously, the term "refugee" only applied to people fleeing communist or Middle East countries (primarily US enemies), but now applied to any country, including US allies (for instance, Haiti).²¹

The Refugee Act of 1980 defines a refugee as a person in the US who is either unwilling or unable to return to their country "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group."²² There is a fine distinction between political refugees and other immigrants. The fear of persecution must be both well-founded (substantial and believable), as well as specific (the person applying for asylum must be the target of persecution).²³

Specific guidelines are often set for weighing asylum cases, for

¹⁹Fred W. Friendly and Martha J.H. Elliott, The Constitution: That Delicate Balance (New York: Random House, 1984), 237-239. Also, Silk, 16.

²⁰Jeffrey J. Leavitt, "Roots of the Haitian Refugee Crisis," USA Today Magazine, September 1992, 16.

²¹Friendly and Elliott, 239.

²²Leavitt, 16-17.

²³Elliot Abrams, "Policy Confronts Reality," National Review, 30 March 1992, 39. Also, (b)(6) Program Officer, Department of State Bureau for Refugee Programs, interview by author, 29 April 1993.

countries and groups of individuals who are likely to experience persecution. For example, with respect to the current Haitian refugee crisis, the State Department has established the following guidance:

Emphasis will be placed on refugees in the following categories: Persons who are former political prisoners; human rights activists; persons subjected to disproportionately harsh or discriminatory treatment resulting from their perceived or actual political beliefs or activities; persons who fear prosecution because they hold or held leadership positions in political or religious organizations; persons who have held sensitive positions in the Aristide government or are prominent in fields that may be targeted, such as journalists; refugees in immediate danger of loss of life; dissidents; and other refugees of compelling concern to the United States.²⁴

The AMIO Program

In the 1980's the US took aggressive steps to stem the now steady stream of Haitian boat people, partly for establishing order, but also for humanitarian reasons. The Haitians typically sailed in unseaworthy, overloaded, and poorly equipped sailboats, many of which sank enroute to the US. In early 1981, 30 drowned Haitians washed ashore at Hillsboro Beach, Florida.²⁵ These and other drownings, convinced the US that something needed to be done to control the number of Haitians trying to emigrate, and prevent further loss of lives. In September 1981, President Reagan issued Executive Order 12324, establishing the Alien Migrant Interdiction Operation (AMIO), authorizing the Coast Guard to interdict vessels suspected of transporting illegal immigrants to the US. In the same month, the US signed a treaty with Haiti detailing US-Haitian cooperation in such interdictions.

The AMIO program entails Coast Guard cutters interdicting stateless vessels and vessels of nations with whom the US has an interdiction agreement. Boats which are suspected of carrying US-bound

²⁴Secretary of State message to Refugee Processing Posts, "FY93 Proposed Refugee Admissions to the United States," 031843Z August 1992.

²⁵US Coast Guard, Office of Operational Law Enforcement, text of "USCG Briefing for Secretary of Transportation on Haitian Migration," 11 January 1993. Provided by Coast Guard Headquarters (G-OLE).

illegal aliens are intercepted to assess the intentions and screen potential refugees. The stated purpose of the AMIO program is to deter illegal immigration, save lives at sea, and interdict drugs and other contraband.²⁶

Typically this program is carried out by a Coast Guard cutter stationed in the Windward Passage (the body of water separating Cuba and Haiti), with INS agents and interpreters aboard. Interdicted immigrants are interviewed by the INS to determine if they have a credible claim for asylum or are merely illegal economic migrants. Those not having credible claims are returned to Haiti. Those with emergency medical conditions are evacuated ashore for treatment. A Coast Guard Liaison Officer in Port au Prince coordinates the repatriation of these returnees with the Haitian government and the International Red Cross.²⁷

The US-Haitian agreement on migrant interdiction of September 1981 gives the AMIO Coast Guard cutters the right to board Haitian vessels as well as conduct repatriations to Haiti. Migrants qualifying for refugee status are transported to the US. The treaty also obtained some protection for Haitian repatriates. The government of Haiti agreed that migrants "returned to their country and who are not traffickers will not be subject to prosecution for illegal departure."²⁸

The US has been criticized for discrimination because it has such an agreement with no other countries except for Haiti. However, Haiti has been one of the primary sources of immigration, particularly from the Caribbean. Additionally, the loss of lives from Haitians drowning

²⁶US Congress, House, Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary, Cuban and Haitian Immigration, Hearings, 102nd Cong., 1st sess., 20 November 1991 (Y4.J89/1:102-31), 70. Prepared statement of INS Commissioner Gene McNary.

²⁷US Congress, House, Cuban and Haitian Immigration, 88-89. Prepared Statement of RADM William Leahy, USCG.

²⁸Department of State, "Haiti: Migrants--Interdiction," 23 September 1981, TIAS no. 10241, United States Treaties and Other International Agreements, vol. 33, pt. 4.

was an occurrence that could not be ignored. Immigration from the Dominican Republic has increased in recent years, topping 1,000 people in 1991. This increase has led the Coast Guard and INS to request a migrant interdiction agreement with the Dominican Republic as well.²⁹

Cubans are another significant source of maritime immigration, however, the frequent comparisons between US treatment of Haitian and Cuban boat people are invalid. The association is convenient because both islands are close to the US and have a long history of maritime migration to the US. Among the stark differences that make Cuban-Haitian comparisons erroneous are: the 1966 Cuban Adjustment Act which provided unique benefits to Cuban immigrants; US policy towards Cuba as a totalitarian, communist country; Cuba's statutory penalty of three year's imprisonment for illegal emigration; Cuba's refusal to allow illegal emigrants to depart; and the lack of any bilateral treaty with Cuba governing the handling of migrants.³⁰ In spite of these differences, Haitian immigrants have fared well gaining admittance to the US. Roughly 750,000 Haitians now reside in the US--ten percent of the population of Haiti! Over the last decade, Haitians comprised the US' fifth largest immigrant group, with nearly 140,000 immigrants.³¹

While the AMIO program has been in effect, Haitian maritime emigration has steadily grown until 1988, with a slight drop-off until the 1991-1993 mass exodus. During the ten year period from October 1981-September 1991, the US interdicted over 24,000 Haitian boat people.

²⁹US Congress, House, Cuban and Haitian Immigration, 90. Prepared statement of RADM Leahy. Also, (b)(6), USCG, Chief of the Drug and Migrant Interdiction Branch, Coast Guard Headquarters Office of Law Enforcement (G-OLE), interview by author, 16 March 1993.

³⁰Secretary of State message to American Embassy, Kingston, "US Policy Towards Cuba and Haiti," 121407Z February 1993.

³¹Secretary of State message to Refugee Processing Posts, "US Policy on Haitian Boatpeople," 071851Z April 1992. Haitians (as do other nationalities) emigrate to the US in many ways, of which boat people are just one example. Many gained legal status under the Immigration Reform and Control Act, while others were allowed to immigrate to join family members already legally established in the US.

Of these, only about 30 (or 0.1%) were found to have credible claims for asylum and brought to the US.³² Although this was mostly a reflection that overwhelmingly the Haitians were economic migrants (if they did experience repression, it was not specific or credible), it likely also reflected INS procedures that denied Haitian asylum claims, either by default or by design.

	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
JAN		129	0	25	104	258	192	503	438	54	309
FEB		0	5	318	34	453	9	0	141	90	0
MAR		21	17	84	37	158	252	741	1535	0	0
APR		0	145	75	750	550	101	329	687	113	758
MAY		13	41	134	197	200	206	540	0	1	70
JUN		0	158	191	25	92	159	400	135	99	127
JUL		8	90	43	0	133	604	402	150	206	196
AUG		0	8	58	288	1248	506	173	70	0	43
SEP		0	25	380	652	6	547	209	429	156	157
OCT	169	0	140	141	44	8	368	452	115	191	
NOV	18	0	55	953	32	24	429	431	0	0	
DEC	0	22	78	540	248	258	168	434	37	214	
TOT	187	193	762	2942	2411	3388	3541	4614	3737	1124	1660

Figure 1: Haitian Migrants Interdicted at Sea by USCG from 1981-1991

Source: (b)(6) USMC, Haitian analyst, US Coast Guard Intelligence Coordination Center, March 1993. From ICC database on USCG Migrant Interdiction under AMIO program.

³²Text of "USCG Briefing for Secretary of Transportation on Haitian Migration."

Improvements in the INS screening process were incorporated quite recently, in January 1991. This resulted in 20 of 1300 Haitians interdicted from January through September 1991 being screened into the US. These procedures included privatizing and expanding screening interviews from five to twenty minutes; use of new, expanded refugee questionnaires; and new training for screening officers in interview techniques, asylum law, and conditions in Haiti.³³ These improved techniques indicated that some Haitians had previously been discriminated against since the screen-in rate increased fifteen times. However, it also underscored the fact that Haitians were overwhelmingly economic migrants since still only about 1.5% were found to have credible asylum claims.

Although US experience with Haitian immigration up to 1991 was not yet an overwhelming problem, that experience demonstrated several points that would be critical in the 1991-1993 mass exodus. First, the steadily increasing numbers of Haitian boat people indicated a need for a US interdiction presence in the Caribbean, both for saving lives and for controlling immigration. Second, there was a need for balance in the US immigration policy. The US' desire to control its borders should not preclude fair treatment of Haitian immigrants. The US policy up to that point had been denounced as being discriminatory towards Haitians because of their race, poverty, and illiteracy.³⁴

US policy has admittedly been unfair, but has evolved to a more equitable policy, balanced by practical concerns. The US accepts many legitimate refugees, but cannot accept everyone who experiences some

³³US Congress, House, Cuban and Haitian Immigration, 71-72, 145. Prepared statements of Gene McNary (INS) and Cheryl Little, Supervising attorney for the Haitian Refugee Center.

³⁴For example, in the House Hearings of 20 November 1991, Cuban and Haitian Immigration, 12 organizations, as well as most of the Congressmen present denounced US policy as "racist," "immoral," and "as wrong as it gets to be in terms of refugee law." Most of the media coverage of the 1991-1993 Haitian exodus reflected similar sentiments.

violence worldwide. During the later months of the 1992 immigration surge, US policy was probably too generous towards Haitians. However, the fact is that Haiti is a violent, repressive country in which there are likely to be a certain percentage of legitimate refugees. A proper US policy will allow legitimate refugees to make their asylum case, while barring the thousands of other migrants from exploiting the system. Haitian and refugee advocacy groups made several gains through court cases in the 1980's. A blatantly unfair policy would only invite more lawsuits. Lawsuits and Temporary Restraining Orders issued by US courts would later undercut and cripple US interdiction efforts in the 1991-1993 Haitian migration.

THE MARIEL BOATLIFT

Although Haitian immigration had not reached an epidemic level prior to the recent Haitian exodus, the US did have one other mass migration to draw lessons from. During the Mariel Boatlift, 125,000 Cubans traveled by boat to Florida from April to September 1980. A direct comparison between Mariel and the later Haitian mass migration does not dovetail neatly as there are striking differences. However, some of the lessons learned concerning management of such a crisis, as well as the ensuing immigration legislation have bearing on the Haitian exodus.

It can be argued that the Mariel Boatlift was a foreign policy success for the US and an embarrassment for Cuba. Castro was embarrassed by the 125,000 people who left, undermining his image and indicating that Cuba was perhaps not the model revolutionary nation it proclaimed to be. However, the boatlift was undoubtedly an immigration and political disaster for the US.

During the peak days of the crisis in May and June, it was readily apparent that the US was ill-prepared to handle a mass migration. In addition to the thousands of legitimate refugees, Castro included a

number of criminals and other "misfits" among those allowed to emigrate, indicating he was controlling the migration. The US immigration system was totally overwhelmed and the Carter Administration seemed confused and paralyzed as to the appropriate response.

The refugee crisis began on 6 April 1980, when over 10,000 Cubans flooded the Peruvian Embassy in Havana requesting asylum. Initially, a regional solution was implemented, with the US agreeing to take 3,500 of the Cubans. However, when Castro halted the refugee evacuation flights after two days, pressure began to build as more Cubans began seeking asylum. Cuban-Americans in Miami started to make the ninety mile trip to Cuba in private boats to attempt to transport relatives to the US. Castro allowed two boats to take refugees on 21 April, publicizing this action on Radio Havana and indicating that others would also be allowed to do this.³⁵ From that point on, a steady stream of southbound US private boats traveled to pick up Cubans for the transit to Key West.

Ironically, the Intelligence Community provided truly outstanding warning that the boatlift would occur, and continued to provide solid tactical intelligence throughout the crisis. As early as 31 January, the CIA warned that social, economic, and political problems in Cuba were intensifying and that "the Castro regime may again resort to large-scale emigration to reduce discontent caused by Cuba's deteriorating economic conditions."³⁶ This was confirmed by State Department reports in February citing Cuban discussions concerning the opening of a port for a large scale emigration, as it had done in Camarioca for one month in 1965. Further confirmation came in a March speech by Castro which specifically mentioned taking this action in response to perceived US

³⁵Robert L. Scheina, "The Cuban Exodus of 1980," Naval Institute Proceedings 106, no. 10/Sequence 932 (October 1980): 46.

³⁶US Congress, House, Subcommittee on Oversight to the Permanent Select Committee on Intelligence, The Cuban Emigres: Was there a US Intelligence Failure?, 95th Cong., 1st sess., June 1980, Comm. Print, 2-3.

encouragement of Cubans hijacking boats to the US.³⁷

In response to these reports, the State Department hosted an interagency meeting on 3 April to discuss contingency plans for a mass exodus from Cuba. The participants acknowledged that a boatlift was possible, but decided against any overt preparations for fear this would induce the migration.³⁸ After this meeting, the CIA provided further warning to policymakers of an impending emigration. However, the administration's continued preparation for a "best case scenario," in spite of the dire intelligence warnings, would later severely hamper the early US response. The House subcommittee evaluating the intelligence support determined that the Intelligence Community was "giant steps ahead of actual events," and blamed policymakers for disregarding the estimates.³⁹

Once the boatlift gained momentum, the volume of people was staggering. In the ten days after the first trip from Cuba, over 6,000 Cuban refugees entered the US. The immigration skyrocketed in May and early June, averaging nearly 3,000 per day before tailing off in the middle of June.⁴⁰ The sheer volume of empty southbound US boats and northbound refugee-laden boats created a logistical nightmare for the Coast Guard and Navy, especially in the area of search and rescue. Many of the boats were overloaded, lacking safety equipment, and ill-equipped for an open water voyage such as the one from Cuba to Florida.

In spite of the tremendous numbers of refugees, only 27 known drownings occurred, primarily due to exceptional responses by Coast Guard units. Perhaps the most noteworthy of these was when the 35-foot

³⁷US Congress, House, The Cuban Emigres. . . ., 3.

³⁸Ronald Copeland, "The Cuban Boatlift of 1980: Strategies in Federal Crisis Management," The Annals of the American Academy of Political and Social Science, Sequence 467 (May 1983): 143.

³⁹US Congress, House, The Cuban Emigres. . . ., 4.

⁴⁰Michael R. Adams and Raymon Fullerton, "The Cuban Exodus Revisited," Naval Institute Proceedings 107, no. 8/Sequence 942 (August 1981): 91-92.

pleasure craft *Olo Yumi* capsized on 17 May. Coast Guard cutters and a helicopter in the area rescued 38 of the 52 passengers. Additionally, several hundred Cubans were evacuated without loss from numerous overloaded small boats--a difficult and dangerous operation--undoubtedly saving countless lives.⁴¹

The US Response

The early US response was plagued by numerous uncertainties. Handling a maritime mass migration was a new phenomenon. The Carter Administration was unsure how long the crisis would last, what legal authority it had to stop the boats and control the boatlift, how Cuban-Americans would react, and what propaganda value could be exploited at Cuba's expense.⁴² What was initially a propaganda advantage for the US quickly became a situation of helplessness and logistical problems, especially when Castro released hundreds of criminals and "undesirables."

After three weeks debate over an appropriate response, a comprehensive plan was put forward by Carter. This delay and uncertainty at the decision making level in turn created confusion at the operational level. An example of this was an early US policy to fine US boat operators \$1000 for each passenger without a US visa, as a means of deterring US boats from transporting refugees. The policy was both publicly approved and rescinded in the same day.⁴³

Several solutions were considered to stem the flow of refugees, including the US chartering of a large passenger ship to transport refugees to the US; closing the port of Key West under Presidential order to stop the southbound flow of boats; military action against

⁴¹Alex Larzelere, The 1980 Cuban Boatlift (Washington, DC: National Defense University Press, 1988), 169-173.

⁴²Copeland, 145.

⁴³Copeland, 145.

Cuba; and the use of a Coast Guard cutter in a Cuban port as a refugee processing center. These options were all dismissed, many frustrated by Cuba's lack of cooperation.⁴⁴ Meanwhile the delay in establishing a firm US policy encouraged more Cuban-Americans to make the trip to Cuba.

The turning point in the crisis came with the implementation of Carter's Five Point Plan in mid-May. This program included increased interdiction by the Coast Guard and Navy--effectively a barrier at sea combined with enforcing violations by seizing boats vice arresting US citizens; appeals for support to the Cuban-American community through the use of a family registration center to control the number of immigrants; and a resolve to strictly enforce US immigration laws, especially with respect to Cuban criminals.⁴⁵ The US realized that aggressive action was required, the immigration was not just short-term, and felt Cuban-Americans would cooperate after Castro had infuriated them by releasing criminals instead of their relatives.⁴⁶

As the policy was gradually implemented, the boatlift was brought down to a manageable level by mid-June. However, the political costs to Carter were already significant. Especially in an election year, the boatlift was a no-win situation for him. The perception that Carter could not control the immigration and was slow to decide on an appropriate response hurt a president already weakened by high inflation and unemployment, hostages in Iran, and a failed hostage rescue attempt as the Mariel crisis was unfolding. In a nutshell, Mariel "seemed to underscore nationally the administration's image of poor executive

⁴⁴Larzelere, 250-252.

⁴⁵"Cuban Refugees," President Carter's and White House follow up statements concerning the Mariel Boatlift, Department of State Bulletin, June 1980, 69-71. Larzelere, 287-291 expands on the policy implementation.

⁴⁶David M. Alpern and others, "Carter and the Cuban Influx," Newsweek, 26 May 1980, 24-25.

leadership."⁴⁷

Mariel was one of many reasons for Carter's defeat in the 1980 election. The electoral backlash was particularly acute in Florida, the state most impacted by the Cuban influx. While Reagan carried the US by a 51%-41% margin, he carried Florida (a state Carter won in 1976) by 55%-38%.⁴⁸ This lesson on the impact of mass immigration in an election year would make President Bush act tentatively in the 1991-1993 Haitian exodus.

Among the thousands of Cubans migrating to the US during 1980, was the simultaneous immigration of 11,000 Haitians. Initially, the Haitians were treated as economic migrants as opposed to the Cuban's preferential treatment as refugees. Although the Haitians lacked the public support that the Cubans enjoyed, the Carter Administration came under much pressure to treat both groups equally. Thus, the Cuban-Haitian entrant category was created for immigrant processing during the Mariel Boatlift.⁴⁹

Lessons of the Mariel Boatlift

Many of the lessons learned during Mariel are peculiar to that event and do not correspond to the current Haitian exodus. Cuban proximity to the US, Cuba's communism, the lack of bilateral migration agreement with Cuba, and the fact that US boats were the primary transporters of refugees make that situation quite different. However, several lessons can be applied.

The value of intelligence was demonstrated in the Mariel Boatlift. Although not fully heeded, excellent intelligence warning allowed policymakers to consider options before the crisis unfolded, even though

⁴⁷Copeland, 138.

⁴⁸Theodore H. White, 436.

⁴⁹Larzelere, 283-287. Also, Silk, 14-16.

firm action was not taken. Solid intelligence throughout the crisis was also helpful in determining the success of the interdiction effort. Additionally, the boatlift illustrated how rumors of perceived US immigration policy drives the momentum of refugee flows. Communications between US citizens and possible emigrants from other countries quickly relay any changes or openings in US immigration policy.

As the first significant mass migration from the Caribbean, Mariel emphatically demonstrated the importance of executive crisis decision making, as well as the political pressures involved. The flood of refugees following the early confusion in US policy underscored that "prompt, forceful, and consistent actions generally were recognized as crucial for controlling a refugee situation before it developed emotional momentum."⁵⁰ The political pressures and costs to Carter were likewise significant. Moreover, the immense logistical concerns in conducting an operation of this scope was a drill that the involved agencies probably did not care to perform again.

