

I began representing Haitian refugees here in South Florida in 1977. Haitians came by boat to South Florida beginning around 1973. The first boat was called the *Saint-Sauveur* and at that time Haitians were treated very much like Cubans. They were basically released from the boats, they were given places to stay, they were not detained. Afterwards as more Haitians started to come by boat the government's policy changed and they started to differentiate between Haitians and Cubans and so Cubans were treated very differently. They would come by boat, they would be released immediately, they would often be given financial assistance and so when you contrast that treatment with how the Haitians were treated: no residency, no status, put in custody, government trying to constantly deport them. There was a stark difference in the treatment.

In 1991 there was a democratic government was elected in the end of 1990 and within eight months there was a *coup d'état* against the democratically elected president, Jean Bertrand Aristide. Once that coup took place, Haitians jumped on boats and started to leave the country in very large numbers. The first response by the government, the president at that time was George Bush the senior, he was allowing Haitians to come in for the first five days because there were massive slaughters of Aristide supporters in Haiti. Within a week or two however, Bush, while he was vacationing in Kennebunkport, Maine, issued an order which became known as the "Kennebunkport Order" basically saying, "no, we are going to turn Haitians around and send them back, notwithstanding the conditions in Haiti. We ran into federal court, we filed a lawsuit, we enjoined the government, the United States district judge from sending the Haitians back. Since they could not send them back they took them to Guantanamo and that was really the first time that Guantanamo was used for purposes other than a naval base.

I was one of the first lawyers actually who went to Guantanamo and went in the camps and we took a lot of discovery, meaning we asked a lot of questions under oath of government people there and we found out that they were just denying all their asylum claims in Guantanamo just to push them back to Haiti without any regard of what was going on so we tried to stop that. Well, that meant that many of those Haitians came to the U.S. but the government insisted on keeping Haitians who were HIV+ in the detention center at Guantanamo and then others brought a lawsuit challenging the government's right to do that and eventually many of those Haitians, there were not that many, but a large number of those Haitians came into the United States under medical treatment and under safeguard. But we basically stopped the government from physically taking all of these people back to Haiti.

When we started they were denying about 90% of them. By the time we ended, they were approving about 88% of them, so it was a complete reversal after they were applying the right standards. Father Jean Juste who played the pivotal lead role in all this was a Haitian priest who was really the motivating force in getting the Haitian community organized in South Florida, in demanding rights for Haitians because the interesting thing for me was this was not only a legal battle; it was a grassroots battle that used legal means. The question is, why did we need Guantanamo? Why didn't we just allow the people in? Why did Bush, after seven days, all of a sudden say, "no, we are going to stop the Haitians from coming in." So to me, Guantanamo is a symbol, unfortunately initially of America's racism and how they treat black refugees who are fleeing persecution because there is no doubt - in 1991 5,000 people were executed within 48

hours after the first coup against Aristide - that people were really fleeing for their lives. And so what if we brought 20,000 people in, or 40,000 people in? You know, we brought 260,000 Cubans in and nobody said a word but it became kind of a gulag, almost a gulag in the United States by saying we do not want to keep people physically in our country so let's find a place where we can keep them out of sight, out of mind, *et cetera*, and that is, you know, I think that is how Guantanamo got started, that is how it is used today. I think there was a great deal of human tragedy that was hidden from the American people because Haitians were taken to Guantanamo and how they were treated there, the conditions that they were kept under. something that I think will always resonate as a... you know, something that we as Americans should be ashamed of in the treatment of people.