

Haitian Treatment Divides Church and State

By Tammy Tanaka
Religious New Service

The Haitian "boat people," supported by religious groups concerned with global human rights and rejected as illegal aliens by the U.S. government, have become an important test case for American refugee policies.

Leaders of the U.S. Catholic, Protestant, and Jewish communities maintain that the Haitians are legitimate refugees who face reprisals from the brutal dictatorship of President-for-life Jean-Claude Duvalier and should be given the same asylum rights as the thousands of Indochinese and Cubans who have been welcomed to American shores.

The U.S. government, however, has refused to budge from its position that the Haitians are mainly fleeing economic, not political repressions, and therefore don't qualify for refugee status.

"We need to close our borders, patrol our borders. We're trying to send the message they should come legally," says U.S. Justice Department spokesman Arthur Brill. "We believe 90 percent of the Haitians are here for economic reasons. There are literally millions in the Caribbean who would love to come here if we gave the perception that our borders are open."

To underscore its decision to draw the line on the Haitians, the Reagan Administration in October began "interdicting" boats suspected of carrying Haitians. But in the first month after the order went into effect only one vessel carrying 56 Haitians was interdicted, Brill explained. "The boat was sinking, so we actually saved the people." He said the crackdown has slowed down the number of boats run by smugglers.

Recently the government announced plans for an interim detention center for "illegal aliens" in New York where Haitians and others will be taken. Some 2,700 Haitians now detained at 16 centers across the nation while awaiting amnesty hearings will be transferred to this new location, the Fort Drum Army base near Watertown.

In line with its new strict policy, the Immigration and Naturalization Service (INS) since mid-July has refused to allow the Haitians to be resettled on parole while awaiting their hearings — despite the fact that church resettlement agencies say they have sponsors willing to take them.

These actions have aroused the anger and concern of church leaders and human rights activists who are now working on various fronts on behalf of the Haitians.

They argue that U.S. policy against Haitians smacks of racism, and that the Haitians would face severe reprisals if sent back. The Haitians arriving in Florida are mainly poor impoverished blacks.

"We voice our grave concern over the treatment of certain groups who seek shelter in the United States," said an interfaith letter sent to President Reagan.

It was signed by Dr. Claire Randall, general secretary, National Council of Churches; Bishop Thomas C. Kelly, general secretary, U.S. Catholic Conference; and Rabbi Bernard Mandelbaum.



Philomise Louis, 13, weeps by the casket of her mother during a funeral in Miami for 10 Haitian refugees who drowned when their boat was swamped in turbulent seas off Florida.

general secretary, Synagogue Council of America.

"We urge you to take immediate action to uphold the due process of asylum seekers in this land ... to end the interdiction policy, and to direct national attention towards contributing to the alleviation of the fundamental root causes" of the refugee problem, the interfaith letter said.

Similar appeals have come from other groups, including the Lutheran Council in the USA, American Jewish Committee, and the Southern Christian Leadership Conference. Also voicing strong support for the Haitians are the church relief agencies involved in Haitian resettlement, and interfaith and religious leaders in the Miami area, which has borne the brunt of the Haitian refugee influx.

Catholic Archbishop Edward A. McCarthy of Miami asserted that "with proper setting of national priorities and use of natural resources, there should be a more humane way of treating our brothers and sisters, our Caribbean neighbors ..."

Plans to send all the detained Haitians to Fort Drum near the Canadian border, where temperatures dip to frigid temperatures, have raised loud protests.

"It's the closest thing we have to Siberia," says Ira Kurzban, an attorney for the Haitian Refugee Center Inc., in Miami, which is funded by the National Council of Churches and other groups and has been involved in Haitian litigations since 1973.

Fort Drum, a sprawling Army base capable of holding 3,000 people, was chosen because it met the government's criteria of "capacity, availability and minimal impact on defense operations." But annual snowfall there reaches more than 12 feet and winter temperatures plummet to 30 degrees below zero.

"The United States is still welcoming close to 500 Indochinese each day, and will probably take 10,000 Poles before the end of the year," complained Father Gerard Jean-Juste, executive director of Miami's Haitian Refugee Center. "The matter is not that there is no room for refugees, but they don't want these boat people ... In Haiti, life is a problem. We could solve the

problem by improving the situation at home."

The Haitians have opened the lid on a myriad of controversial issues related to U.S. immigration and refugee policies. Since the early 1970s, Haitians have been a symbol of what church activists viewed as an unjust U.S. refugee policy. Before the new 1980 Refugee Act was adopted, only persons fleeing from the Middle East or communist countries were given legal refugee status. Church groups led initially by the National Council of Churches had argued that the policy discriminates against persons fleeing repressive rightwing dictatorships, especially in Latin America.

The 1980 Refugee Act tried to correct this bias by adopting the United Nations' definition for political refugees which hinged on a "well-based fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion." It applies to a person fleeing any repressive regime of the left or right. The law also protects fleeing persons who have a well-founded fear of persecution if they are forcibly returned.

But several problems have arisen in applying the new law. It was created "to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States ... The term 'special humanitarian concern to the United States' is a key phrase. U.S. refugee officials have pointed out. It means, they said, that admission of refugees will ultimately be tied to U.S. foreign policy and national interests as well as humanitarian concerns.

The United Nations' definition for refugees doesn't specifically include persons fleeing for economic reasons. On this ground, the INS has tried to disqualify most of the later flow of Vietnamese boat refugees as well as the Haitians. But the INS has reluctantly agreed to continue admitting the Vietnamese, under pressure from Secretary of State Alexander Haig, who argued that the Vietnamese would face reprisals from the communist government if forced to return and also that the continuing exodus of Asian boat people would cause havoc and destabilize bordering Southeast Asian U.S. allies.

Supporters of the Haitians charge that the government is using a double standard



— that the situations of the Indochinese and Haitian boat people are similar and deserve parallel treatment. Observers have noted that because the Duvalier regime is considered "friendly" to the United States, accepting political refugees from that country poses a diplomatic problem. This is especially true since the Reagan Administration is now seeking to work with President Duvalier and other friendly Caribbean leaders in a long-range plan which includes aid to improve conditions in those countries. The decision to interdict the Haitian boats was made by President Reagan with the cooperation of Jean-Claude Duvalier, who said persons returned won't face reprisals.

These moves have brought cold responses from Haitian supporters in the church community, who argue that documented evidence from Amnesty International and other sources show "a continuing policy of human rights violations by Haiti" and there is no assurance returned persons won't be persecuted as many claim they have in the past.

With a per capita income of just over \$200 a year, the Haitians are the poorest people in the Western Hemisphere. Haitian supporters agree that economic deprivation is one cause of the mass exodus of Haitians to the United States, but that the harsh political and social system imposed by Duvalier is their main reason for fleeing.

The exact numbers of Haitians who have successfully made the 800-mile trip across the ocean to the Florida shores in unknown. They have been coming since about 1972, most of them melting into the growing Haitian communities in New York, Miami, and other areas. There were some 6,600 known cases of Haitian arrivals in Florida through 1978, but estimated tens of thousands more have arrived.

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