Realizing the need to be better prepared for another large immigration from the Caribbean, the US developed an Immigration Emergency Plan in 1982. The plan was primarily designed to handle another Mariel-type boatlift, and coordinates the US response among applicable federal, state, and local agencies.⁵¹ The plan has been criticized as "unrealistic and probably ineffective," "without a recognizable director in Washington," and assuming "an unrealistically low number of new arrivals."⁵² The plan was not implemented during the recent Haitian crisis.

In addition to this plan, the Immigration Reform and Control Act of 1986 addressed certain shortcomings of the Mariel Boatlift. The Act

⁵⁰Larzelere, 416.

⁵¹Larzelere, 411.

⁵²US Congress, House, Cuban and Haitian Immigration, 35. Statement of Representative Lawrence Smith of Florida.

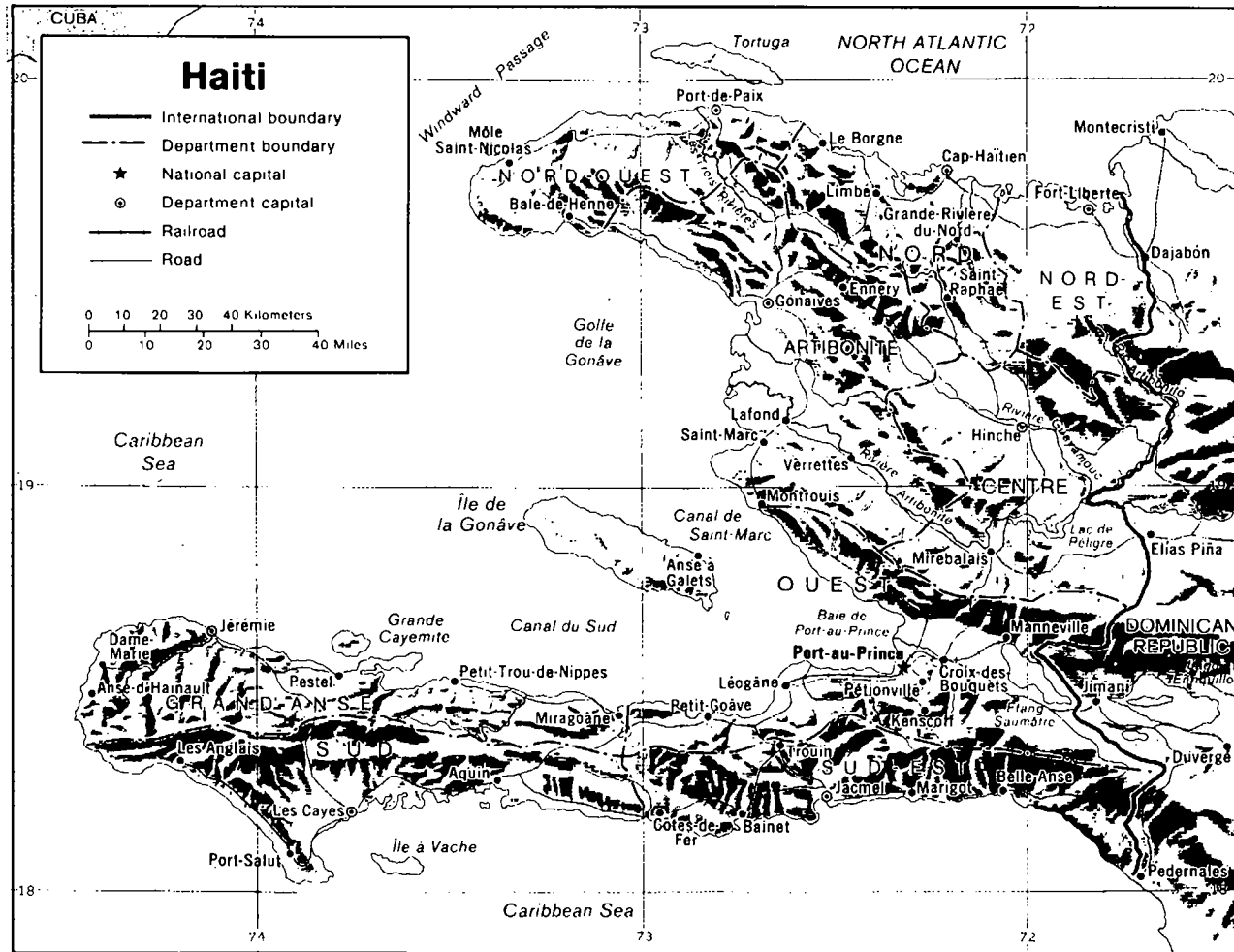
authorizes a \$35 million immigration emergency fund in the Treasury to be used for enforcement activities when the president certifies that an immigration emergency exists. Additionally, criminal penalties were established for transporting aliens to the US, although these penalties would obviously not apply to Haitian boat operators.⁵³ Neither of these provisions were utilized during the Haitian crisis. US policymakers did not feel an immigration emergency level had been reached, and did not want to open the emergency fund, as much of the money was earmarked for state and local agencies who had no part in the Haitian interdiction.⁵⁴

The history of US maritime migration interdiction indicates that this is a difficult, and likely, an ongoing problem. A comparison of the Mariel Boatlift with historical interdiction of Haitians demonstrates a need to understand indigenous conditions and history in the countries involved. With respect to Haiti, policy decisions and options, as well as an understanding of migration motivations, will be difficult without a good understanding of Haitian history, and the factors that make Haiti unique.

⁵³Immigration Reform and Control Act of 1986, Public Law 99-603, 6 November 1986, sec. 112 and 113.

⁵⁴Robert S. Gelbard, Principal Deputy Secretary of State for Inter-American Affairs, interview by author, 18 May 1993.

Figure 2: Map of Haiti



CHAPTER 2

HAITI: THE POOR STEPCHILD OF THE WESTERN HEMISPHERE

For most of the Western Hemisphere, Haiti is a land of the "savage imagination," of voodoo, of poverty, and illiteracy.

Haitian ambassador to the US, Jean Casimir

Haiti, which occupies the western one-third of the Caribbean island of Hispaniola with the Dominican Republic, is a nation of extremes. In 1804, after a lengthy revolution, Haiti became the first independent black nation. Most nations shunned it then, and even today it has few supporters except the US. Since then, it has had a long history of rule by military leaders and dictators, with a tendency towards violence.

Haiti is the poorest nation in the Western Hemisphere--per capita gross national product is about \$330, with unemployment as high as 50%--as well as one of the most densely populated countries (up to 2,000 people per square mile).⁵⁵ Indicative of the depths of Haitian poverty, three-fourths of all Haitians live below the World Bank-established poverty line.⁵⁶ Malnutrition, high infant mortality, and disease (especially tuberculosis and AIDS) are widespread. Life expectancy is only about 55 years. The literacy rate is estimated to be 23%.⁵⁷

The population of Haiti is estimated between 6.5 and 7 million, of

⁵⁵Robert I. Rotberg, "Haiti's Past Mortgages its Future," Foreign Affairs 62, no. 1 (Fall 1988): 98.

⁵⁶Tom Maslund, Peter Katel, and Marcus Mabry, "Haiti: We Could Turn our Back," Newsweek, 24 February 1992, 30.

⁵⁷Library of Congress, Federal Research Division, Dominican Republic and Haiti: Country Studies, 2nd ed., ed. Richard A. Haggerty. DA Pam. No. 550-36 (Washington, DC: GPO, 1991), 196-197, 241.

which about one-fifth live in the capital, Port au Prince.⁵⁸ There are two official languages, French and Creole. Creole is a mixture of French and African dialects, and is the language used by all, but especially the rural peasants. Generally, only the elite speak French. Although Roman Catholicism is the official religion, many Haitians practice, and are very much influenced by voodoo.

Voodoo (also vaudou, voudou, vodun) is an animistic religion with much emphasis on the powers of good and evil spirits. It combines African beliefs and practices, with the rituals of Catholicism. Its roots evolved in the cultural clashes of Haiti's early slave days.⁵⁹ Voodoo is a "living religion" without written codes or a strict hierarchy and "where still practiced devoutly is as integrated a governor of man's life as any religion in the world."⁶⁰

Haiti's economy relies primarily on agriculture and assembly manufacturing. Most of the manufacturing is for US firms in the field of textiles. The agricultural sector, which employs 65% of Haiti's workers, produces coffee, sugar, cocoa, sisal, and cotton.⁶¹ Unfortunately, much deforestation and erosion has occurred in recent years--primarily due to significant boatbuilding and the need for fuel during the embargo--which has diminished production.

US-Haitian relations have varied over the years. Haiti is particularly dependent on foreign assistance, principally from the US. Foreign assistance provides as much as 70% of Haitian spending on economic and social development, and 40% of the national budget.⁶² From

⁵⁸Pierre Etienne Dostert, Latin American 1992, 26th ed. (Washington, DC: Stryker Post Publications, 1992), 110.

⁵⁹Amy Wilentz, The Rainy Season: Haiti Since Duvalier (New York: Simon and Schuster, 1989), 163-164.

⁶⁰Seldon Rodman, Haiti: The Black Republic (Old Greenwich, CT: Devin-Adair Company, 1973), 64-65.

⁶¹Library of Congress, Haiti Country Study, 197.

⁶²Library of Congress, Haiti Country Study, 318.

1962 to 1990, US economic assistance to Haiti exceeded \$800 million, as did assistance from US-influenced multilateral institutions.⁶³

The US has maintained ties with Haiti and provided economic assistance because of Haiti's strategic position controlling the Windward Passage; its position for the past thirty-four years as an anti-communist counter to Cuba; and undoubtedly out of a sense of obligation to a Caribbean neighbor. Recently, Haiti has provided assistance in tracking drug traffickers in the region. However, there is evidence of corruption of individuals within the Haitian military who provide assistance to narco-traffickers.⁶⁴ Colonel Jean-Claude Paul, slated as the Haitian army commander in 1988, was denied this position over US protests and charges of his involvement in drug trafficking.⁶⁵

HISTORY OF HAITI

Columbus discovered the island of Hispaniola in 1492. Spain retained control of the island until 1697, when it transferred the western portion of the island to France. France gradually brought in slaves to work on the sugar and coffee plantations in Haiti, until Haiti became France's most profitable colony. Slave rioting broke out in 1790, under the leadership of a well-educated slave, Toussaint L'Ouverture. Taking advantage of the confusion in France following its own revolution, the Haitian slaves were able to defeat Napoleon's army after a decade of ruthless fighting. During this era of violence and terror, nearly all the whites were brutally killed or driven from the island, plantations and cities were burned, and rival slave factions

⁶³Ian Vasquez, Doing What We Can for Haiti, (Washington, DC: Cato Institute, 5 November 1992), 6.

⁶⁴Douglas Farah, "Haiti's Impasse Now a Year Old," Washington Post, 1 October 1992, Sec. A18.

⁶⁵Carla Anne Robbins, "The Coup of the Sergeants," US News and World Report, 3 October 1988, 34.

fought for control of Haiti.⁶⁶

Among these factions were the blacks (led by L'Ouverture, Jean-Jacques Dessalines, and Henri Christophe), and the mulattos (led by Charles LeClerc and Alexandre Petion). L'Ouverture led the slave revolt, but died in a French jail before Haiti gained its independence. Dessalines actually led Haiti through the final stages of independence, declaring himself emperor in 1804. However, he was extremely violent and racist towards the mulattos, and was killed in 1806.⁶⁷

Following Dessalines' death, Haiti was split in half, with Christophe ruling the north out of Cap-Hatien, and Petion the south, out of Port au Prince. While both ruled for about ten years, their legacies are quite different. Christophe set a pattern for Haitian rule by violence and terror. Although immortalized by his *Citadelle*, which took fifteen years to construct, Christophe is as much remembered for his use of murder and torture to instill obedience; the unwavering discipline of his troops and subjects; and his mystique--he was allegedly killed by a silver bullet.⁶⁸ Petion implemented land reforms, and slowed the violence that had become a way of Haitian rule and existence. However, Petion's south Haiti became quite poor and weak compared to Christophe's rich, yet violent north.⁶⁹

After declaring its independence in 1804, Haiti, as the first independent black nation, contended with discrimination and rejection by the international community. The US refused diplomatic recognition for fifty years.⁷⁰ The 1825 Congress of Panama, organized by Simon Bolivar in an attempt to unify Latin America's newly independent nations,

⁶⁶Wilentz, The Rainy Season, 75-76.

⁶⁷Elizabeth Abbott, Haiti: The Duvaliers and their Legacy (New York: McGraw-Hill Book Company, 1988), 19-20.

⁶⁸Rodman, 17-18.

⁶⁹Abbott, 23-24.

⁷⁰Leavitt, 18.

excluded Haiti, because of its race, due to Bolivar's specific instructions.⁷¹ Given the international mood, it is little wonder that Haiti made no overt efforts to encourage slave rebellions elsewhere, for fear of international retaliation. Thus, "for national survival, non-intervention became a Haitian credo."⁷²

Perhaps the sole exception to this non-intervention was with respect to the Dominican Republic. Relations between these two neighbors have been marked by violence and prejudice. Haiti invaded the Dominican Republic in 1801 and 1822, and has historically desired to control its "eastern department," as Haiti regards its neighbor. Tensions have eased somewhat over the years, and today thousands of Haitians work as sugar cane cutters there. However, Dominicans still perceive Haitians as an inferior race, and resent the thousands of poor, illegal immigrants from Haiti.⁷³

A Legacy of Violence

Following its independence, Haiti settled into an era marked by instability, violence, and despotism. Between 1804 and 1877, Haiti had 70 presidents, only two of which resigned voluntarily.⁷⁴ Control of the government depended on the support of the military, as rival factions fought for control of Haiti, and even sections of the country. Although most whites had been eliminated during the revolution, the remnants of French colonialism carried on, as the elite and ruling classes continued to consist primarily of lighter-skinned blacks. A tradition of racism and violence had been instituted in Haiti, for

⁷¹Anthony P. Maingot, "Haiti and Aristide: The Legacy of History," Current History 91, no. 562 (February 1992): 65.

⁷²Library of Congress, Haiti Country Study, 213.

⁷³David Nicholls, Haiti in Caribbean Context (New York: St. Martin's Press, 1985), 188-189.

⁷⁴Leavitt, 18.

The slaveholding system had established the efficacy of violence and coercion in controlling others, and the racial prejudice inherent in the colonial system survived under the black republic. A light-skinned elite assumed a disproportionate share of political and economic power.⁷⁵

This system of violence continued into the twentieth century. The presidency was treated as a license to plunder, which contributed to increased separation between the elites and peasants, as well as dissatisfaction among the groups not in power. Of the 22 presidents who reigned between 1843 and 1915: fourteen were overthrown by revolution; three died naturally while in office; one was blown up; one was poisoned; one pulled apart by an angry mob; and one managed to resign peacefully.⁷⁶ Responding to this continued violence, because of the German threat in the Caribbean, as well as to protect US business investments in Haiti, the US intervened in 1915.

From 1915 to 1934, the US (primarily US Marines) controlled Haiti. Stability was introduced through force. The Marines established the Haitian Constabulary, the first professional military force in Haiti, and probably the only lasting institutional influence remaining from the US intervention. Under a November 1915 treaty passed by the Haitian legislature, US administrators held veto power over all governmental decisions, controlled Haitian finances, and established public health and public works programs.⁷⁷ Significant progress was made with respect to Haiti's infrastructure during this occupation. Roads, bridges, hospitals, phone systems, and potable water systems were either initiated or significantly upgraded, although primarily through forced labor. At a time when most Latin American countries were defaulting on

⁷⁵Library of Congress, Haiti Country Study, 203.

⁷⁶Rotberg, 102-103.

⁷⁷Frances Maclean, "'They Didn't Speak our Language; We Didn't Speak Theirs,'" Smithsonian 23, no 10. (January 1993): 47-48, 52. Additionally, many Haitian doctors were brought to the US to study, including François Duvalier.

their debts, Haiti was making its payments.⁷⁸

In spite of these improvements, the US failed to prepare Haiti for self rule. The US imposed order by martial law, treating Haitians as inferior people, not capable of running their own country. Racist attitudes were evident in much of the US policies and practices. By choosing mulattos as presidents, the US alienated the black majority in Haiti by aligning itself with those who had traditionally oppressed the blacks.⁷⁹

Unfortunately, the US did not involve Haitians in the political process, or create a plan to gradually return power.⁸⁰ The abrupt US departure in 1934 left Haiti with a rough transition, and it quickly reverted back to its previous run-down condition and historical form of rule by violence. Combined with the legacy of 2,500-3,500 Haitian guerrillas killed by US Marines during the occupation, Haitians thereafter remained bitter over the US intervention, blaming the US for virtually all of their problems.⁸¹

The Duvaliers

Following the US intervention, Haiti returned to its violent, dictatorial ways. In 1957 François Duvalier, a rural doctor, was elected president and most expected him to bring democracy, if not a benevolent leadership to the nation. This would not be the case. A voodoo practitioner, "Papa Doc" ruled Haiti through a combination of superstition and sheer brutality. Although the political role of the army was reduced, Duvalier's creation of the *tonton macoutes*, an

⁷⁸Rodman, 24-25. Also Maclean, 49, 52-54. Paying off international debts was perhaps the US' primary goal. One of the Marine commanders, MAJ Smedley Butler, referred to his marines and himself as "a glorified bill collecting agency."

⁷⁹Maclean, 49-50.

⁸⁰Rotberg, 104.

⁸¹Maingot, 66.

incredibly brutal "police" force, introduced a new element of political repression into Haiti's history.⁸²

This armed civilian militia was a way out of poverty for thousands of young men. They meted out "justice" through arrests, beatings, and killings. As they were unpaid instruments of the government, they earned a living through extortion. No class of Haitian was safe from their tactics. The *tonton macoutes* were more than mere thugs. As rural section chiefs, they held important positions of power over their region, ruling with iron control.⁸³ An estimated 30,000 Haitians were killed for political reasons (primarily by the *tonton macoutes*) during Papa Doc's rule from 1957-1971.⁸⁴

Despite this violence, Haiti remained an ally of the US. Haiti was valuable to the US as a counter to Castro in Cuba, for its key votes in the OAS--particularly concerning Cuba and US intervention in the Dominican Republic--and providing the use of harbors and air fields during the Cuban Missile Crisis.⁸⁵ In spite of US distaste over Haitian repression, the alliance continued for practical reasons, and the US continued to channel significant economic aid to Haiti.

After Papa Doc's death in 1971, his son Jean-Claude ("Baby Doc") assumed the presidency. Initially he implemented new policies to create political stability and economic growth. Although he attempted to promote a more benign image than his father, political repression continued. Most significantly, the corruption and extravagance of Baby Doc and his wife led to his downfall. In a nation as destitute as Haiti, a \$3 million wedding, \$1 million shopping trips to Paris for his wife (for fur coats!), and televised "charity" balls for visiting

⁸²Library of Congress, Haiti Country Study, 234.

⁸³Abbott, 86-87.

⁸⁴Library of Congress, Haiti Country Study, 234.

⁸⁵Loescher and Scanlon, 323-325.

dignitaries and friends, infuriated the populace and led to rioting in early 1986. following pressure from the US to resign, Baby Doc was flown to France on a US plane.⁸⁶

The Tumultuous Transition to Democracy

For five years after the fall of the Duvalier dynasty, Haiti slowly worked its way towards democracy. Although violence, corruption, and electoral fraud were still prevalent, the country struggled to reform itself as it progressed through six governments in five years. General Henri Namphy initially took over for a year after the Duvalier's fled, until a political science professor, Leslie Manigat, was chosen to be president in February 1987. Manigat lasted only four months before General Namphy regained power.

In September 1988, a coup led by enlisted men from the Haitian military (the FAd'H) overthrew Namphy and replaced him with General Prosper Avril. The soldiers, appalled by recent violence by remnants of the *tonton macoutes*, called for democratic rule, respect for human rights, and a gradual removal of the military from politics. Sergeant Joseph Hebreux, one of the coup's leaders, promised truly democratic elections within two years. There was much optimism, both in Haiti and outside, that democracy might actually be imminent.⁸⁷

Avril, however, became enamored with the presidency. In January 1989, he had all prominent political candidates beaten and exiled to help solidify his position.⁸⁸ In March 1990, Avril was forced to resign, and General Herard Abraham took over. Abraham named Ertha Pascal-Trouillout, a Supreme Court Justice, as interim president until elections could be held in late 1990.

⁸⁶Dostert, 112.

⁸⁷Robbins, 34.

⁸⁸Dostert, 112.

In 1987, Haiti approved a radical new constitution. Promising a progressive democracy, it was suspended in whole, or in part, throughout the period of instability until 1991. Similar to other western democracies, the constitution provided for many civil rights, an independent judiciary, and separated the police and army functions--a critical improvement for violence-prone Haiti. Additionally, the president's powers were reduced, the position of prime minister chosen by the president to administer the government was established, and the stature of the legislature was enhanced above its traditional rubber-stamp role in Haitian politics.⁸⁹

ARISTIDE: DEMOCRAT OR DEMAGOGUE?

At the center of the current Haitian migration crisis is the enigmatic deposed president, Jean-Bertrand Aristide. Although he won Haiti's first open, democratic election in 1990, many of his practices while in office were decidedly undemocratic. An expelled Roman Catholic priest who espouses liberation theology, Aristide is immensely popular with Haiti's poor, has been often critical of US imperialism, and has never gotten along with the FAD'H and Haiti's elite. Today his return to power remains the key to ending the turmoil in Haiti, and for the US, the main ingredient to solving the migration dilemma.

Born in 1954, Aristide grew up under the violence and excesses of the Duvaliers. After becoming a Salesian order priest, he quickly became associated with the radical, liberation theology wing of the Catholic Church. Using his sermons at St. Jean Bosco church in Port au Prince, Aristide often justified through biblical passages, the right of the peasants to defend themselves and bring about rebellion.⁹⁰ Not concerned with who he was criticizing, Aristide blasted Haiti's economic

⁸⁹Library of Congress, Haiti Country Study, 330-331.

⁹⁰Maingot, 67.

elite for their privileged status, the political class for its corruption, the FAd'H--especially for its involvement in drug trafficking, and the conservative hierarchy of the Catholic Church. He quickly attracted quite a following for his fiery, populist sermons.⁹¹

In response to Aristide's preaching, the Catholic Church expelled him, the elite despised him, and the military threatened him. In 1988, his church was attacked during mass and burned by armed thugs. Although many died, Aristide escaped to safety. His escape from this and at least two other attempts on his life earned him the title of "Mr. Miracle," and a belief by many of his followers that he is protected by a combination of Christian and voodoo powers.⁹²

These attacks seem to have affected Aristide's personality and stability, which is not surprising. He is purportedly an unstable person who possibly suffers from personality disorders or depression.⁹³ Aristide also periodically enters a catatonic state where he is virtually out of touch with those around him.⁹⁴ This has only added to the "messianic" aura which Aristide's lavalas (which means flood or avalanche) followers attribute to him.

The 1990 Election and Early Optimism

Aristide was a late entry into the December 1990 presidential elections. In spite of this and little formal campaigning, he won by a landslide. With 85% of the electorate voting, he collected 67% of the

⁹¹Amy Wilentz, "The Oppositionist," New Republic, 28 October 1991, 16-17.

⁹²Amy Wilentz, "More Than a Little Priest," Time, 14 October 1991, 37.

⁹³(b)(6) [REDACTED], Senior Intelligence Officer, Department of Transportation, Office of Intelligence and Security, interview by author, 19 March 1993. (b)(6) [REDACTED] also worked as an analyst at the Coast Guard Intelligence Coordination Center (1986-1992) tracking Caribbean migration.

⁹⁴Maingot, 67.

vote in a race against ten other opponents.⁹⁵ The elite and military were both stunned and apprehensive, given Aristide's prior rhetoric. In spite of the overwhelming electoral results, the elite denied democracy had occurred, alleging that most of the poor voters were too illiterate to make an informed decision.⁹⁶

Following yet another coup attempt by ex-tonton macoute Roger LaFontant in January, Aristide was sworn in as president on 7 February 1991. He attempted to smooth the transition to democracy and ease the fears of the elite by toning down his rhetoric. At his inaugural address, he called on his followers to "respect all institutions without distinction," and he attempted to reconcile differences with the FAD'H.⁹⁷

The US, which had earlier been concerned over Aristide's inflammatory rhetoric, now moved quickly to support him, hopeful over prospects of democracy. US aid, which had been suspended since 1987, was increased to \$80 million for FY1991, with an additional \$83 million proposed for the following year.⁹⁸ The US, other nations, and international development banks pledged a total of \$511 million to assist Haiti's transition.⁹⁹

Disillusionment and Concerns about Aristide

In spite of early optimism, Aristide's rule quickly experienced

⁹⁵Maingot, 68.

⁹⁶Jonathan Demmes and Edward Saxon, prods. "Haiti: Killing the Dream," PBS, 2 October 1992.

⁹⁷Howard W. French, "Haiti Installs Democratic Chief, its First," New York Times, 8 February 1991, Sec. A3.

⁹⁸US Congress, House, Subcommittees on Human Rights and International Organizations, and Western Hemispheric Affairs to the Committee on Foreign Affairs, The Situation in Haiti and US Policy, Hearings, 102nd Cong., 2nd sess., 19 February 1992 (Y4.F76/1:H12/6), 26. Prepared statement of Donna J. Hrinak, Deputy Asst. Secretary for Caribbean affairs.

⁹⁹Robert A. Pastor, "Haiti is not Alone," New York Times, 4 October 1991, Sec. A31.

difficulty. In trying to implement his reform programs, he was hampered by his political inexperience and incompetence, and the fact that his party did not control the legislature. Under the 1987 constitution, the prime minister and the legislature share most of the power. However, Aristide attempted to retain control within the presidency.

Continually ignoring these checks and balances instituted in the constitution, Aristide attempted to circumvent the legislature by appealing directly to his followers. Additionally, Aristide never submitted his choice for Prime Minister, Rene Preval, to the legislature as required, because he knew Preval would not be confirmed.¹⁰⁰ Soon, even members of Aristide's party (the National Front for Change and Democracy (FNDC)) grew frustrated with him. He seemed to excel at turning even his supporters and allies into enemies.¹⁰¹ In August, when Aristide needed FNDC legislators' support to block a no-confidence vote concerning Preval, he found little support. The FNDC held 40 of 110 seats in the Parliament, but could only muster 14 of these--12 of 81 votes in the House of Deputies, and 2 of 27 in the Senate--in support of Aristide and Preval.¹⁰²

Aristide also alienated the military and elites by threatening the status they had traditionally enjoyed. He raised taxes on the wealthy, who had avoided much taxation for years, although this was necessary to improve Haiti's finances. However, Aristide's threatening request in April, that the elite contribute millions of dollars within four days, reminded many of the Duvaliers' "voluntary campaigns" and angered an already hostile elite.¹⁰³ Aristide's forced retirement of FAd'H leaders

¹⁰⁰Amy Wilentz, "The Oppositionist," 17.

¹⁰¹Maingot, 68.

¹⁰²Raymond Alcide Joseph, "Democracy? Or Aristide?" Catholic World Report, May 1993, 20-21. Joseph was Haiti's ambassador to the US and OAS during the Trouillout government.

¹⁰³Maingot, 68.

(including General Abraham who had ensured the 1990 elections were held), establishment of a Swiss-trained presidential security unit, as well as meddling in traditionally military affairs angered and concerned many in the military.

Perhaps Aristide's most blatant fault was his failure to condemn mob violence, if not his espousing it. During his tenure, mobs frequently administered their own street justice through the practice of *père lebrun*, or necklacing. This involves killing by placing a gasoline-filled tire around the neck of an opponent. Aristide supporters were known to use this weapon against perceived enemies, especially Haiti's establishment, while Aristide seemingly condoned the practice.¹⁰⁴

The threat of this violence helped Aristide's political agenda. When the legislature called for the resignation of prime minister Preval, hundreds of Aristide supporters surrounded the Parliament House, threatening necklacing and to burn the building. Frightened, the legislators did not vote on the issue. Similar tactics were used to pressure a judge to give Roger LaFontant a life sentence when the constitution only mandated a 15 year sentence.¹⁰⁵ During the first six months of Aristide's presidency, at least 75 people were killed by members of *Lavalas*. Aristide's supporters seemed little different than the Duvalier's *tonton macoutes*.¹⁰⁶

In general, there was a growing animosity between Aristide and the elites, military, and the legislature. While the standard of living had improved for Haitians in general (particularly the poor who make up 90% of the population), his attempts to consolidate power and circumvent the constitution appeared reminiscent of the Duvaliers and other Haitian

¹⁰⁴Wilentz, "The Oppositionist," 18.

¹⁰⁵Joseph, 21.

¹⁰⁶William Raspberry, "Sensible Ideas to Deal with Haiti's Worsening Mess," Chicago Tribune, 8 June 1992, Sec. C15.

leaders. In the international community there was concern, but still cautious optimism that Aristide could in time install democracy in Haiti. Given Haiti's violent past, severe class disparities, and short history of any democratic tradition, such a transition would take time as well as international support.

THE 1991 COUP

Aristide had clearly alienated the traditional Haitian power bases during his short presidency. In September, popular criticism indicated that his supporters were also increasingly frustrated. Comments on the popular leftist radio program, *Sizonad Kozman* were increasingly critical of his policies and actions. Callers accused Aristide of betraying his supporters and platform promises, as well as engaging in unconstitutional actions. Even the people who had nearly worshipped Aristide were now questioning him.¹⁰⁷

In late September, Aristide made a triumphant visit to the United Nations where he proclaimed the growing democratic movement in Haiti. Upon his return on 27 September, he made a speech at the Haitian National Palace which many feel was the final straw for his opponents, leading to a coup three days later. In this address, he both threatened the elite and military, and encouraged his followers to use the tool of necklacing when he said:

I gave you a seven-month deadline for making amends. The seven-month deadline expires today. If I speak to you this way, it does not mean that I am unaware of my power to unleash public vindication, in the name of justice, against all these thieves, in an attempt to recover from them what is not theirs. . . . If we catch one, do not fail to give him what he deserves. What a nice tool! What a nice instrument! What a nice device! . . . It smells good. Wherever you go you feel like smelling it.¹⁰⁸

¹⁰⁷American Embassy Port au Prince message to Secretary of State and USIA, "Media Reaction: Increase in Popular Criticism of Aristide," 172006Z September 1991.

¹⁰⁸"Aristide Address 27 after Visit to UN" (text), FL0410212891 Port au Prince Radio Nationale in Creole, 2030 GMT (27 September 1991). Translation by Foreign Broadcast Information Service, FBIS Daily Report--

On 30 September, similar to the events of September 1988, enlisted members of the military led a coup against Aristide. Starting at night with mutinies at an army base and at an army-run police station, rebellious soldiers captured Aristide and took over the National Palace later during the day.¹⁰⁹ Taking no chances at a popular uprising to reinstate Aristide, soldiers quickly shut down Haiti's radio stations and dispersed crowds as they began to form.¹¹⁰

General Raoul Cedras, whom in July Aristide had appointed Commander-in-Chief of the FAd'H, stepped in to take control of an precarious situation and lend stability. At first reluctant to participate in the coup, Cedras was angered by Aristide's failure to submit his name to the legislature for formal approval as commander-in-chief. Enlisted soldiers also pressured Cedras by detaining his wife in the early stages of the coup.¹¹¹ After being taken prisoner, Aristide was nearly killed. Due to the personal intervention and escort of the US and French ambassadors, Aristide was allowed to go to the airport and escape to Venezuela.¹¹²

In the wake of the coup, General Cedras attempted to instill order and ease tensions by noting that the military "will respect constitutional order, guarantee democratic liberty, and will not condone any act of pillage and even less so the burning tire necklace execution." He also urged Haitians to help create a "serene climate favorable to the next election."¹¹³

Latin America, 7 October 1991. (FBIS-LAT-91-231; 18-19).

¹⁰⁹"Haiti's Military Assumes Power After Troops Arrest President," New York Times, 1 October 1991, Sec. A1.

¹¹⁰Howard W. French, "Army Strikes Back," New York Times, 2 October 1991, Sec. A12.

¹¹¹French, "Army Strikes Back."

¹¹²Maingot, 69.

¹¹³"Haiti's Military Assumes Power After Troops Arrest the President," Sec. A6.

In spite of these appeals, much violence occurred during the coup and in its immediate aftermath. Reports on the number of people killed range from 300-500 as believed by the State Department and other agencies, to as many as 1,500 as reported by Amnesty International. In either case, the days after the coup are properly characterized as violent, with hundreds of arrests and killings, especially of Aristide supporters. Many doubt the extent of the control that Cedras had over the behavior of his troops. Rebellious soldiers broke up a meeting at the Port au Prince airport two weeks after the coup, at which Cedras was negotiating a deal with the OAS.¹¹⁴

Ironically, the military installed a human rights activist, Jean-Jacques Honorat, as the new prime minister. Additionally, Judge Joseph Nerette was hastily installed as provisional president to provide a legal obstruction to Aristide's possible return.¹¹⁵ The coup was strongly denounced by the US and OAS, and strong economic sanctions were quickly levied on Haiti. Angered by this throwback to Haiti's sad history and contradiction of the "new world order," most observers felt the combined pressure of the world community to isolate Haiti would ensure Aristide's quick return.

¹¹⁴Peter Katel and Jane Whitmore, "Haiti: 'He Would be Killed,'" Newsweek, 21 October 1991, 48.

¹¹⁵Katel and Whitmore, 48.

CHAPTER 3

THE US POLITICAL RESPONSE TO THE HAITIAN CRISIS

The only time the Bush Administration has seriously deployed resources in the Haitian crisis has been to deal with the refugees. Against the usurper regime the administration has deployed words, resolutions, and a porous embargo. Against the refugees it has deployed the Coast Guard.

Former US ambassador Robert E. White,
June 1992 testimony before the House Select Committee on Hunger

The US political response to the Haitian crisis was and remains a fundamental ingredient for bringing the episode to an end. Initially, there was no concern over a mass emigration, as no Haitians were interdicted for the first month after the coup. Once the migration commenced, the Haitian crisis took on a new urgency for the US, and significant resources were allocated to the interdiction and refugee screening effort. However, equal energy should have been focused on returning Aristide to power in Haiti. This was probably the most poorly handled aspect of the US response to the Haitian crisis.

The two primary political tools which the US used for achieving its political goals were negotiations to return Aristide and the embargo, both of which are closely related. Once Aristide was returned, the embargo could be lifted, international economic aid supplied to Haiti, and the fundamental political and economic problems of Haiti could be dealt with. During the height of the recent mass migration, the primary factor motivating Haitians to emigrate to the US was the loosening of US immigration policy. This attraction was removed by instituting direct repatriation of Haitian boat people in May 1992. However, to effect any long-term stability to the Haitian migration situation, reducing political, economic, and military tensions--the

underlying conditions that create emigrants--must be addressed.¹¹⁶ Only by first restoring Aristide, and ending the embargo, can these underlying conditions be addressed. Although this aspect of the US' handling of the crisis was clearly vital to an equitable solution, it was poorly handled after the US' initial tough stance.

INITIAL US RESPONSE TO THE COUP

US words and actions following the coup were indeed strong, especially in light of a traditionally lukewarm and indifferent attitude towards Haiti. The US worked particularly closely with the OAS to ensure hemispheric solidarity. In fact, the OAS met the day of the coup to condemn the actions of the Haitian military and demand Aristide's return. This quick response was a result of a June 1991 OAS General Assembly meeting in Santiago, Chile. At that meeting, the 34 members of the OAS voted unanimously to empower the Secretary General to convene emergency meetings of OAS Foreign Ministers whenever a member democracy was overthrown or threatened.¹¹⁷ Haiti was the first test case of this procedure.

On 1 October 1991, President Bush met with Aristide's ambassador to the US, Jean Casimir, and expressed US support and recognition of Aristide as the legitimate president of Haiti. Bush would meet with Aristide a week later. President Bush's statement from the meeting noted, "we condemn those who have attacked the legally constituted, democratically elected Government of Haiti and call for an immediate halt to violence and the restoration of democracy in Haiti."¹¹⁸ The

¹¹⁶Loescher and Scanlan, 347.

¹¹⁷Bernard W. Aronson, "Restoring Democracy to Haiti," Statement before the Subcommittee on Western Hemispheric Affairs of the House Foreign Affairs Committee, US Department of State Dispatch, 4 November 1991, 815.

¹¹⁸"US and OAS Condemn Coup d'Etat in Haiti, Seek Return of President Aristide," White House press release of 1 October 1991, Foreign Policy Bulletin 2, no. 3 (November/December 1991): 61.

following day, Secretary of State James Baker echoed these sentiments in an address before the OAS. Baker announced that the US had cut off foreign assistance to Haiti, and urged other nations to join. He vowed that the OAS "must not and will not rest until the people of Haiti regain their democracy."¹¹⁹

President Bush signed Executive Order 12775 on 4 October, freezing the assets of the Haitian government in the US. Declaring a "national emergency to deal with the threat to national security, foreign policy, and economy of the US caused by the events that had occurred in Haiti," Bush prohibited any financial transfers to the *de facto* regime by any US citizens or corporations.¹²⁰ The export of arms and ammunition to the Haitian military and police was likewise suspended.¹²¹

The US, through the OAS, continued to mount significant pressure on the Haitian military over the next few weeks. An OAS delegation (including Assistant Secretary of State for Inter-American Affairs Bernard Aronson) visited Haiti from 4-7 October. While there, they met with members of Aristide's cabinet, leaders of Haitian political parties, and the military, seeking a common ground for negotiations. Little progress was made towards negotiating a settlement, but the subsequent OAS Resolution 2/91 of 8 October resolved to establish a civilian mission in Haiti. This mission (OEA-DEMOC) was established at Aristide's request, to facilitate the re-establishment and strengthening of democracy in Haiti.¹²²

Throughout October, negotiations and gradual tightening of economic sanctions continued. The US and Aristide sought support from

¹¹⁹James Baker, "Attack on Democracy in Haiti," address before the OAS on 2 October, US Department of State Dispatch, 7 October 1991, 749.

¹²⁰US Congress, House, Continuation of Economic Sanctions Against Haiti, 102nd Cong., 2nd sess., 1992, H. Doc. 102-41, 1.

¹²¹Aronson, 815.

¹²²"US and OAS Condemn Coup d'Etat in Haiti. . .," statements by Bernard Aronson, 65-66.

the United Nations, receiving a lukewarm resolution on 12 October that condemned the coup, and appealed to member nations to support OAS measures.¹²³ However, firm action was not pledged, partially because important members--China and India--had similar domestic problems and likely didn't want to set a precedent for international intervention into what many considered to be internal civil strife.¹²⁴

Later US considerations involved the possible use of force to restore Aristide. However, both President Bush and Aristide expressed reluctance to use military force. Haitians naturally resent traditional US imperialism and violation of their sovereignty, especially after earlier experiences like the 1915 US occupation. The US was hesitant to use force for the same reason, professing it would only do so only if US citizens' lives were endangered in Haiti.¹²⁵

Likewise, many US officials questioned any consideration of using force in Haiti. The common perception was that harsh rhetoric alone would resolve the crisis. Why should the US risk endangering relations with Latin America and possible US casualties, when the US could just "say boo," and the *de facto* government would collapse?¹²⁶ Additionally, military intervention held no benefit to the US, nor was it justified by US national security interests. A look at previous US military intervention and nation building in Haiti (notably 1915-1934), indicated that such ventures are often counter-productive.¹²⁷

Although frustrated thus far in negotiations, the US perceived returning Aristide as a short-term problem. US/OAS efforts, including

¹²³"US and OAS Condemn Coup d'Etat in Haiti. . .," UN General Assembly Resolution 46/7, 66.

¹²⁴Bruce W. Nelan, "One Coup Too Many," Time, 14 October 1991, 35.

¹²⁵"US and OAS Condemn Coup d'Etat in Haiti. . .," President Bush response to questions at a 4 October 1991 press conference, 63-64.

¹²⁶Charles Lane and Peter Katel, "Haiti: Why the Coup Matters," Newsweek, 14 October 1991, 34.

¹²⁷Vasquez, Doing What We can for Haiti, 2.

continued negotiations, international condemnation, and the US embargo announced on 28 October were expected to cause the military regime to fold in a matter of weeks or even days.¹²⁸ The common perception that the crisis would be resolved in just a few weeks also indicated a US misunderstanding of how much pressure Haitian enlisted soldiers were exerting over their senior officers to block efforts to return Aristide.¹²⁹ However, the continued survival of the de facto government, combined with the stream of migrants that began on 28 October, indicated that the problem was more serious and long-term. The exodus of Haitian boat people added both a new urgency and complication to resolving Aristide's return.

THE US EMBARGO OF HAITI

The US embargo, announced on 28 October 1991, indicated the US was looking for different ways to pressure the military regime to negotiate and bring an end to the crisis. As Haiti's major trading partner, an embargo by the US stood to have a significant impact on Haiti. The US action followed an 8 October OAS resolution encouraging members to impose an embargo on Haiti and freeze its assets.¹³⁰ Embargoes and economic sanctions have historically had questionable effectiveness; but the US believed this one would be effective if it were "tough, total,

¹²⁸ (b)(6) Department of State Country Desk Officer for Haiti, interview by author, 25 March 1993.

¹²⁹ John M. Goshko, "Embargo on Haiti is Wearing Thin and may be Lifted, Official Indicates," Washington Post, 20 September 1992, Sec. A29. In Haiti, unlike other Latin American countries, enlisted soldiers exercise a more active influence in military and political affairs. This was evidenced in 1988 and 1991 coups, both driven by enlisted personnel.

¹³⁰ "Message to the Congress on Economic Sanctions Against Haiti," Weekly Compilation of Presidential Documents (13 April 1992) vol. 28, no. 15, 599.

and quick."¹³¹ Unfortunately, the embargo did not meet these standards. The international community (especially the European Community and Japan) have not cooperated with the embargo, nor has the US aggressively enforced it. The embargo was poorly utilized as a tool to pressure the military regime in Haiti.

Provisions of the Embargo

Executive Order 12779 implemented the embargo. The Order prohibited US trade with Haiti of all goods, technology, and services effective 5 November 1991, allowing one week for the provisions to take effect.¹³² Basic food staples (wheat, sugar, rice, flour, cooking oil), as well as essential medicines were specifically excluded from the embargo for humanitarian reasons.¹³³ OAS members levied similar economic sanctions on Haiti.

The US also tried to offset the embargo's effect on Haiti's poor through various aid programs. In November 1991, the US began a Humanitarian Assistance Program, targeting children, pregnant women, elderly, and disabled persons with supplies of food and medicine. Through the US Agency for International Development (AID), and other US-based volunteer relief agencies, the US hoped to ease the plight of Haitian citizens affected by the embargo, while still pressuring the regime to negotiate.¹³⁴ By June 1992, US programs in place provided

¹³¹US Congress, House, The Situation in Haiti and US Policy, 34. Testimony of Deputy Asst. Secretary of State for the Caribbean and Mexico, Donna Hrinak.

¹³²"Message to Congress on Economic Sanctions Against Haiti," 598.

¹³³"US Embargo on Haitian Trade," US Department of State Dispatch, 4 November 1991, 816.

¹³⁴US Congress, Senate, Staff Report prepared for the use of the Subcommittee on Immigration and Refugee Affairs of the Committee on the Judiciary, Haitian Democracy and Refugees: Problems and Prospects, 102nd Cong., 2nd sess., 1992, Senate Print 102-87, 9-10.

food for over 600,000 Haitians, and medical assistance for nearly two million.¹³⁵

The US loosened the embargo in February 1992, allowing US firms to apply for licenses to resume assembly operations in Haiti. These companies were still prohibited from making payments to the *de facto* regime. Additionally, the US permitted expenditures of blocked Haitian assets for expenses incurred by the legitimate Government of Haiti.¹³⁶

The US implemented this change due to unemployment, both in the US and in Haiti. An estimated 144,000 Haitians had lost jobs since the implementation of the embargo, including 28,000 in the export assembly sector.¹³⁷ Unemployment was contributing to the economic devastation and the flow of migrants from Haiti. By retargeting the embargo, the US hoped to provide employment and support for Haitians, and by extension their families, on the basis that each job provided support for at least six Haitians. By this action, the US hoped to provide sustenance for up to 250,000 Haitians. US companies with Haitian operations would also benefit, a point which was heavily criticized as self-serving on the part of the US, for bowing to pressure from US business.¹³⁸

In response to numerous ships violating the embargo, the OAS in May 1992 urged its members to institute a port ban on vessels violating the embargo. The US followed this in June, adding new requirements to the Haitian Transaction Regulations (HTR) prohibiting vessels which had traded in Haitian ports from entering US ports. Enforcement of this and

¹³⁵"US Action Against Violators of Haitian Trade Embargo," statement by President Bush, US Department of State Dispatch, 8 June 1992, 457.

¹³⁶"Message to Congress on Economic Sanctions Against Haiti," 599.

¹³⁷US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 9.

¹³⁸US Congress, House, The Situation in Haiti and US Policy, 23-29. The US was widely condemned in the press for easing the embargo, seemingly only to benefit US companies, after little cooperation from the Haitian regime.

other embargo provisions fell under the Department of Treasury Office of Foreign Assets Control (FAC), the US embassy in Haiti, the US Customs Service, as well as the Navy and Coast Guard. Through the end of FY1992 penalties of \$30,000 were collected from US banks, and penalties of \$175,000 for other violations of the HTR (including penalties on ships).¹³⁹ Despite these figures, the provisions were not aggressively enforced. The US and OAS have not vigorously enforced aspects of the embargo (e.g. seriously cracking down on embargo violators, strictly limiting exemptions to the embargo), thus weakening its impact on the military regime, especially the personal investments of Haiti's elites.¹⁴⁰

The status of the embargo has remained virtually unchanged. The US further exempted more humanitarian products (corn and corn flour, powdered milk, milk, and edible tallow) in August 1992 to ease the plight of Haiti's poor who continued to bear the brunt of the embargo's effects.¹⁴¹ Aside from that change, the embargo remains in place both to deny legitimacy to the Haitian regime, and to pressure them to negotiate an end to the crisis.

The Embargo's Effects in Haiti

The effects of the embargo in Haiti have been tremendous, although the elites have found ways to get around much of the restrictions. Most Haitians have traditionally lived an impoverished lifestyle, getting by

¹³⁹US Congress, House, Continuation of Economic Sanctions Against Haiti, 2-3.

¹⁴⁰Pamela Constable, "Dateline Haiti: Caribbean Stalemate," Foreign Policy, no. 89 (Winter 1992-1993): 183-184. The embargo provisions have not been enforced to same extent as, for example, those against Iraq or Yugoslavia, partially because many of the responsible agencies--the Coast Guard, Navy, US embassy--were busy handling the migration interdiction, in-country monitoring, etc. Strict US enforcement, however, was required to make the embargo at all effective. The OAS does not have the "Chapter 7" coercive authorities that the UN has.

¹⁴¹US Congress, House, Continuation of Economic Sanctions Against Haiti, 2.

on meager food supplies. Despite US and international relief efforts, the drastic reduction in humanitarian aid--primarily food and medical assistance-- has been the embargo's most damaging aspect.¹⁴²

Combined with a recent drought in northern Haiti, the agricultural sector is particularly in jeopardy. Water that has been traditionally used for irrigation is now diverted to help run fuel-starved hydroelectric plants. The combination of water, seed, fertilizer, and credit shortages bode ominously for future food production in Haiti. Haiti's environmental future appears bleak due to the combined effects of environmental damage from drought and erosion, as well as deforestation (especially of mangoes and mahoganies, which shade the coffee crop) to build boats and make charcoal. The potential for continued famine is great.¹⁴³

Although food staples are technically exempt from the embargo, reduced Haitian production, increased costs of transportation, and a lack of fuel and electricity combine to increase hunger, malnutrition, and disease. Conditions are most severe in rural Haiti. For example, in outlying Jeremie, the power plant runs at most twelve hours per day, while food and especially medical supplies are extremely scarce. Without electricity, or fuel for transportation, the ability to deliver and refrigerate medication and food has been drastically reduced.¹⁴⁴ Ironically, the poor, who suffer the most from the embargo, are its most ardent supporters. They believe it will return Aristide to power and

¹⁴²Haiti: A Status Report on Repatriation (Washington, DC: Federation for American Immigration Reform, 26 June 1992), 8.

¹⁴³US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 8-9. Also, Jill Smolowe, "Bad to Worse," Time, 10 February 1992, 34.

(b)(6) [REDACTED] US dentist who has made trips to Haiti in 1990, 1991, and 1993 to provide medical services, telephone interview by author, 28 February 1993. Also, Vasquez, Doing What We can for Haiti, 3.

thus provides hope for their future.¹⁴⁵

Unfortunately, the targets of the embargo--the elites and the military--have found ways to circumvent the sanctions. They have smuggled in goods and profited by selling items at high prices on the black market. Since personal effects have been exempt from the embargo, wealthy Haitians often flew to Miami with large, empty suitcases, in order to stock up on items that were scarce in Haiti.¹⁴⁶ Stores and restaurants in Haiti remain stocked with fine foods, wine, and other products--but only for those who can afford the high prices for these items.¹⁴⁷

Additionally, the European Community and Japan have ignored the embargo, as have some OAS members. Numerous ships have continued trading in Haiti, especially delivering crucial shipments of oil. There were four major oil shipments between 28 November 1991 and 22 February 1992 alone, including a shipment from Colombia and another on a Panamanian-flagged tanker (both OAS countries).¹⁴⁸ These shipments came at a time when the military regime was particularly vulnerable to pressure, and likely would have collapsed without the oil. Similar shipments continued throughout the embargo. While the embargo has pressured the Haitian regime, the elites have not been personally affected to the extent that would force them to negotiate in earnest. US and OAS failure to obtain compliance among other nations (and even among OAS members) has drastically undercut the effectiveness of this foreign policy tool.

¹⁴⁵Linda Robinson, "When Pressure Fails," US News and World Report, 29 June 1992, 50. Also, Demmes and Saxon, PBS, "Haiti: Killing the Dream."

¹⁴⁶US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 9.

¹⁴⁷Carole Cleaver, "Haiti in Limbo," The New Leader, 25 January 1993, 8. Also, Haiti: A Status Report on Repatriation, 8.

¹⁴⁸US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 7.

Impact on Haitian Emigration

In addition to the ineffective aspects of the embargo, the surge of emigrants from Haiti has been an unwanted side effect. The embargo clearly worsened already dismal economic conditions for poor Haitians, giving them greater impetus to leave. Although not the only factor motivating emigration, the embargo has greatly contributed to the magnitude of the mass migration.

No migrants left Haiti for a month after the coup, suggesting that the political instability and violence surrounding the coup were not primary motivations for large numbers of Haitians. On 28 October, the day the US embargo was announced, the US interdicted the first boatload of Haitians after the coup. Only one more boat was interdicted before the embargo officially went into effect on 5 November. However, starting on 5 November, a large flow of Haitians emigrated, totaling 86 boats and 6013 people for the rest of November. This large surge continued through the first half of December until bad weather slowed the exodus.¹⁴⁹ While other factors (e.g. US judicial decisions and immigration procedure changes, opening the Guantánamo Bay refugee camp) likely contributed to the mass migration, economic despair over the effects of the embargo was a major motivation.¹⁵⁰

The 4 February 1992 loosening of the embargo to allow US businesses to operate in Haiti also affected the migrant flow. Combined with the US Supreme Court's 31 January lifting of the ban on repatriation, February interdictions dropped to 1223 migrants after 6663 in January.¹⁵¹ What this indicates, is that the embargo may be a good tool to pressure the regime, but it has serious consequences. As shown by the interdiction figures, it had a direct impact on refugee flows,

¹⁴⁹"Haitian Migrant Operations Timeline."

¹⁵⁰US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 3.

¹⁵¹"Haitian Migrant Operations Timeline."

both immediately (as in November 1991), and long term (the continued economic devastation has prompted many to leave).¹⁵² To be assessed as effective, the embargo must be examined in its totality.

Evaluating the Embargo's Effectiveness

From the US standpoint, the embargo has two facets, economic and political. Economically, it has not worked well. The embargo has loopholes which enable its targets to circumvent much of its impact. Meanwhile, the poor are most adversely affected, and are motivated to emigrate to the US. However, the political aspect of the embargo has been arguably successful. The embargo continues to deny legitimacy to the military regime, as well as forcing them to negotiate with the OAS and Aristide. This is the primary tool the US has for that purpose.¹⁵³

Much debate has centered on whether the embargo has outlived its usefulness, or if it is still at all justified. While it has denied the regime its legitimacy and pressured them to negotiate, it has not been effective enough to subdue the regime after over 18 months in place. Some have argued that the embargo ought to be dropped because it is ineffective; because of its disproportionate and brutal effect on Haiti's poor and subsequent contribution to emigration; and because it has actually "strengthened the tyrannical and arbitrary powers of the military elite."¹⁵⁴ Others criticize it because it ruins the Haitian economy, as well as US investments there, a key ingredient in any long-term recovery in Haiti.¹⁵⁵

In spite of these legitimate arguments, the embargo's political components justify its continued use. To lift it at this point would

¹⁵²Vasquez, Doing What We can for Haiti, 11.

¹⁵³(b)(6) interview.

¹⁵⁴Vasquez, Doing What We can for Haiti, 4.

¹⁵⁵Abrams, "Policy Confronts Reality," 38.

appear hypocritical and would reward the military regime for enduring the sanctions. The key to an effective embargo is better targeting of the elite, and soliciting international cooperation so that the embargo is comprehensive. This is the best way to force the regime to negotiate.

To be more effective, certain aspects of the embargo should have been, and still could be tightened. Some have suggested a US or OAS military blockade to enforce a tighter embargo.¹⁵⁶ This did not seem practical or likely early in the crisis, but became a more viable option as international frustration grew over the stalemate. In June 1993, the UN unanimously voted to impose a worldwide oil and arms embargo on Haiti as a means to impose pressure on the regime to negotiate with Aristide, but no form of naval blockade or enforcement measures were specified. Most nations were expected to honor this action, which would greatly pressure Haiti, as the nation had an estimated 4-6 weeks of oil reserves, enough to last until the end of July.¹⁵⁷

Early in the crisis, a practical solution would have been to lift the visas and freeze the US assets of coup plotters and members of the regime. This would have had a much greater effect had it been implemented initially. While such a measure would have primarily limited traveling to, and purchases in the US, it would have applied more pressure, and indicated the depth of resolve of the US to end the crisis. Unfortunately, this action also was not taken until June 1993, when President Clinton froze the assets and barred entry to the US of numerous Haitians, most notably General Cedras and Prime Minister Bazin. A total of 100 military and government leaders, as well as families and

¹⁵⁶Amy Wilentz, "Haitian Muddle," The Nation, 29 June 1992, 897. Also, "Democracy Interdicted," Commonweal, 28 February 1992, 4.

¹⁵⁷Julia Preston, "UN Votes to Clamp Oil Embargo on Haiti," Washington Post, 17 June 1993, Sec. A1+. Also, Michael Norton, "Haitians Resigned to Oil Embargo," Washington Times, 24 June 1993, Sec. A11.

supporters were barred further entry to the US. The US froze the financial assets in the US of 83 Haitians, as well as the Haitian central bank and three other financial institutions, also prohibiting these individuals from conducting any commercial business in the US. However, since this action had been threatened for many months, much of the assets targeted by these sanctions had already been removed from the US.¹⁵⁸ Shortly after these sanctions, the US sponsored the resolution for the UN oil and arms embargo, indicating new resolve on the part of the US to focus pressure on the Haitian regime.

The US did not use the available tools early in the crisis to make the embargo effective. The sanctions must continue to be targeted against the military and elites, so that Aristide's return can be negotiated. The longer the embargo continues, the worse will be the damage to Haiti's already fragile economy, agricultural sector, and environment, and the greater the pressure on Haitians to emigrate. Keeping this in mind, the US should continue to tighten the embargo, while maintaining humanitarian assistance to provide help and hope to Haiti's poor. It is not fair for the US to use the embargo on one hand, and then deny migrants admission to the US because they are afflicted by the embargo (and can't articulate a credible fear of persecution). Continued US aid, as well as the February 1992 easing of the embargo to provide employment in Haiti, are necessary steps to insulate the poor from the embargo's effects.

POLITICAL NEGOTIATIONS

The negotiations to return Aristide started forcefully, but have been mired in difficulties, and have made little real progress. A deal was nearly consummated in February 1992, but fell through when both sides later withdrew. Meanwhile, Haiti has evolved through several

¹⁵⁸Douglas Farah, "US Tightens Sanctions on Regime in Haiti," Washington Post, 5 June 1993, Sec. A18.

temporary and illegitimate governments. Although hope for a negotiated settlement is not certain, Aristide's return is the key to solving both Haiti's problems of evolving towards democracy, and US problems of stopping mass immigration.

Why Aristide's Return is Important

Within Haiti, Aristide's return would give hope to the majority who elected him in 1990. Further delaying his return erodes Haitian confidence in the democratic process. Although the entrenched elite and military are concerned and threatened by his return, Aristide is probably the only party involved who can move Haiti toward democracy.¹⁵⁹ Even though Aristide did not lead Haiti as a true democrat, the manner in which he was removed from office was not consistent with democracy or the Haitian constitution either. Haiti democratically elected Aristide. If he abused his power, the proper forum to remove him is either by impeachment or by trial in the courts. For democracy to succeed, Haiti must be ruled by laws, not guns.¹⁶⁰ The US must support this proposition if it hopes to inculcate long-term change in Haiti.

Where the US is concerned, Aristide's return both affirms a US commitment to democracy, and is the key and lasting solution to population stability in Haiti. Aristide eases emigration pressure in three ways. First, he provides hope to poor Haitians for a better Haiti. Second, only Aristide seems inclined to ensure constitutional rights of freedom of the press and right to assemble, as well as bringing the traditional excesses of the military under control. The current regime has little motivation to promote these rights. Third, Aristide proved successful at raising international funding and investment. This would have aided Haiti's economic recovery, while

¹⁵⁹US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 18-19.

¹⁶⁰Cleaver, 9.

easing economic pressure on Haitians to emigrate.¹⁶¹ Once Aristide is returned, there would be no impediment to ending the embargo and restoring financial aid.

On a more practical level, Aristide's return solves the US immigration problem by denying Haitians a credible claim to asylum. Those who have fled Haiti, claiming physical harm or persecution by the military because of their beliefs, are overwhelmingly Aristide supporters. With Aristide in power, their claims would not be credible, and interdicted Haitians would not qualify to come to the US to pursue asylum claims. This would make interdiction easier, and likely cut down on the number of those attempting to emigrate.¹⁶² Given Aristide's past actions towards the military and elite, those groups would be the only people with possible claims of persecution following his return. With international monitoring and concessions by Aristide, this could be controlled.

Admittedly, Aristide has not been easy to support in the negotiations. Some argue that supporting Aristide's return is inconsistent with democracy because of his undemocratic practices. Because of this the US should stop destroying Haiti with the embargo and negotiation demands, but instead evaluate if it is worth the effort to return him, perhaps restoring him as president in name only, and negotiating to arrange new presidential elections in Haiti instead.¹⁶³

Additionally, Aristide has continually provoked and criticized the

¹⁶¹Robert E. White, "Haiti, the US, and the Refugees," Christianity and Crisis, 20 July 1992, 252.

(b)(6) interview.

¹⁶³James Goldsborough, "A Haitian Solution, Minus Aristide," Washington Times, 22 October 1992, Sec. G4. Also, Ian Vasquez, "Making Matters Worse in Haiti?" Washington Times, 16 September 1992, Sec. G4.

US of hypocritical behavior and of killing democracy in Haiti.¹⁶⁴ Aristide and his advisors have alleged that the US masterminded the 1991 coup. Aristide publicly urged his US supporters not to support George Bush in the November 1992 elections, all while the US was providing asylum to Aristide and helping fund his exiled government.¹⁶⁵

In spite of Aristide's intransigence, the US needs to keep working for his return. Aristide has seemed to mellow as time passes with respect to his hatred of the military and elites, and he is still the choice of the majority of Haitians. US acquiescence and acceptance of the results of the 1991 coup would be undemocratic, and would set a dangerous precedent for other Latin American countries, like Peru and Venezuela that are experiencing threats to democracy.¹⁶⁶

The Progression of Political Negotiations

Following the coup, Joseph Nerrette and Jean-Jacques Honorat were respectively installed as president and prime minister. Neither was recognized by the international community. (Today, Aristide is recognized as president by the world. The Haitian government currently has no official president.) OAS Secretary General Baena Soares initially designated former Colombian Foreign Minister Augusto Ramirez Ocampo to head the OAE-DEMOC delegation in Haiti. On 10 November 1991, Ramirez first led a delegation to Haiti to urge members of Haiti's parliament to meet with Aristide. The US supported the OAS negotiating efforts and applied pressure with the embargo and other negotiations,

¹⁶⁴"Aristide on French, US 'Hypocritical Behavior'" (text) FL3011191691 Port au Prince Radio Nationale in French, 0400 GMT (30 November 1991). Translation by Foreign Broadcast Information Service, FBIS Daily Report--Latin America, 2 December 1991. (FBIS-LAT-91-231; 15-16).

¹⁶⁵Howard W. French, "US Keeps Eye on Haiti, by Action is Scant," New York Times, 8 October 1992, Sec. A9.

¹⁶⁶Goshko, Sec. A29.

but essentially deferred to the OAS delegation.¹⁶⁷

Aristide and Haitian parliament representatives first met in Cartagena, Colombia from 22-24 November. Ramirez encouraged both sides to take the first step towards a solution by agreeing on a new prime minister. The Haitian Constitution requires the president and the leaders of both parliament chambers to agree on a prime minister, and then to submit the choice to the full parliament for approval. Parliament leaders rejected Aristide's first choice, FNDC leader Victor Benoit. Negotiations to agree on steps to professionalize the Haitian military and create a separate civilian police force were discussed, but similarly the negotiators failed to reach agreement.¹⁶⁸

Negotiations resumed on 7 January in Caracas, Venezuela. Aristide agreed to accept René Theodore, the head of Haiti's Communist Party (although a moderate), as his choice for prime minister. This progress and the generally positive atmosphere of the negotiations were seen as encouraging.¹⁶⁹ However, at a 25 January 1992 meeting in Port au Prince, Theodore was beaten, and one of his aides killed by plainclothes policemen. This action was designed to intimidate and prevent further attempts at compromise and negotiations with Aristide.¹⁷⁰ Obviously, the military was uncomfortable with the possibility of a settlement. A sensitive point in the negotiations (then and now), was the status and treatment of senior military officers who had participated in the coup and who still held much power in Haiti through force and intimidation. The two most important included General Cedras and Port au Prince Chief

¹⁶⁷US Congress, House, The Situation in Haiti and US Policy, 92.

¹⁶⁸US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 16.

¹⁶⁹US Congress, House, The Situation in Haiti and US Policy, 93.

¹⁷⁰Smolowe, "Bad to Worse," 32.

of Police, Michael François.¹⁷¹

In early February, negotiations were again scheduled to resume for the end of the month at OAS headquarters in Washington, DC. In a major breakthrough, Aristide, Theodore, and Haitian parliament leaders reached an agreement on ending the crisis and on a transition government. The agreement provided for Aristide and Theodore to appoint a cabinet, and meet bi-weekly to work out a plan to ease Haiti back to democracy. After the parliament ratified Theodore's nomination, he and Aristide would request the embargo be lifted, and then return Aristide to Haiti after at least a one month transition. Aristide's return and other reforms would be monitored under a civilian OAS mission.¹⁷²

The more controversial aspects of the agreement involved the separation of police and army functions in Haiti and general amnesty for Haitians involved in the coup. This meant that Aristide would have to allow Cedras to remain as the FAd'H Commander-in-Chief, although Aristide now distrusted the General for his role in the coup.¹⁷³ Although Cedras, the military, and the Haitian Parliament were prepared to abide by the negotiated agreement, Aristide refused to endorse amnesty for Cedras and other coup leaders, calling them "common criminals." (Criminals were to have been exempt from amnesty provisions, so Aristide was indicating his intention to still prosecute Cedras and the others) As a result, the parliament refused to ratify the agreement, and the deal fell apart in March.¹⁷⁴

In June, Cedras nominated former Haitian Finance Minister Marc Bazin as prime minister. The Haitian regime hoped Bazin's ties with the

¹⁷¹US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 16.

¹⁷²"Solution, but Still Waiting for Aristide," Latin American Weekly Report, 12 March 1992, 10.

¹⁷³"High Court Backs Repatriations; Bush Order Upheld, US Sends More Haitians Home," Chicago Tribune, 25 February 1992, Sec. A5.

¹⁷⁴(b)(6) interview.

US as Finance Minister and as a World Bank executive would ease tensions, restore credibility to the regime, and help relax the embargo, but this was not the case.¹⁷⁵ Ironically, this meant that Bazin, whom the US supported in the last two Haitian elections, became one of the primary obstacles to negotiating a settlement. He was not Aristide's choice, but rather the military's. Previously, the US perceived Bazin as the most promising and capable Haitian leader; but now it was forced to work for his ouster.¹⁷⁶

Negotiations continued through 1992 with little real progress. Neither side seemed willing to compromise on key issues. Aristide continued to talk about the regime in terms of revenge rather than compromise, and the Haitian government seemed unwilling to consider any return by Aristide. By October 1992, denying Aristide's return for over a year seemed to give the military regime confidence that it could outlast the porous embargo without making significant concessions in the negotiations.¹⁷⁷

In early 1993, optimism increased for a negotiated settlement. The appointment of UN/OAS envoy Dante Caputo (former Foreign Minister of Argentina), as well as the Clinton Administration's professed desire to quickly end the crisis, invigorated the negotiations. In March, Clinton appointed a special advisor, Ambassador Lawrence Pezzullo, to assist Caputo and pursue a more vigorous US/OAS negotiating effort. Clinton also met with Aristide in March, pledging stronger US measures if there were further delay, and committing the US to funding half of a multinational \$1 billion aid package over five years, to rebuild the

¹⁷⁵Constable, 181.

¹⁷⁶Cleaver, 7.

¹⁷⁷Farah, "Haiti's Impasse a Year Old," A18, A29.

Haitian economy following a settlement.¹⁷⁸ Aristide seemed pleased with the new tack and US support, and more importantly, modified his earlier insistence on prosecuting the coup leaders after his return.¹⁷⁹

In both January and May, agreement was nearly reached on a 500-man international human rights monitoring team. Such a force is crucial to creating a safe environment for human rights in Haiti, as well as to protect Aristide from the military, and the military from Aristide supporters. Bazin and the military ultimately rejected the peacekeeping force in each case, after initially agreeing to the concept, particularly angering the US. The June tightening of economic sanctions against Bazin, Cedras, and others was in direct response to this intransigence by the regime.¹⁸⁰

Following the sanctions, Bazin resigned as prime minister on 8 June, having lost the support of both the military and the moderate socialist party that had given him a majority coalition in the parliament. This created a power vacuum in Haiti, with Aristide supporters and opponents competing to fill the void. Opponents were also attempting to install a new provisional president, so as to increase further legal obstacles to Aristide's return. Whatever the outcome, the incident indicates the growing instability in Haiti, and the effects of growing international pressure on the regime.¹⁸¹

The new US economic sanctions and the UN oil and arms embargo finally generated sufficient pressure on Cedras to negotiate with

¹⁷⁸"US Support for Democracy in Haiti," Statement by President Clinton at 16 March White House news conference, US Department of State Dispatch, 22 March 1993, 163.

¹⁷⁹Ronald A. Taylor, "Aristide Nets Clinton Warning to Coup Leaders to Step Aside," Washington Times, 17 March 1993, Sec. A4.

¹⁸⁰Farah, "US Tightens Sanctions on Regime in Haiti." Also, Howard W. French, "Envoy Says Military Agrees to Allow a UN Observer Force," New York Times, 18 January 1993, Sec. A5.

¹⁸¹Michael Tarr, "Haitian Prime Minister Quits After Loss of Military Backing," Washington Post, 9 June 1993, Sec. A21, A24.

Aristide. After hesitation on both sides, Cedras and Aristide agreed to meet face to face for the first time beginning 27 June on Governors Island, New York. Aristide initially proposed strict preconditions for the meetings, including Cedras' resignation and a firm date for Aristide's return, but then softened his stance.¹⁸² Although much progress remains to be made towards resolving the crisis, the unified world pressure, and talks between Aristide and Cedras appear to be the beginning of a negotiated end to the crisis.

In spite of increased pressure, and some progress in toppling the regime, major differences still exist between Aristide and the *de facto* government of Haiti. There is still no agreement on a prime minister, amnesty for coup leaders, or a timetable for Aristide's return. Cedras and the military continue to rebuff OAS proposals for human rights monitors and a large peacekeeping force to guarantee Aristide's security should he return to Haiti. Both Aristide and Cedras continue to refuse compromise. Perhaps the latest talks can resolve this, but without a negotiated settlement, any return of Aristide by force is likely to lead to a civil war in Haiti.¹⁸³

Aristide has been accused by some of not really wanting to return to Haiti. They note that he has pulled back or changed demands as negotiations have been close to agreement, and perhaps would rather live comfortably outside Haiti as a martyr. Bazin has supported this allegation by stating that Aristide "knows he cannot run the country. He tried for seven months and accomplished nothing."¹⁸⁴ However, the military regime can be accused of similar intransigence. Despite these allegations, remaining differences, and international frustration over

¹⁸²Howard W. French, "Aristide and the Haitian Military Expected to Open Talks Sunday," New York Times, 25 June 1993, Sec. A8.

¹⁸³Douglas Farah, "Timetable on Aristide Still Under Revision," Washington Post, 9 June 1993, A21, A24. Also, Constable, 180.

¹⁸⁴Cleaver, 9. Also, Joseph, 23.

the ongoing stalemate, the latest international pressure and the instability in Haiti offer hope for a settlement, and serves notice to Haiti's elite that they must compromise.

As with the embargo, the US did not push forcefully enough through the negotiations to end the crisis. Although avowed US policy appeared to recognize the correlation between Aristide's return and lower emigration rates, not all resources were brought to bear to accomplish this. The latest US approach--aggressive, US-sponsored, international pressure; sanctions targeting Haiti's elites; and direct negotiations on both sides--is the correct path to pursue. Continued pressure on the military regime in the form of cancelling commercial air traffic into Haiti has also been recently considered and would certainly ratchet up pressure on the regime.¹⁸⁵ On the other hand, the US must also pressure Aristide to renounce his undemocratic practices, and persuade him to compromise somewhat with the *de facto* government.

The US must understand that returning Aristide will ease the migration pressure. During his seven months in office, only 1361 Haitians attempted to sail to the US, a manageable figure. There were lower numbers, not because of instant improvements in wealth or living conditions under Aristide, but because Haitians were hopeful of a better future, and the atmosphere was open to such improvements.¹⁸⁶ The migration flow during different periods of the crisis also reflect Aristide's impact on Haitian emigration.

For the first month following the coup, in spite of significant violence in Haiti, no Haitians emigrated. Perhaps they, like the US and the international community, believed a settlement was imminent. When

¹⁸⁵Douglas Farah, "Haitians Raise Threat of Violence," Washington Post, 27 May 1993, Sec. A38.

¹⁸⁶John Canham-Clyne, "Haiti After the Coup: Interview with the Haitian Ambassador to the US, Jean Casimir," World Policy Journal 9, no. 2 (Spring 1992): 358. Actual figures from CG interdiction statistics as found in Figure 1. Casimir erroneously claimed there were no emigrants during this period.

the embargo was announced and negotiations were slow to advance in November, many Haitians likely realized a settlement was not probable and left the country. Similarly, late February to early March was a period when a settlement to return Aristide appeared most likely. During the time from 20 February to 27 March, when negotiations were either ongoing or under consideration, only 8 boats with 840 Haitians were interdicted. In April, after talks broke down, 79 boats and 6158 Haitians were interdicted.¹⁸⁷

The US, although traditionally dominating the OAS, seemed to refrain from this role in the political negotiations to return Aristide. The US did actively participate and work its own negotiating channels, but the OAS was allowed and encouraged to take the lead. The US must now drive the process so that the crisis can be resolved. As the next chapter will show, the US took the lead in migrant interdiction and allocated significant resources to that problem. Operation Able Manner and the Refugee Processing Center in Haiti continue to require significant US resources. A similar aggressive effort to pressure the regime and negotiate Aristide's return will not only push Haiti towards democracy, but also allow the US to step down from an intense interdiction effort that has lasted over a year and a half.

¹⁸⁷"Haitian Migrant Operations Timeline."

CHAPTER 4

THE HAITIAN MIGRATION AND THE US RESPONSE

The problems posed by "mass asylum" clearly defy simplistic legal solutions.

John A. Scanlan and G.D. Loescher,
"Mass Asylum and Human Rights in American Foreign Policy"

The start of the Haitian migration began slowly a month after the coup. As the US operation gained momentum in November 1991, it became clear that this was an event of significant proportions. By the end of 1992, it would require the Coast Guard's use of over 800 operational cutter days (above normal planned days) for interdiction, as many as 30 cutters and aircraft at its peak, and a general disruption of other missions.¹⁸⁸ Operating the processing camp at Guantánamo Bay, Cuba, and other related operations would cost \$60 million throughout the interdiction.¹⁸⁹ The focus, time, and resources of numerous government organizations and agencies--the National Security Council; Departments of State, Defense, and Justice; INS; Coast Guard; the Intelligence Community; and others--would be heavily committed to handling the migration and attempting to control it.

Beginning in early November 1991, the Coast Guard began interdicting a steady stream of Haitian boats. Policymakers quickly realized the significance of the problem, convening interagency working groups, most notably an NSC Policy Coordinating Committee (PCC) on Haitian boat people. In President Bush's NSC structure, detailed in

¹⁸⁸Text of "USCG Briefing for Secretary of Transportation on Haitian Migrant Interdiction."

¹⁸⁹Al Kamen, "Haitian Exodus Could Pose Early Clinton Test," Washington Post, 12 November 1992, Sec. A8. Also, (b)(6) interview.

National Security Directive 1, the PCC was the lowest of three NSC sub-groups, below the Principals Committee and the Deputies Committee. The Haitian boat people PCC included members from involved policymaking and operational agencies, meeting at least weekly to coordinate a consensus on policy and recommendations to the NSC. The PCC was successful in fostering inter-agency cooperation and response to the crisis.¹⁹⁰

THE EARLY US RESPONSE

When it became apparent that large numbers of Haitians would be emigrating, the US attempted to arrange for a regional solution. Since the political response to the crisis was being supported regionally by OAS members, the US hoped it could obtain similar cooperation for accepting the Haitian migrants. Beginning on 8 November, the US worked with the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) to secure such a regional solution. The US contacted virtually every country in the hemisphere (25 in all), obtaining commitments from only four. The four countries--Honduras, Venezuela, Trinidad and Tobago, and Belize--would only accept a total of 550 Haitians. Other countries, particularly the Bahamas and the Dominican Republic, were reluctant because they were already host to large numbers of Haitian immigrants. Quickly it was apparent that regional safe haven would not work considering the number of Haitians emigrating (6159 in November 1991 alone). The handling of the boat people was the US' problem to solve.¹⁹¹

Once a regional solution fell through, the US was caught in a dilemma of what to do with the interdicted Haitians. The number of Haitians was exceeding the US' ability to interdict and screen,

¹⁹⁰Gelbard interview. Ambassador Gelbard chaired the PCC. Also, RADM Richard A. Applebaum, Chief of the Coast Guard's Office of Law Enforcement and Defense Operations, interview by author, 5 April 1993.

¹⁹¹US Congress, House, Cuban and Haitian Immigration, 58-59. Testimony of Ambassador Gelbard. Also, Gelbard interview.

resulting in a growing number of Haitians being held on the decks of US ships. This created a strain on the cutters' ability to feed and provide medical attention to the migrants. Despite Voice of America Creole broadcasts in Haiti beginning 15 November, warning Haitians of the danger at sea and imploring them to stay home, the numbers steadily increased.¹⁹² By 20 November, 15 of the 33 total Coast Guard high and medium endurance cutters on the East Coast were already employed in migrant interdiction.¹⁹³

Most of these early migrants did not qualify as refugees under US immigration screening procedures. However, the US was initially reluctant to return them to a country where repression and violence was widespread in the wake of the coup; to a country whose leaders were not recognized by the US; and where non-essential US citizens were evacuated for their safety, while the US ambassador was withdrawn to protest human rights abuses. Unfortunately, by keeping the boat people on the cutters, the US attracted more to emigrate, as Haitians believed they might be allowed to enter the US.¹⁹⁴ Meanwhile, the cutters themselves were nearing their capacity.

Through 17 November, nearly 1800 migrants had been interdicted, and the US decided to repatriate to Haiti those not qualifying to come to the US to pursue asylum claims. The Coast Guard repatriated 538 Haitians on 18-19 November, before the Haitian Refugee Center filed suit in US District Court, Southern District of Florida, obtaining a

¹⁹²"Humanitarian Appeal to Haitian Boat People," US Department of State Dispatch, 18 November 1991, 849.

¹⁹³US Congress, House, Cuban and Haitian Immigration, 92. Testimony of RADM Leahy. Obviously not all 33 cutters would be available for this operation. Some were involved in other missions, some in transit, some in port for maintenance, so this operation created a severe strain on other Coast Guard operations.

¹⁹⁴(b)(6) interview. Also, Amy Wilentz, "Deep Voodoo," New Republic, 9 March 1992, 20.

Temporary Restraining Order (TRO) to prevent further repatriations.¹⁹⁵ The TRO, as well as other judicial impediments to interdiction and repatriation, would itself contribute to attracting Haitian emigrants to the US. Whenever US courts restricted US interdiction efforts, the rate of migration increased. While this TRO was in effect from 20 November to 17 December, 72 boats with 4933 Haitians were interdicted (an average of 183 per day). This was a sharp increase over the seemingly high 43 boats and 2820 Haitians interdicted from 28 October to 19 November (123 per day).¹⁹⁶

Legal Issues

The primary issue in this case, and popular debate at the time, dealt with the repatriation or refoulement of Haitians. The US evacuation of personnel from Haiti, and non-recognition of the military regime indicated it had concerns about conditions in that country. Additionally, there were numerous reports of killings, beatings, torture, and arbitrary arrests of Haitians, with many people (an estimated 40-60%) escaping the cities to the relative safety of the surrounding country.¹⁹⁷ Intuitively, there is something questionable about forcibly returning people to such a situation, but there are also international legal obligations to consider.

¹⁹⁵"Haitian Migrant Operations Timeline."

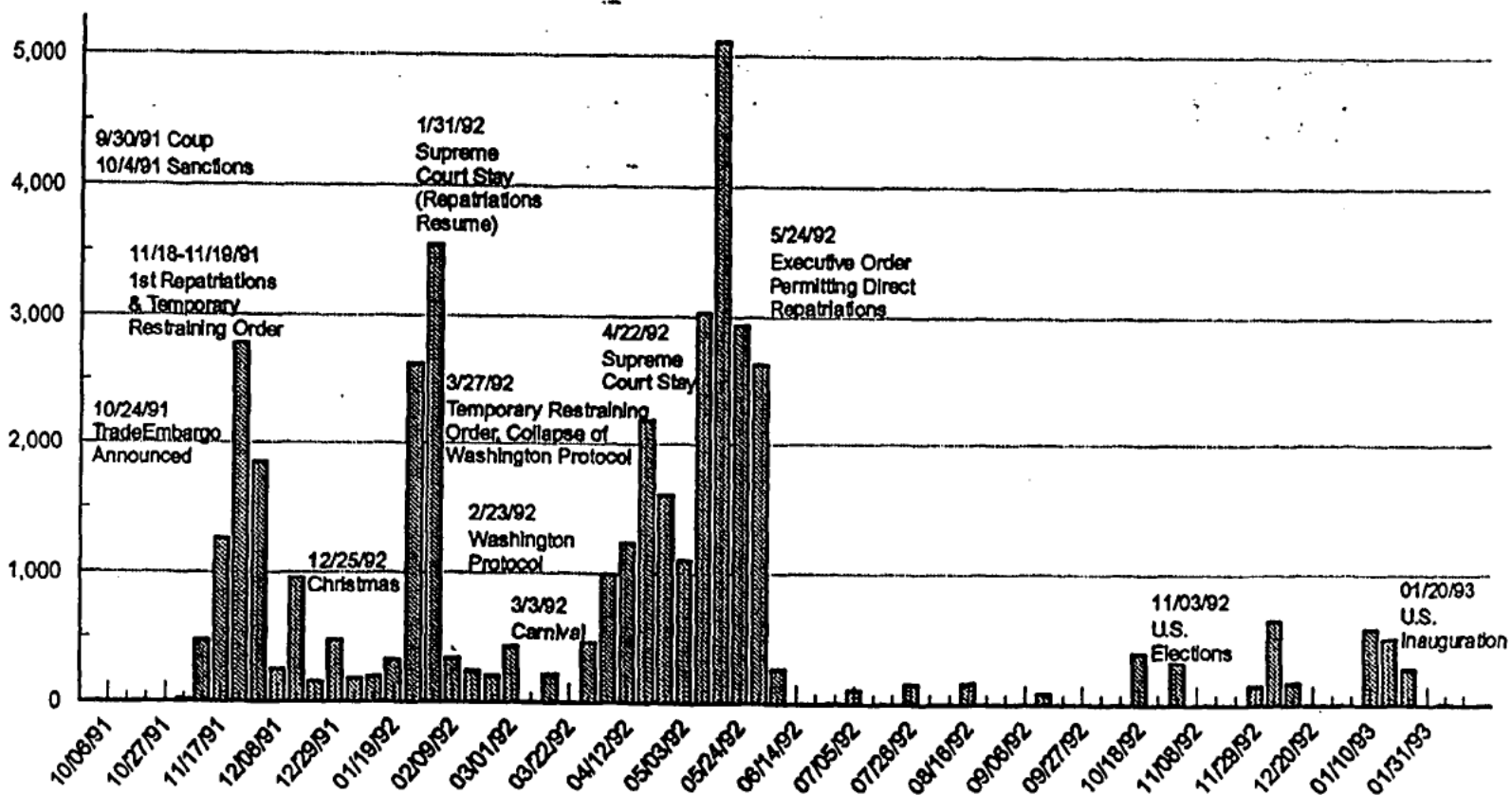
¹⁹⁶"Haitian Migrant Operations Timeline." See also Figure 3 for the correlation between US judicial decisions/immigration policy and the rate of Haitian migration.

¹⁹⁷US Congress, House, Subcommittees on Western Hemispheric Affairs and International Operations of the Committee on Foreign Affairs, US Policy Toward Haitian Refugees, joint hearings and markup, 102nd cong., 2nd sess., 11 and 17 June 1992 (Y4.F76/1:H12/7), 21. Statement of Rep. Lawrence Smith. Also, US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 4.

WEEKLY INTERDICTIONS OF HAITIAN MIGRANTS

By U.S. Coast Guard and U.S. Navy
 (09/30/91 - 02/07/93)

Figure 3: Correlation of Haitian migration and US immigration policy
 Source: (b)(6) Program Officer, Department of State Bureau for Refugee Programs, 29 April 1993.



TOTAL TO DATE: 42,667

The 1967 UN Protocol relating to the Status of Refugees, to which the US is a party, basically mandates that refugees not be returned to a place where they may be persecuted. Specifically, article 33 of the Protocol states (and the US Refugee Act of 1980 affirms):

No contracting state shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers or 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.¹⁹⁸

Given the violence involved in the aftermath of the coup, it was likely that Haitians with the most credible refugee claims would emigrate in the first weeks or months of the coup. The US encountered much controversy because there was a perception that returning any Haitians during this time, especially "persecuted" Aristide supporters, would violate this non-refoulement principle. After initial US reluctance to return Haitians, the growing numbers of emigrants forced a policy change. The US was very sensitive to the issue of refoulement, but determined that it applied only to refugees in US territory, imposing no obligation concerning refugees interdicted elsewhere. US immigration interviews were specifically designed to determine if any interdicted Haitians had credible claims as refugees, so that these people could be brought to the US and not returned to where they faced possible persecution.¹⁹⁹

Many critics also suggested Temporary Protected Status (TPS) as a solution. TPS was created under the Immigration Act of 1990. The Act allows the Attorney General to grant aliens TPS under three primary conditions: an ongoing armed conflict in a nation, a natural disaster which would threaten the safety of returned emigrants, or

¹⁹⁸US Congress, House, Cuban and Haitian Immigration, 123-124. Statement of Arthur Helton, Director, Refugee Project, Lawyers Committee for Human Rights.

¹⁹⁹US Congress, House, US Policy Toward Haitian Refugees, 47-48. Prepared statement of Deputy Asst. Secretary Brunson McKinley of the State Department Bureau for Refugee Programs.

extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the Attorney General finds that permitting aliens to remain temporarily in the US is contrary to the national interest of the US.²⁰⁰

TPS has been designated for other countries, notably El Salvador, Kuwait, Lebanon, Liberia, and Somalia. Had the problem in Haiti involved small numbers of emigrants, TPS may have been feasible in this crisis. The US considered granting TPS, having three options as to where to provide this temporary protection: aboard US ships, at Guantánamo, or in the US. The problem is that offering asylum to a large group of Haitians in any of these locations would encourage even greater numbers to seek the same benefit.²⁰¹ These concerns over such an action drawing out larger numbers of boat people vetoed the idea. A related proposal in the House of Representatives was soundly defeated for similar reasons.²⁰²

The Guantánamo Bay Refugee Camps

Judicial restrictions hampered the US interdiction effort throughout the crisis. The 19 November TRO quickly resulted in cutters filling to capacity with Haitians. With the continued stream of boats leaving Haiti, and no place to put the interdicted boat people, another solution was needed. Thus, the US opened refugee processing camps at Guantánamo Bay, Cuba, on 21 November. This allowed for a more orderly processing of potential refugees that was close by, and a more controlled environment than in overloaded cutters at sea. However, the initial anticipated advantages of Guantánamo became problems. The camps themselves became a magnet for further Haitian emigration.

²⁰⁰Immigration Act of 1990, Public Law 101-649, 29 November 1990, sec. 302.

²⁰¹US Congress, House, US Policy Toward Haitian Refugees, 46. Prepared statement of Ambassador McKinley.

²⁰²Secretary of State message, "US Policy on Haitian Boat People."

The refugee processing camps at Guantánamo consisted of two separate camps with an overall capacity of 12,500 Haitians. Comprised of almost 1,800 members from all five US services, Operation GITMO was truly a joint task force.²⁰³ From November 1991 to May 1992, interdicted Haitians were brought to Guantánamo for screening when the volume was too great for on-cutter interviews to handle. Migrants not admitted to the US were repatriated to Haiti (when permitted by US courts). Those that screened-in were then brought to the US to pursue their asylum claims. The camp proved especially useful when TROs or lawsuits prohibited repatriation. The US simply needed a safe location to bring Haitians ashore to process them in an orderly manner.

At the camp, INS officials interviewed migrants to determine whether or not they qualified to come to the US to pursue asylum claims. These interviews applied a less rigorous standard to the applicants' claims than for actual asylum applications. The Guantánamo procedures were technically pre-screening interviews to assess if the individual's claim had the potential to meet the asylum standard. Applicants only had to exhibit a "credible" fear of persecution, rather than the usual standard of a "well-founded" fear.²⁰⁴ This was designed to increase the chances for Haitians to screen-in to provide protection to as many refugees as possible. Throughout the operation of the Guantánamo camps, this would result in a higher screen-in percentage than traditionally experienced by Haitians. Of the approximately 35,000 interdicted Haitians screened at Guantánamo, about 10,800 (just over 30%) were admitted to the US.²⁰⁵

²⁰³Larry Lane, "Haitian Migrants," Soldiers, April 1992, 14.

²⁰⁴US Congress, House, US Policy Toward Haitian Refugees, 60. Testimony of Ambassador McKinley.

²⁰⁵US Department of State, Bureau for Refugee Programs, facsimile to Coast Guard Commandant, Office of Operational Law Enforcement, "Status of Haitian Migrants," 25 June 1992. Provided by Coast Guard Headquarters (G-OLE). The fax reported 11,119 Haitians screened in, although all other reports are in the 10,500-10,800 range. A 14 April

Although Guantánamo was a partial solution to the dilemma of where to put Haitians, there were inherent problems with the screening procedures there. INS officers at Guantánamo had little or no information on the political or security situation in Haiti with which to verify the claims made by Haitian migrants. This was detrimental to assessing the validity of the claims, especially as the volume of immigration grew, forcing INS to quickly assign new adjudicators to the camp, many of whom had little experience handling immigrant cases, and few who had ever been to Haiti.²⁰⁶

Additionally, Haitians quickly learned the "right" stories to tell interviewers in order to be screened-in. Haitian newspapers and circulating crib sheets informed migrants on what type of information INS interviewers were looking for in an asylum claim. No INS officers at Guantánamo spoke creole, forcing INS to quickly hire numerous linguists, one of whom was a Haitian immigration consultant from the US! Many of these translators fed stories to the Haitians, or themselves embellished the stories to enhance the credibility of the claims. INS' inability to correlate immigrants' claims with actual events in Haiti allowed Haitians to make claims of violence that were gross exaggerations or outright lies, yet were believed by the adjudicators. For example, most migrants would claim at least two, and as many as seven family members had been killed since the coup. Many claimed large massacres in their town, even in areas where no violence had occurred. The lack of accurate, first-hand knowledge of conditions in Haiti resulted in many Haitians screening in who actually did not have

1993 CINCLANT SITREP reported that 10,600 migrants had been transported to the US, with 191 still in Guantánamo with AIDS, so 10,800 is probably accurate. Since then, an 8 June US District Court decision overturned a US immigration law which had prohibited US entry to those with AIDS.

(b)(6) [REDACTED], State Department memorandum to US ambassador to Haiti, Alvin Adams, "A Visit to the Haitian Camps Guantánamo Naval Station," 23 January 1992. Provided by Coast Guard Headquarters (G-OLE). Also, US Congress, House, US Policy Toward Haitian Refugees, 60. Testimony of Ambassador McKinley.

HAITIAN INTERDICTIONS BY USCG

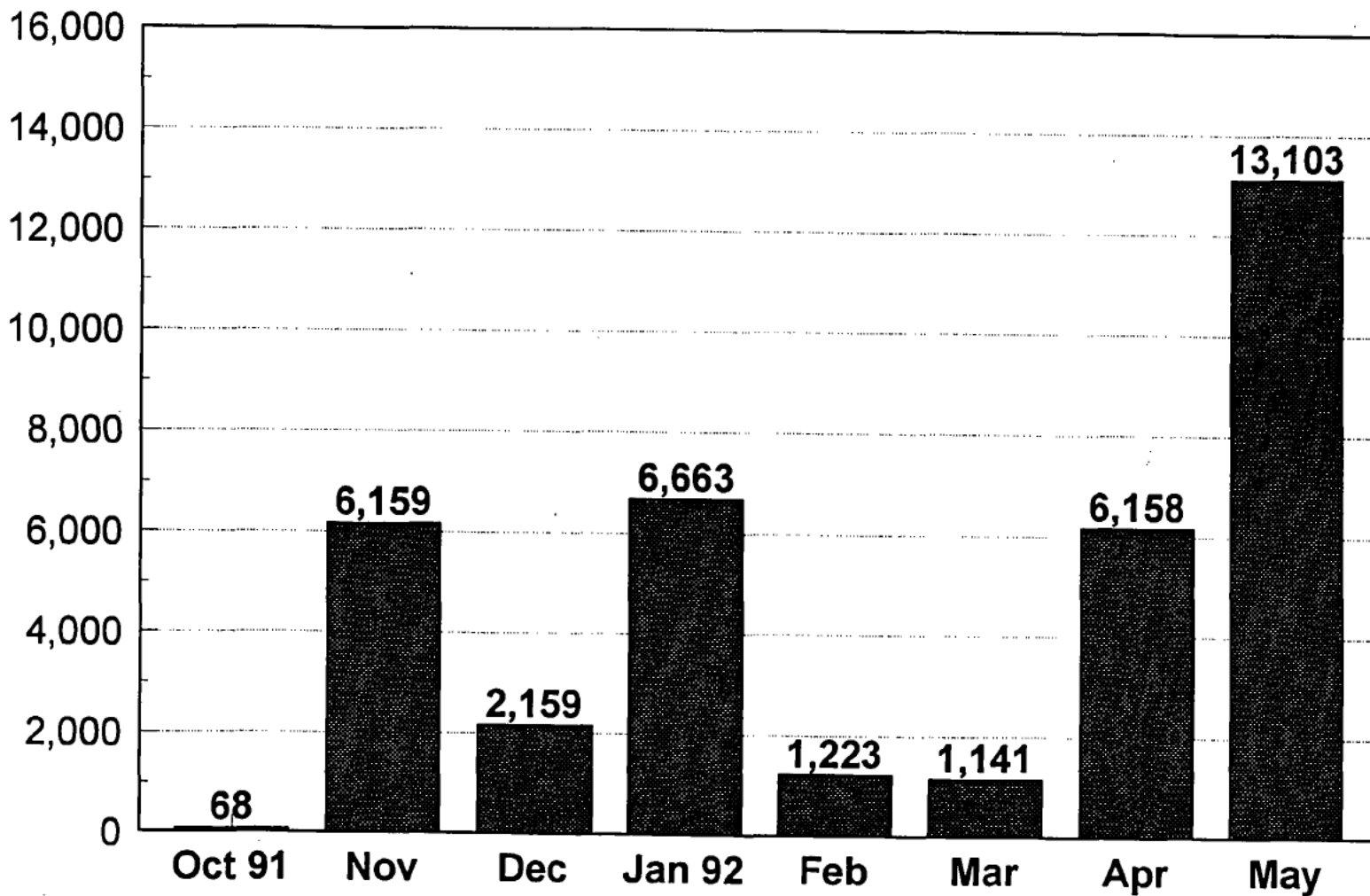


Figure 4: USCG Interdictions from October 1991 to May 1992
Source: (b)(6) USMC, Coast Guard Intelligence
Coordination Center, 15 June 1993.

credible asylum claims.²⁰⁷

As economic conditions in Haiti continued to deteriorate throughout the crisis, the prospect of just making it to Guantánamo induced many Haitians to emigrate. The food, shelter, and medical care at the camps, although not grand, exceeded that available to most people in Haiti. As word got back to Haiti of conditions at Guantánamo, as well as the relatively high screen-in rates, even more Haitians attempted emigration.²⁰⁸ Many Haitians built boats just seaworthy enough to sail out to a cutter or across the Windward Passage to Guantánamo, having no intent to make the 600 mile trip to the US, which exacerbated the lifesaving concerns of US interdicting ships. Perhaps more incredible were stories of people trying to get to Guantánamo so that they could have a medical operation performed that they could not get done in Haiti. Clearly, the refugee camps, rather than creating the orderly processing sites to control the immigration, were contributing to the chaos of the mass migration.²⁰⁹

Throughout the interdiction effort, the political aspects and impacts seemed to be a prevailing background factor. The Bush Administration was cognizant of how Carter's poor management of the Mariel Boatlift hurt him politically, especially in electorally rich Florida, the destination of over 80% of the immigrants. Thus, US policy with respect to Haitian boat people was handled slowly and cautiously to "protect" the president. Particularly after challenger Patrick Buchanan's early primary success and conservative attacks on excessive immigration, President Bush felt additional pressure to take a firm stand on limiting the number of Haitians allowed into the US. At the same time, there was much pressure in the press and from refugee

²⁰⁷(b)(6) memorandum.

²⁰⁸Haiti: A Status Report on Repatriation, 1.

²⁰⁹Gelbard interview.

advocacy groups for leniency towards the Haitians.²¹⁰

In December 1991, the migration slowed somewhat after the first TRO was lifted, despite the fact that another TRO was issued and overruled twice, and then issued again from 17-20 December. The District Court judge also ordered INS to prove to him that its screening procedures were sufficient to ensure that genuine refugees were not being repatriated. While preparing its response, INS liberalized its screening procedures at the refugee camps to the lower asylum standard, resulting in a higher screen-in rate.²¹¹ However, rough weather and the Christmas holiday appeared to slow down the migration in late December-- only 6 boats with 643 migrants were interdicted from 17 December 1991 to 10 January 1992.²¹²

THE SECOND EMIGRATION SURGE

Another large flow of migrants occurred in late January. 107 boats with 6595 Haitians were interdicted from 19 January to 5 February, including 23 boats with 1469 people on 29 January alone.²¹³ This torrent was halted primarily due to a 31 January Supreme Court ruling. The decision concluded the case begun on 17 November, by finding that the US' interdiction and processing of the Haitians was both legal and consistent with international law. This allowed direct repatriations to resume, decreasing the attraction of Guantánamo.²¹⁴ The ruling combined with the 4 February easing of the embargo, and optimism over late

²¹⁰Jill Smolowe, "Showing them the Way Home," Time, 17 February 1992, 44. Also, Deborah Scroggins, "Victims of Cold War? Critics Blame left-over anti-Communist Policies, Election Year Jitters for Closed Door to Fleeing Haitians," Atlanta Journal and Constitution, 4 February 1992, Sec. A1.

²¹¹Secretary of State, message to all diplomatic posts, "Update and Policy Guidance on Haitian Boat People," 251731Z December 1991.

²¹²"Haitian Migrant Operations Time Line."

²¹³"Haitian Migrant Operations Timeline."

²¹⁴Secretary of State message, "US Policy on Haitian Boat People."

February negotiations to return Aristide, to greatly slow down emigration. Interdictions in February and March totalled only 28 boats and 2364 Haitians.²¹⁵

The Supreme Court decision helped ease growing pressure at Guantánamo. By 1 February, 15,000 Haitians had been interdicted. About 4,000 had screened into the US, but only 1,400 of these had been transported out of the refugee camps. The remainder were still awaiting processing and medical examinations.²¹⁶ Because of the TRO's being in effect since 19 November, the US had only been able to make seven repatriation trips (five for voluntary repatriations) for a total of 944 people. An additional 350 Haitians had been transferred to third countries.²¹⁷ Thus, Guantánamo was nearing its maximum capacity of 12,500, and would have exceeded that if not for the Supreme Court ruling and subsequent tapering of immigration in February and March.

Repatriation and In-Country Monitoring

The repatriation procedures themselves were a source of controversy. There were numerous reports of harassment and intimidation of Haitians being returned. When Coast Guard cutters would return Haitians at Port au Prince, the repatriates were met by Haitian officials, US embassy officials, and the International Red Cross. Haitian immigration officials would record the names and addresses of those returning, and photograph and fingerprint many of the repatriates (primarily young men). The fingerprinting is for harassment purposes only, as the Haitian police have no central index to cross-check the prints. After the Haitians meet with immigration officials, the Red Cross provides money (equal to \$15) and a yellow card to be redeemed

²¹⁵"Haitian Migrant Operations Time Line."

²¹⁶US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 10-11.

²¹⁷"Haitian Migrant Operations Time Line."

later for food. The entire process is monitored by US embassy officials, while Coast Guard personnel, the international press, and interested observers freely view the procedures.²¹⁸

While little direct physical harassment has occurred, many question the rationale for the fingerprinting and the questioning besides intimidation of the returnees. Earlier practices, such as fingerprinting children, were stopped only after published pictures in the press highlighted these actions.²¹⁹ The continued presence of US monitoring and international observers have likely reduced other harassment. After some earlier mistreatment of repatriates, such monitoring has transformed the repatriation process into one where Haitian authorities essentially go through the motions of their jobs, with no real capability for harassment.²²⁰

Perhaps more serious, and certainly more specifically alleged, was the singling out, jailing, and physically harming of repatriates after they returned home. There were numerous reports of soldiers showing up at the houses of returned Haitians, arresting and beating them, as well as Haitian officials attempting to track and harass organizers of boat emigrations.²²¹ Were these allegations true, they would undermine US policy of repatriating Haitians from a humanitarian perspective, as well as violate the non-refoulement standard.

The US has set up a monitoring program, and has received assurances from Haitian leaders that these activities are not occurring. Despite the questionable worth of Haitian leaders' promises, this makes

²¹⁸US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 13-14. Also, Amy Wilentz, "Deep Voodoo," New Republic, 9 March 1992, 20.

²¹⁹Anna Husarska, "'Backers,'" New Republic, 16 March 1992, 16.

²²⁰Haiti: A Status Report on Repatriation, 5.

²²¹US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 14. Also, Constable, 187, and numerous other press reports.

sense logically because the *de facto* regime would not want to draw more international attention and sanctions by continued human rights violations. They probably would prefer to see the world forget about, or become frustrated by, the stalemate of the Haitian crisis, leaving the military to establish its own government for Haiti.²²²

The US was slow to institute aggressive in-country monitoring partly because embassy personnel were sharply reduced after the coup, from 82 down to 42, when non-essential personnel were removed for their own safety.²²³ However, beginning in March 1992, extensive State Department and international monitoring increased. While finding that general conditions for Haitians had deteriorated since the coup, these investigations disputed the allegations of Amnesty International and other human rights groups that returnees were being singled out. An early March investigation by a group comprised of Haitian human rights advocates, former Peace Corps workers, and Congressional staffers interviewed over 750 repatriates. They found that some had been questioned by Haitian officials after their return, but not otherwise harassed or abused.²²⁴

US embassy and INS monitoring reached similar conclusions. By 14 April, US teams had interviewed 1,824 repatriates (17% of the 10,672 repatriates to that point), finding no credible claims of persecution or reprisal after the Haitians had been returned.²²⁵ A similar investigation (although much smaller) by the Federation for American Immigration Reform in June, interviewed Haitian repatriates, as well as

²²²US Congress, House, US Policy Toward Haitian Refugees, 53-55. Testimony of Ambassador McKinley.

²²³US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 15.

²²⁴Kenneth Freed, "No Evidence Haitians Sent Home by US have been Mistreated," Los Angeles Times, 16 March 1992, Sec. A10.

²²⁵American Embassy Port au Prince, message to Secretary of State and others, "Consular Sitrep #106 for April 8-14," 211825Z April 1992.

human rights organizations like Americas Watch, the Red Cross, and Catholic Relief Services. None of the repatriates they interviewed had left Haiti fearing political persecution, nor had they experienced any or feared any since being returned. Returnees in some parts of Haiti had been harassed by local authorities acting on their own, but this was common to most citizens, and not limited to the repatriates.²²⁶

An April US embassy message noted that numerous US doctors and missionaries were amazed at how civil actual conditions in Haiti were as compared to US press reports. Expecting widespread violence and killings, they found overall conditions desperate because of the embargo, but otherwise relatively settled. The embassy also noted different events that had been cited in the press as violent affairs, showing how news in Haiti evolves and becomes exaggerated as it travels and is reported in the press.²²⁷

This is not to deny that violence was and is occurring in Haiti. However, the violence and human rights abuses are probably best described as random intimidation by local section chiefs (similar to sheriffs) rather than systematic repression. Neither repatriates nor Aristide supporters are themselves systematically targeted. Many Aristide supporters have been victims, but that is mathematically logical since 67% of the people voted for him, and most of his supporters are no longer in positions to harass others.²²⁸

It is important to note that the persecution and harassment going on does not, by itself, confer refugee status on a person. There must be a specific, well-founded fear of persecution based on race, creed, religion, nationality, political opinion, or membership in a particular social group. Most of the repression in Haiti is for financial reasons

²²⁶Haiti: A Status Report on Repatriation, 1, 6-8.

²²⁷American Embassy Port au Prince, message to Secretary of State and others, "Consular Sitrep #107 for April 15-22," 281419Z April 1992.

²²⁸Husarska, 16.

(e.g. soldiers or police extorting money to supplement their meager income), which has historically occurred in Haiti, especially since the advent of the *tonton macoutes*, and does not meet the standard for refugee status.²²⁹ The US simply does not have the capacity, nor the desire (based on recent public opinion polls) to take in all who are repressed for any reason.

THE APRIL-MAY 1992 SURGE AND THE US RESPONSE

After a relatively quiet February and March, the migration in April and May was immense. The Coast Guard interdicted 79 boats with 6158 Haitians in April, then an overwhelming 152 boats and 13,103 people in May.²³⁰ Operations became so hectic that the Coast Guard announced on 21 May that it would only pick up unseaworthy Haitian boats in distress, leaving others to attempt the trip to the US on their own. The policy was criticized as leaving Haitians to drown in their rickety boats, but reflected the extent to which the cutters were swamped with interdiction operations.²³¹

The filling of the Guantánamo camps to capacity created more pressure on the US' ability to process Haitians, and either bring them to the US, or repatriate them to Haiti to make more room at the camps. INS interviews had lengthened, causing migrants to remain in the refugee camps longer. This induced further immigration by creating the impression in Haiti that higher numbers of boat people were being admitted to the US.²³²

By late May, Guantánamo refugee camp conditions were so crowded, that as many as 800 Haitians remained on two Coast Guard cutters tied up

(b)(6) interview.

²³⁰"Haitian Migrant Operations Timeline."

²³¹"Huddled Masses," Economist, 30 May 1992, 25-26.

²³²Text of "USCG Briefing for Secretary of Transportation on Haitian Migrant Interdiction."

at base piers, for lack of space in the camps. Interdicting cutters at sea were likewise filling up. Officials operating the camps stated that the water, sewage, and electrical facilities could handle no more people. Without a significant upgrade to those facilities, the Haitians would likely face threats from disease and tropical storms very soon.²³³

Realizing the need for a change in US policy, the PCC considered three options as a solution to this unmanageable flood of immigrants. The first was to find a third country to host a large refugee camp (i.e. 25,000 people) to use as a processing center for Haitian migrants. Guantánamo had proven to be too small, and itself was a magnet. Likewise, such a camp in the US was deemed to be the ultimate magnet to attracting more Haitians. This solution was moot, as the US found no other countries willing to assist, even though the US offered to help pay for the camp. Another consideration was to interdict within Haitian waters to have greater control and deterring effect. However, this was judged to be a violation of international law, and hinged on Aristide's unlikely permission. The final option, was to conduct direct repatriations without screening, while simultaneously offering refugee screening in Haiti. This option depended on the cooperation of Haitian authorities, especially in not harassing repatriates. The US seriously considered military intervention if the Haitian government did not cooperate.²³⁴

President Bush issued Executive Order 12807 on 24 May, ordering the Coast Guard to interdict vessels carrying undocumented aliens, determine their intentions, and directly return them to their country of origin if US immigration laws were being violated. The order included a clause allowing the Attorney General to decide that individuals who were

²³³John Lancaster, "Growing Desperation Marks Haitian Camp," Washington Post, 23 May 1992, Sec. A1, A23. Also, Ann Devroy, "US to Halt Haitians on High Seas; Bush Orders Refugees Forcibly Returned," Washington Post, 24 May 1992, Sec. A1.

²³⁴Gelbard interview.

genuine refugees would not be returned without their consent.²³⁵ Bush justified this policy because the latest surge had "led to a dangerous and unmanageable situation." The US could no longer adequately protect the lives of Haitians at sea in their ill-equipped boats. Their safety was best assured by remaining in Haiti, while Haitians who feared persecution could apply at the Refugee Processing Center at the Port au Prince embassy.²³⁶

The US action had the desired effect on immigration, although it was widely condemned. From 24-31 May, the US interdicted 21 boats with 2492 Haitians. Most of these probably left before the Executive Order was publicized. However, once news of the new US policy spread, the migration slowed to a trickle--only 7 boats with 366 Haitians would be interdicted in June.²³⁷ The US action was criticized as racist, cold-hearted, and "an exercise in diplomatic hypocrisy and moral insensitivity," because it ordered direct repatriations without addressing the Haitians' asylum claims.²³⁸ However, these claims were addressed by the Refugee Processing Center.

In spite of significant opposition in Congress and the press, Congress was unable to pass legislation to change the policy. Most Congressmen were ultimately convinced that unless this step was taken, the US would be unable to handle the immigration flow, and Florida in particular would be inundated with Haitian immigrants.²³⁹ Similarly, courts struck down legal challenges by refugee advocacy groups. In

²³⁵"Executive Order 12807--Interdiction of Illegal Aliens," Weekly Compilation of Presidential Documents (1 June 1992) vol. 28, no. 22, 923-924.

²³⁶"White House Statement on Haitian Migrants," Weekly Compilation of Presidential Documents (1 June 1992) vol. 28, no. 22, 924.

²³⁷"Haitian Migrant Operations Time Line." Also see Figure 5.

²³⁸US Congress, House, US Policy Toward Haitian Refugees, 5. Statement by Representative Stephen Solarz. Also widespread in the press.

²³⁹Constable, 186.

July, a New York appeals court briefly suspended repatriation of Haitians who could prove their lives were at risk in Haiti. A few days later, the Supreme Court suspended that ruling setting up a March 1993 hearing to determine the legality of certain aspects of the policy.²⁴⁰

The Refugee Processing Center

A key to the new US policy was the operation of the Refugee Processing Center (RPC) in Haiti. Direct repatriations essentially denied Haitian refugees a way out of the country. In order to meet its humanitarian and legal responsibility to assist refugees, the US was obligated to provide an avenue (such as the RPC) for legitimate refugees to escape. Opened in February 1992, the RPC was only intended to handle 300 or so of the high priority cases--people such as Aristide supporters and members of his government, who were in imminent danger of persecution.²⁴¹ The program itself is rather extraordinary. Such processing is only offered in three other countries--Russia, Vietnam, and Cuba--with Haiti now the only country where any citizen can apply. The other countries restrict applications, but the RPC in Haiti has been open to all Haitians since 24 May 1992.²⁴²

The RPC was initially run out of the US Consular Annex in Port au Prince. State Department, INS, and contracted International Organization for Migration (IOM) personnel assist Haitians with completing forms and the screening process. In October 1992, the IOM, under State Department contract, moved the RPC away from the embassy. Applicants are categorized by risk, with those facing likely persecution due to their political or religious beliefs given top priority. If

²⁴⁰Shari Rudavsky, "Court Lets US Return Haitians; Justices Postpone Deciding Whether Policy is Legal," Washington Post, 2 August 1992, Sec. A1.

²⁴¹(b)(6) interview. Also, Smolowe, "Showing Them the Way Home," 44.

²⁴²(b)(6) interview.

gravely threatened, applicants can be screened through that day, and out in less than a week. As of 23 April 1993, the RPC had received 13,054 applications representing 21,488 people (applicants can include family members on their applications), although not all applications had been completed. 4,372 of these cases had been adjudicated. 292 cases, representing 730 persons, had been approved to enter the US, with 394 of those having been transported to the US.²⁴³

Access to the RPC is relatively free. It is located in a busy section of Port au Prince where applicants can enter discreetly with little, if any, harassment.²⁴⁴ People in hiding have contacted the RPC through intermediaries and have been processed at their point of hiding. Repatriated boat people who fear persecution can be taken right to the RPC (about one mile from where the cutters moor) by monitoring embassy personnel, so the RPC is generally accessible to most all Haitians.²⁴⁵

For several months the RPC was criticized because it was a slow process (cases were adjudicated at the rate of only 100 per week during 1992), and as inaccessible to most Haitians. Many in outlying areas could not travel to the center, nor do most Haitians have access to a phone. Additionally, most Haitians are illiterate and would not be able to write to the embassy or fill out the required forms without assistance.²⁴⁶ Since January 1993, staffing has increased, doubling the

²⁴³(b)(6) interview. The RPC processing is for full refugee status unlike the pre-screening at Guantánamo. Thus, the approval rate at the RPC (14%) overall is less than that at Guantánamo (30%) where there was a lower threshold for asylum claims. Although very few of the Guantánamo claims have been processed in the US, about one-third of those to complete processing have been granted refugee status, meaning about 10% of the overall Guantánamo population are really screening in.

²⁴⁴Haiti: A Status Report on Repatriation, 6.

²⁴⁵US Congress, House, US Policy Toward Haitian Refugees, 51-53. Testimony of Ambassador McKinley.

²⁴⁶Lee Hockstader, "Cutter Ferries 38 to Haiti Under New Rules; Policy Canceling Asylum Interviews at Guantánamo Confuses Boat People," Washington Post, 27 May 1992, Sec. A21. Also, (b)(6) interview.

processing capability. More significantly, the US opened two smaller centers in late April and early May, one in the northern city of Cap Haitien, and the other in the southern city of Les Cayes to allow greater access to Haitians in outlying districts.²⁴⁷

Migration Since Direct Repatriations

Since June 1992, Haitian emigration has been rather subdued. Migration interdictions remained at pre-coup levels with the exception of two surges of over 1,000 Haitians in both November 1992 and January 1993 (see figure 5). A different tactic, smuggling larger numbers of Haitians (as many as 350) on commercial freighters, was helping migrants evade US detection.²⁴⁸ These surges coincided with the November election and January inauguration of President Clinton. During the campaign, Clinton had criticized President Bush's direct repatriation policy, indicating he would reverse it if elected.

In November 1992, Clinton stated he would grant temporary asylum to Haitians until Aristide was returned (even those not judged to be political asylees), and allow Haitians to land on US shores for screening. This gave Haitians the impression that the immigration door to the US would open, and raised US expectations that an immense number would attempt immigration.²⁴⁹ The migration surges also reflected the strong correlation between Haitian perception of change in US immigration policy (e.g. US election and inauguration resulting in a new policy), and subsequent numbers of immigrants.

Briefings to Clinton and his transition team by agencies involved

(b)(6) interview.

²⁴⁸"Haitian Freighters Blamed for Influx of Refugees," Washington Times, 4 December 1992, Sec. A3. Also, text of "USCG Briefing for Secretary of Transportation on Haitian Migrant Interdiction."

²⁴⁹Georgie Anne Geyer, "Quicksand, Fog. . . and Legal Cant over Haiti," Washington Times, 20 November 1992, Sec. F1. Also, Linda Robinson and Kenneth T. Walsh, "Riding a Tide of Hope," US News and World Report, 18 January 1993, 48.

HAITIAN INTERDICTIONS BY USCG

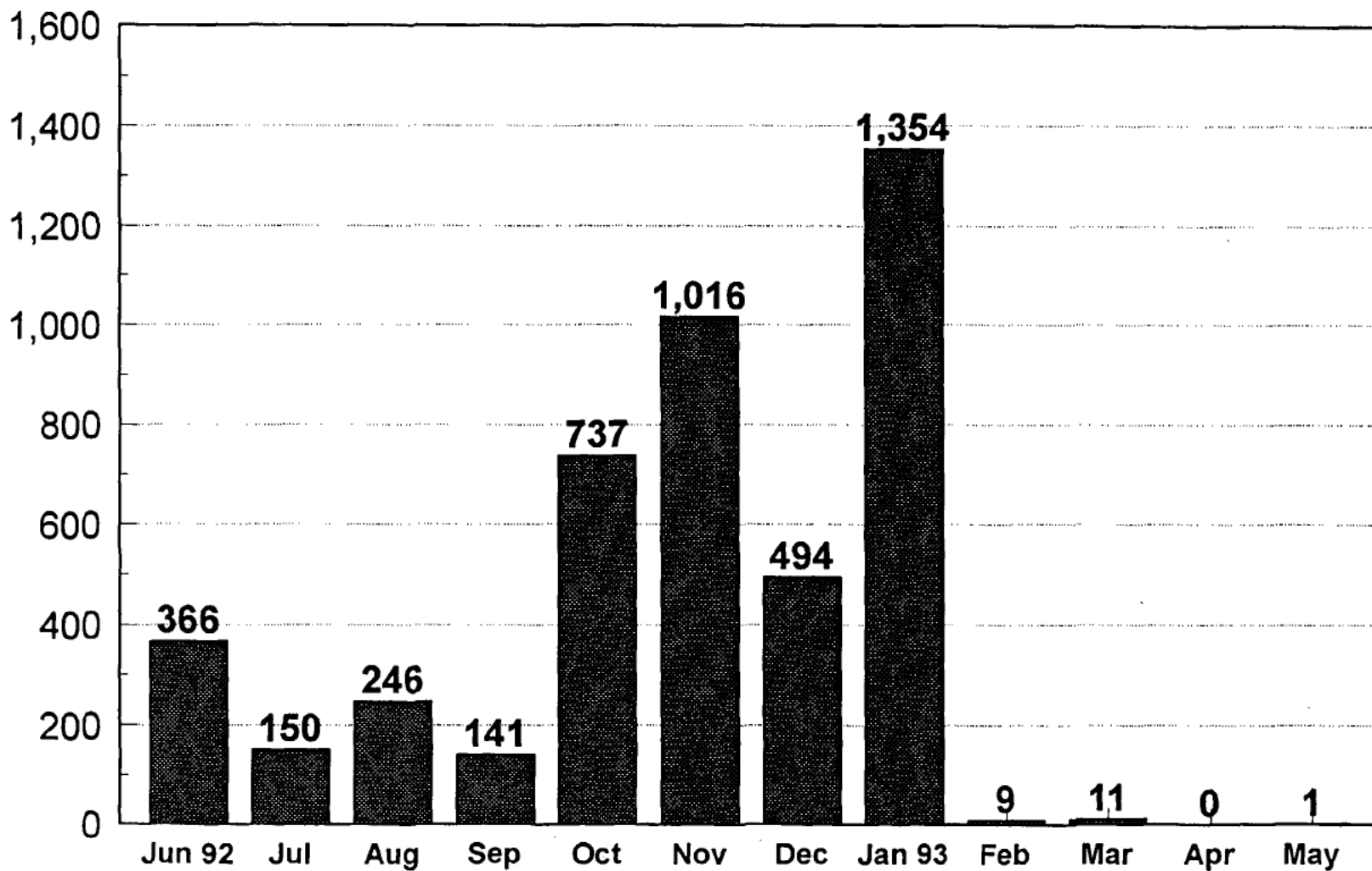


Figure 5: USCG Interdictions from June 1992-May 1993.

Source: (b)(6) USMC, Coast Guard Intelligence Coordination Center, 15 June 1993.

with the interdiction and members of the Intelligence Community convinced the new president to reverse his stance. When warned of the potential impact to the US, and provided with estimates of perhaps hundreds of thousands of Haitians flooding to the US after his inauguration, Clinton implemented Operation Able Manner to prevent such an exodus.²⁵⁰ Perhaps Clinton was also affected by his experience with the Mariel Boatlift. In 1980, under President Carter's pressure, then-Governor Clinton agreed to hold Cuban refugees at Fort Chafee, Arkansas. The Cubans later staged riots that made national news, an incident Clinton has admitted contributed to his electoral defeat that year.²⁵¹

On 14 January, Clinton announced he would maintain the US policy of interdiction and repatriation. In a radio appeal to Haiti that day, he advised Haitians of this intent, urged Haitians to stay in Haiti, and promised to increase in-country processing capabilities and facilities so that Haitians could more easily apply for asylum.²⁵² On 15 January, a cordon of 17 Coast Guard cutters and 5 Navy ships took station around Haiti to discourage the expected exodus following the inauguration.²⁵³ The US continues to maintain a sizable presence of ships for interdiction and deterrence. Only 21 Haitians have been interdicted from 1 February through mid-June (see figure 5).

A final issue to be resolved was the March 1993 Supreme Court case concerning the legality of the US' interdiction and repatriation policy. At issue was whether or not Haitians (or any aliens) have access to US courts and due process rights when picked up at sea by US ships, or elsewhere on US-controlled property. US policy is that they do not have

²⁵⁰Gelbard and (b)(6) interviews.

²⁵¹Geyer, "Quicksand, Fog. . . and Legal Cant over Haiti," Sec. F1.

²⁵²"President Clinton Tells Haitians Leaving by Boat is not the Route to Freedom," Foreign Policy Bulletin 3, no. 4 & 5 (January-April 1993): 133. As covered in the section on the RPC, Clinton did this--doubling processing capability and opening two new centers.

²⁵³J.F.O. McAllister, "Lives on Hold," Time, 1 February 1993, 50.

that access until physically within the US. This is a primary reason for not conducting refugee screening in the US, as once on US soil, the applicants accrue additional legal rights, making returning even those who do not screen-in much more difficult. Had the decision reversed US policy, the US would have no ability to repatriate. Aliens would have unprecedented access to the US legal system if on US-controlled soil or vessels anywhere, greatly undermining the US' ability to control immigration. By an 8-1 vote, the Court upheld the US interdiction policy, ruling that applicable domestic and international refugee laws pertain only to aliens who made it to US shores.²⁵⁴

SUMMARY OF THE INTERDICTION

The US was not adequately prepared initially to handle the large surge of immigrants, especially early in the crisis when the greatest number of legitimate refugees were fleeing. Having little in-country presence in the early months, necessitated a solution like Guantánamo as a screening area, but it quickly outlived its usefulness. The US (notably the INS) took a long time to increase its staff to handle processing large numbers of Haitians, and had great difficulties finding creole interpreters. This is a critical aspect of being able to adequately screen the large numbers of immigrants in a mass migration. It was not until 11 May 1992, that INS more than doubled its staff in Haiti (from 45 to 104 persons), to upgrade its ability to handle the flood of immigrants.²⁵⁵ Slow processing contributed to the overflow of the camps and attracted more Haitians as the perception in Haiti would logically be that people must be screening in to the US if they had not returned in several months.

²⁵⁴Holly Idelson, "High Court to Hear Challenge to Refugee Policy," Washington Times, 1 March 1993, Sec. A3. Also, Joan Biskupic, "Court, 8-1, Upholds Return of Haitians," Washington Post, 22 June 1993, Sec. A1+.

²⁵⁵Lancaster, Al. Also, "Haitian Migrant Operations Time Line."

The US was not nearly aggressive enough in monitoring conditions in Haiti during the early stages of the crisis. This was critical to the interdiction for assessing the validity of emigrants' asylum claims, for tailoring policy if conditions were truly desperate in Haiti, and to justify certain US immigration policies. By March-April 1992, in-country monitoring was adequate, but before that it was quite lacking. In November 1991, following embassy reductions for personnel safety, the US relied on reports from the Red Cross and human rights groups in Haiti to assess conditions.²⁵⁶ Even as late as February 1992, the embassy staff was still down to 42 people (including 7 Marine guards), and had little capacity to monitor conditions in Haiti. Ten two-person monitoring teams had been requested, but were not yet in Haiti.²⁵⁷ Given the magnitude of the crisis, and the allegations of violence in Haiti at the time, a more aggressive effort was required.

One area that the US handled well was the interdiction itself. The Coast Guard, perhaps from its experience in Mariel and continued interdiction over the years, performed well by all accounts. Approximately 550 Haitians reportedly drowned at sea during the migration. The Coast Guard rescued dozens from drowning, medical emergencies, and hunger/dehydration, and undoubtedly saved many others that would have later perished due to their unsafe boats.²⁵⁸ Additionally, there is little indication of Haitian boats avoiding interdiction and sailing directly to the US with immigrants. Four freighters managed to do this in late 1992-early 1993, but sailboat transits to Florida have been quite rare. Although the presence of the

²⁵⁶US Congress, House, Cuban and Haitian Immigration, 95. Testimony of Ambassador Gelbard.

²⁵⁷US Congress, Senate, Haitian Democracy and Refugees: Problems and Prospects, 15.

²⁵⁸Based on search by author and (b)(6) through AMIO files at Coast Guard Headquarters, Office of Operational Law Enforcement (G-OLE) on 17 June 1993.

cutters off Haiti eventually became as much a magnet as a deterrent (until direct repatriations became policy), Coast Guard actions and operations were a credit to that service.²⁵⁹

Although the US received much criticism for its "harsh" and "insensitive" treatment of Haitians during this crisis, several facts point to the conclusion that Haitians emigrated more for opportunistic reasons than because of persecution in Haiti. The fact that the exodus began a month after the 1991 coup, not right afterwards in the midst of the worst violence, indicates that the political crisis itself did not cause the migration.²⁶⁰ Rather, initial US uncertainty over repatriating Haitians, and the opening of the Guantánamo refugee camps, created the perception that the US was accepting immigrants, an avenue to prosperity that Haitians have pursued for over thirty years. This chapter has shown how immigration surged drastically when US immigration policy loosened, and how it slacked when policy tightened.

In December 1991, 73 of 100 Haitian "refugees" in Venezuela, and 111 of 146 in Honduras voluntarily repatriated themselves to Haiti.²⁶¹ That 75% of these people would willingly return to Haiti suggests that they left for opportunistic reasons, not because they feared persecution. After finding they would not be admitted to the US, they returned to Haiti after only a month in these countries of safe haven.

Within Haiti, both Aristide supporters and wealthy elite exploited the migration to their own advantage. Aristide supporters had much to gain by keeping Haiti in the world's spotlight, so as to maintain

²⁵⁹Interviews by author with decisionmakers and others involved in the interdiction unanimously cite this aspect of the US response as extremely effective. Testimony in Congressional hearings also reflect this.

²⁶⁰US Congress, House, Cuban and Haitian Immigration, 67. Prepared statement of Ambassador Gelbard.

²⁶¹Secretary of State message, "Update and Policy Guidance on Haitian Boat People." Additionally, 123 Haitians later voluntarily repatriated themselves from the Turks and Caicos.

pressure on the regime and work for Aristide's return. The primary way to do this was to encourage mass emigration to force the US to deal with the crisis in Haiti. The US might have otherwise eventually given up on resolving the crisis. Some of Haiti's wealthy elite allegedly also exploited the crisis by spreading rumors of easy admission to the US and encouraging Haitians to emigrate, usually at the rate of \$200-\$500, from which the elite profited.²⁶²

Looking back at the exodus, it is clear that although there was much violence (and legitimate refugees) in Haiti after the coup, the vast majority of Haitians left either for economic reasons, or because US immigration policy seemed relaxed. (The statistics as reflected in figure 3 suggest the latter) Easing of US policy was somewhat necessary to accommodate the extreme conditions, but likely also reflected US uncertainty over what policy to pursue. The current policy, with the Clinton Administration improvements is effective and correct because it keeps Haitian emigrants off the high seas in their unsafe boats, removes the magnet effect of Guantánamo or the US, while still humanely availing legitimate Haitian refugees of a fair opportunity to come to the US. At this point, the US must resolve the political aspects of the crisis, so that the pressure on Haitians to emigrate is removed. As effective as the current US immigration stance is, it can not go on indefinitely. A political solution must be reached.

²⁶²Haiti: A Status Report on Repatriation, 10-11.

CHAPTER 5

CONCLUSION

I recognize that the coup in Haiti, the impact of the subsequent embargo and the outflow of thousands of Haitian refugees presents all of us with some very difficult and complex problems to which there are no easy answers or solutions. The refugees are a symptom of a much deeper, more intractable series of problems and I recognize that addressing those problems is the key to finding a long-term solution.

US Congressman Howard L. Berman,
11 June 1992 statement before the House Subcommittees on
International Operations and Western Hemispheric Affairs,
US Policy Toward Haitian Refugees

Control of applicants for mass asylum will continue to pose difficult political and moral choices for the United States. These difficult choices are not going to disappear soon, but they can be alleviated somewhat if the nation pursues a vigorous foreign policy designed to minimize persecution abroad, particularly in the Western Hemisphere. The primary focus must be on the reduction of refugee flow by eliminating "well founded fear". . . .

John A. Scanlan and G. D. Loescher,
"Mass Asylum and Human Rights in American Foreign Policy,"
Political Science Quarterly

The US handling of the recent Haitian crisis was a slow evolution towards an effective policy. Many practical lessons were learned during the various policy implementations. Despite the difficulty in arriving at an effective interdiction and immigration response, the US appears prepared to handle future similar mass migrations as long as it heeds its experience and lessons learned from the 1991-1993 Haitian exodus. However, there is still somewhat of a problem in that few people in high level policymaking positions have come to grips with the fact that illegal immigration is a serious national security problem. As the North-South ("haves" vs. "have-nots") problems and disparities become more polarized in the future, immigration will become an ever more

pressing concern for the US.²⁶³ The US must learn what lessons it can from this Haitian exodus, so that it can control future migration in an effective and humanitarian manner.

It is important that the US profit from its trial and error experience in this mass migration. Although significant numbers of Haitians emigrated during the crisis (over 42,000 to date), there is the potential for larger migrations that would be much more challenging to control. In this migration, the US was fortunate in some respects, as there were three distinct surges of Haitian emigrants. Although the US interdicted substantial amounts of Haitians, there were lulls in between the surges which allowed immigrant screening and other procedures to catch up. A migration the size and intensity of a Mariel (125,000 refugees--most within a two month period) would not allow for stumbling towards a solution or an ad-hoc response.

A prospective mass migration could come from many different countries, either nearby in the Caribbean or from elsewhere. Numerous reports in the press have suggested that hundreds of thousands of Haitians would emigrate if US immigration policy were loosened, as was anticipated in January 1993. A US embassy official in Port au Prince has estimated that 80-88% of all Haitians (about seven million total) would emigrate to the US if they could.²⁶⁴ This suggests that Haitian emigration to the US will be an ongoing problem for which the US must prepare from an interdiction perspective and a preventative perspective.

Cuba also presents itself as a strong possibility as the source of a mass migration if the transition between Fidel Castro and his successor is not smooth, or if that country's economic conditions continue to deteriorate. Emigration from the Dominican Republic, increasing in recent years, could present a similar maritime immigration

²⁶³Gelbard interview.

²⁶⁴Hockstader, Sec. A21.

problem. Similarly, the smuggling of illegal Asian aliens (primarily Chinese) is becoming more of a problem for immigration officials-- although predominately in freighters and into different US ports, posing challenging interdiction problems. The US, with the highest standard of living in the Western Hemisphere, and with its democratic traditions, will continue to attract immigrants from its poorer, violence-prone neighbors, as well as from around the world.

LESSONS LEARNED/CRITIQUE OF US RESPONSE TO THE HAITIAN CRISIS

Perhaps the primary criticism of the US response to the Haitian exodus is that policy evolved in an awkward fashion, probably the victim of short-term thinking. Additionally, too little effort was put into addressing and solving the political aspect of the crisis. As mentioned previously, this migration was somewhat "forgiving" of the slow evolution of policy, but future migrations may not be. On the political side, US policymakers need to understand the fundamental relationship between addressing political and economic conditions in source countries, and controlling immigration to the US. Overall, US policy response to crises like the Haitian exodus must be much quicker and more decisive.

The Slow Evolution to the Solution

Throughout the crisis, the US seemed to think that the situation would soon be over. No one initially thought that the *de facto* regime could hold out so long, or that Haitian immigrants would continue to confound the US for as long as they have. Thus, US responses to the mass migration tended to be reactive, short-term solutions. Admittedly, legal constraints limited US policy options, especially from November 1991 through January 1992. However, by February, repatriations were judicially permitted, and Guantánamo had shown it was doomed because of its limited size and magnet effect. The US should have pursued a

screening center in Haiti or third country much more aggressively.

The problem with bringing Haitians ashore at Guantánamo, was that Haitians perceived the camps as US soil. Especially when screen-in rates were high in early 1992, many Haitians thought they merely had to make it to Guantánamo to be admitted to the US. Rampant rumors in Haiti supported this belief. In order to establish a controlled migration, the US should have established a program for screening refugee applicants either in Haiti, or in some other country not likely to be their final destination. This would reduce the magnet effect of any one country, while also ensuring that the refugees were evenly distributed among many countries. The US by far took in the most refugees from this crisis, although some countries in the region (e.g. the Bahamas and the Dominican Republic) have historically taken a higher number of Haitians.

The most important fact about Haitian immigrants, as with any other boat people emigrating to another country, is that their lives are at risk on the high seas; and they must be brought safely ashore somewhere. The goal of US policy should have been to keep them off the seas where they could be controlled and screened in a more orderly fashion. Using a facility like the RPC with direct repatriations was the answer. Instead it took eight months of interdiction to reach that decision, including interdictions totaling nearly 20,000 Haitians in April and May 1992.

Especially after failed attempts at a third country option, and continued problems with Guantánamo, a screening center in Haiti was the best solution. With embassy personnel drawn down for several months initially, this was near impossible to operate. However, the alternative of Guantánamo proved equally unviable after a few months. The RPC worked well, but only after staff was increased in January 1993, and the two outlying centers were opened later in 1993. Hopefully, US policymakers now realize that this type of determined effort, if used in early 1992, would have been much more effective. In-country processing

allows for better validating of applicant's claims; eliminates the need to provide a large camp complete with tents, medical and other services, and hundreds of US personnel to operate the camp; and reduces the safety at sea and interdiction of overwhelming numbers of boats aspect. All of these problems were discovered during the operation of Guantánamo.

Had the RPC been opened earlier than February 1992, made available to all Haitians prior to May 1992, and processed applications in a timely manner before January 1993, the migration could have been brought under control. Certainly, operating such a facility is extraordinary (it is only available in three other countries), but clearly this was an extraordinary situation. If establishing the center was too difficult initially, perhaps the answer was to militarily occupy a portion of Haitian territory (For example, the Ile de la Gonave) with Aristide's permission, to set up a safe haven and possibly to be used as a refugee screening center.

Establishing safe haven in Haiti (or any source country), as the UN later did in the Yugoslavian conflict, may be a consideration for future similar events. It would be a significant undertaking, essentially involving a substantial commitment of armed forces, but perhaps was the forceful action needed to indicate US resolve and stabilize the refugee crisis. The safe haven probably would become a magnet for many Haitians, but by May 1992, US-sponsored humanitarian programs were feeding and providing medical assistance to many hundred thousand Haitians anyway. Since armed US policymakers seriously considered armed intervention in Haiti at different times throughout the crisis, this concept is not much more than a combination of the responses the US considered.

In-country monitoring

US monitoring of human rights conditions in Haiti has also shown to be deficient, primarily in the early stages of the interdiction. As

columnist William Raspberry has noted,

We shouldn't want our immigration policy set, *de facto*, by the refugees themselves. Unsanctioned acceptance of anyone who manages to reach a US shore (or a US Coast Guard cutter) would not only be bad policy, but also induce thousands of new refugees into leaving Haiti. But we also shouldn't want to run the risk of sending the refugees back to treatment that is beyond the ability of the US government to control, or even know.²⁶⁵

Thus, the US was deficient in not assertively pursuing in-country monitoring in Haiti earlier than it did. By about March 1992, an appropriate effort was put into this effort. However, for the five months before this, the lack of US monitoring undermined the humanitarian aspects of the US interdiction. Effective handling of a mass migration must also be humanitarian. Saving lives at sea is one aspect; ensuring those lives are safe upon return (especially forced return) to their country is another equally as important.

Stalled Political Progress

The second major deficiency in the US response was the lack of pressure and progress on the political side. Throughout the crisis there were two major concerns: returning Aristide, and controlling the flow of immigrants. There is no question the US put much effort into, and took the lead role in the interdiction. While the US made some attempts to pressure the military regime to negotiate Aristide's return, it seemed to defer to the OAS for much of this. Specific measures against individuals involved in the coup and the *de facto* regime (freezing individual's assets, lifting visas) were not implemented until June 1993, too late to have the desired impact. Later pressure in June, including a (US-sponsored) UN ultimatum to the regime, and a worldwide oil and arms embargo on Haiti are the level of pressure that should have been used much earlier. The US should have taken the lead in this realm to the extent that it did with the interdiction.

²⁶⁵William Raspberry, "Put Emphasis on Saving Haitian Lives," Houston Chronicle, 8 February 1992, Sec. A30.

The bottom line is that returning Aristide, ending the embargo, monitoring human rights, and helping rebuild democracy and a viable economy was and is the short-term and long-term answer in to control emigration from Haiti. There will still be some emigration with Aristide in power (1361 left Haiti during his seven months), but at a manageable rate. With Aristide in power, and democratic reforms in place, few, if any of those interdicted would have credible asylum claims. The US aggressively pursued returning Aristide for the first few months of the crisis, then seemed reluctant to institute the tough sanctions necessary to force negotiations until June 1993. Even with the latest pressure applied to the regime, there is a long way to go toward resolving the crisis. Because it has not yet resolved the underlying political and economic basis for the mass migration, the US continues to be occupied by the problem. Only the continued Coast Guard barrier around Haiti is preventing further migration. The US cannot continue this posture indefinitely.

On a lesser note, the US also performed poorly in "selling its story," or winning public support for its policies toward Haitian immigrants. Similar to waging war, public support is the crucial underpinning of a successful foreign policy operation. During the Haitian crisis, the media was saturated with condemnation of US policy, of the brutal conditions in Haiti, and US hypocrisy and insensitivity for its actions. The US could have more aggressively emphasized its efforts to save Aristide's live during the coup, its humanitarian actions in saving lives at sea, its in-country monitoring (once well-established), RPC applications and procedures, and the US' share of refugees accepted compared to those accepted by other countries. Had the US done a better public relations job, perhaps policy decisions would have been less constrained by hostile public opinion. Certainly US sentiment currently supports limits on immigration, with most Americans feeling this nation's borders are already too porous.

President Clinton, earlier criticized for his policy reversals on Haiti, has handled the crisis well thus far, although he did not face the urgency and additional constraints of an ongoing mass migration while in office. He implemented necessary and fair improvements into the RPC screening process. He made overtures to Haiti, increased pressure on the military regime, and breathed new life into the negotiations. The US must continue to explore new avenues for applying greater pressure on the regime to restore Aristide to power.

Summary

In spite of the problems encountered during the Haitian migration, the US hopefully is prepared to handle future maritime mass migrations. Certainly, the US learned the limitations of different policy responses in this crisis. A key point is finding the migration motivations and addressing them in a humanitarian manner to control the migration. In a migration such as this, many immigrants will qualify for refugee status, but the US must take measures to deny admission to those who are merely exploiting the system. It is abundantly clear that Haitian perception of an open US immigration policy, fueled by economic deterioration, is the motivating force behind Haitian mass migration. It cannot be denied that political instability and violence were significant factors, since the whole crisis originated in the 1991 coup. However, the close tracking of immigration surges and lulls with US immigration policy indicate that US policy was the primary motivating force. This indicates the importance of a fair, but consistently stringent US immigration policy, so that the US does not induce surges upon itself.

Future US responses cannot afford to be ad-hoc, given urgency only when Coast Guard cutters fill up with immigrants. The Intelligence Community must provide adequate warning when conditions are favorable for a mass exodus. The approximate size of the expected outflow must also be indicated, although this is often difficult as a migration can

build off its own momentum. This intelligence will allow operators and policymakers adequate time to prepare a response, rather than employing successive short-term solutions.

An all-encompassing mass migration contingency plan is probably not a viable solution. The circumstances and countries involved in different mass migrations will make responses drastically different. The two countries--Haiti and Cuba--from which the US has handled recent mass migrations are excellent examples of the diversities involved.

The US has different immigration agreements (or no agreement) with likely source countries, affecting the way the US is obligated to handle emigrants from those nations. The US may be able to exert more pressure on human rights conditions in certain source countries. The issue of interdicting US boats carrying immigrants (as in Mariel) is easier to contain than interdicting foreign flag boats. The US can use US legal means (e.g. fines, seizure of boats, imprisonment) to deter boat operators, but must physically interdict foreign boats. Thus, contriving a generic response plan is not feasible. The US should learn its lessons from the Haitian crisis, with each involved agency developing its own internal controls and revisions to ensure that exposed deficiencies are corrected. Agencies should use these lessons to make preparations so that they can quickly respond to future mass migrations.

US LONG-TERM POLICY TOWARDS HAITI

Haitian emigration to the US has been an ongoing problem for over thirty years. As the recent crisis has demonstrated, this problem has only intensified. The best way for the US to handle future mass migration from Haiti, is to prevent it from happening at all by addressing the fundamental conditions that cause Haitian emigration. Resolving the political stalemate in Haiti is but the first step in this process. As US Representative to the OAS, Luigi Einaudi has commented,

a political settlement--whatever particular shape it takes in Haiti's particular circumstances--will not conclude our common involvement in Haiti. Rather it will set the stage for us to help address long unmet needs of the Haitian people.²⁶⁶

In Haiti, there is a need for international economic aid, as well as extensive human rights monitoring to help Haiti rid itself of its violent tyrannical past. The 1991 coup demonstrated that establishing democracy in Haiti will require much more than simply holding free and democratic elections. Haiti needs international observers to protect Aristide, prevent further human rights abuses by the army and police, as well as prevent those by Aristide's supporters.

One wonders if the Haitians can overcome their tyrannical and violent past, and evolved to democracy without substantial outside assistance and direction. Perhaps if the current negotiations are not successful in installing democracy and stability, a UN/OAS armed occupation is needed to impose order and help the transition to democracy. The international climate does not seem open to this (similar proposals failed for Yugoslavia), however this is a smaller scale operation, and less likely to involve significant loss of lives given the size and relative ability of Haiti's military.

Nevertheless, consideration for Haitian sovereignty must be respected. Additionally, the US need only look back at its failed intervention from 1915-1934 to see the potential pitfalls. Although the US went in to stabilize Haiti (and protect US citizens and investments), it accomplished very little in the way of promoting democracy. The current crisis in Haiti is witness to the fact that the US occupation had little long-term bearing on Haitian stability or democracy. However, if the stalemate goes on, the temptation for this type of action will become more appealing as a means to conclude the crisis.

Meanwhile, providing stability and assistance for a transition to

²⁶⁶ "Continuing Efforts to Restore Democracy to Haiti," 21 January 1992 statement by OAS Representative Einaudi before the OAS, Foreign Policy Bulletin 2, no. 4 & 5 (January-April 1992): 135.

democracy is probably the best avenue for the US to pursue. The presence of international human rights monitors, as well as US/OAS delegations can assist in this regard. Helping Haiti separate its army and police functions; strengthen its judicial system; assisting the legislative branch in acquiring a status equal to the executive so that Haiti's historical presidential excesses can be avoided; and bringing about genuine reform for Haiti's poor will provide an environment where democracy and international investment can occur. The US has certainly contributed its share of economic aid to Haiti over the years. However, monetary aid by itself has not brought about significant change in Haiti.

With the recent ecological and agricultural devastation of Haiti, creating a stable atmosphere for investment is the correct approach for the US. Economic aid alone will not work, although a long-term commitment to humanitarian aid will be necessary to help Haitians recover from the past two years, as well as decades of poverty. By encouraging US business investment in Haiti, the US can ease the plight of poor Haitians and further contribute to stability. Only by addressing these long-term needs can the US ease emigration pressures and prevent a future mass migration.

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