

## **Building (In)existences in the U.S. American Empire: The Plight of HIV Haitian Refugees in Gitmo**

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“Many of the American kids even accused Haitians of having AIDS because they heard on television that only the “Four Hs” got AIDS – Heroin addicts, Hemophiliacs, Homosexuals and Haitians.”

Edwige Danticat, *Breath, Eyes, Memory* (1996: 51)

### **Abstract:**

The consequences of the global impact of the American Empire are becoming conspicuous. The history of the “melting pot” nation overflows with disavowing episodes of victims of the imperial mechanisms, and culminates in the creation of a double tier of citizenship that unfolds into full personhood on the one hand, and rightless and displaced individuals, on the other.

During the 90s, Guantanamo Bay Naval Base was repurposed into a Haitian refugee camp, and later into an HIV concentration camp. The base liminal geopolitical situation was exploited in order to transform Haitian refugees into rightless individuals, which was supported, at home, by official narratives that created the black body as a diseased and polluted location.

This paper thus intends to explore the mechanisms of creation of the double tier system of citizenship that were in place in Guantanamo Bay Naval Base during the Haitian occupation.

Keywords: American Empire, Haiti, refugees, Guantanamo Bay Naval Base, HIV.

### **Resumo:**

As consequências globais do Império Americano começam a tornar-se conspícuas. A história da nação do “melting pot” revela inúmeros casos de recusa das vítimas dos mecanismos imperiais, e culmina na criação de uma dupla estrutura de cidadania que se desdobra numa cidadania plena, por um lado, e em indivíduos destituídos de direitos e deslocados, por outro.

Durante os anos 90, a Base Naval da Baía de Guantánamo foi reconvertida num campo de refugiados e, mais tarde, num campo de concentração de doentes com VIH. A situação geopolítica liminar da base foi explorada no sentido de transformar os refugiados haitianos em indivíduos sem direitos, uma ação apoiada por discursos políticos oficiais que criavam o corpo negro como o epicentro da doença e da poluição.

Este artigo pretende, assim, explorar os mecanismos de criação da dupla estrutura de cidadania presentes na Base Naval da Baía de Guantánamo, durante a ocupação haitiana.

Palavras Chave: Império Americano, Haiti, refugiados, Base Naval da Baía de Guantánamo, VIH.

## Introduction

It is a long-standing tradition to avoid the usage of the concept “empire” when it comes to the United States (U.S.). This is obscured by the narrative of American Exceptionalism, which instrumentalizes the American participation in foreign affairs in order to self-assert the role of the U.S. as keepers of international peace and freedom. Recently, however, scholars are beginning to discuss the matter and the worldwide implications of the politics of the U.S. Empire are slowly becoming visible.

According to Robert Young (2001), in *Postcolonialism: An Historical Introduction*, an *empire* achieves dominion over “others” either through subjugation or governmental and financial spheres of influence and although these are strikingly different processes, both exercise power by implementing institutions and ideologies in the surrogate country. In the past, *imperialism* was a competition played in the international field in which the goal was to control acquired territories and resources. Since both were limited aims this implied the constant struggle amongst imperial powers over one or the other (Young 2001). Nowadays, and after the decolonizing effort that took place at the end of World War II, the term *empire* is almost entirely avoided. This doesn’t mean, however, that the imperial practices have also disappeared. In fact, currently, as in the past, imperialism has a global reach and its tentacles cover the whole spectrum of life (Thiong'o 1997). Ngugi Wa Thiong'o (1997), in *Decolonizing the Mind: the Politics of Language in African Literature*, upholds that, by allowing the imperialist impetus to survive, the subsistence of the modern western financial world was built upon the prolonged theft of the colonial zones of the globe (Latin America, Africa and Asia).

By revising the last 200 years of U.S. history, the imperial reality becomes conspicuously noticeable. As previously stated, for their survival empires are permanently competing for expansion and new avenues of influence. Once the conquest of the “Western Frontier” was completed, the quest for new *frontiers* became the objective of the newly formed empire, and the rest of the Americas fighting for their freedom from the old European powers became the perfect opportunity. Nevertheless, the Monroe Doctrine insisted on the nobility of U.S. intentions and assigned this nation the role of the protector of America against Old Europe’s aggression and corruption. Self-prevented from conquering, annexation (lease and purchase) of territories was viewed as the next possible solution, as it would

allow for the advantages of new territories (exploitation of resources, development of military infrastructure, less bureaucratic impediments), without the complications that naturally occurred. Moreover, the technique of aggressive subjugation had multiple inconveniences – it would not only shatter the U.S. mask, as the protector of freedom, but it would also allow for the entrance of *undesirables* into the country (Hernández, 2005: 2). Ironically, thus, the history of the “nation of immigrants” is drenched with *distress of immigration*, a sentiment that has mutated over the years but remains indelible in the U.S. fabric and is responsible for producing a biased system of citizenship (Hernández, 2005: 5).

For the purpose of this paper I intend to explore the nature of the doubled tier system of citizenship, which stems from the process of acquisition of new territories, and that is capable of splitting this constitutional right into full personhood and rightless subjects. Notwithstanding the abundance of cases available, I will focus my analysis on the exodus of the Haitian population, with special emphasis on the 80s and 90s, a period that witnessed waves of refugees reaching the shores of Florida fleeing the repressive double dictatorship of “Papa Doc” Duvalier and his son, “Baby Doc” Duvalier, and later the *coup d’état* that deposed President Aristides. In the period of study, to the paranoid fear of immigration was added the unfounded fear of the Haitian body, and in order to dissuade other refugees from trying to flee to the U.S., the Coast Guard began the refoulement without due process, in a blatant violation of both international and national laws. After national unrest over this course of action, the refugees caught in international waters were instead placed in *limbo*, that is, behind barbed wire in the Guantanamo Bay Naval Base (GITMO). This incarceration of refugees solely based on racial arguments was intensified with the segregation of HIV positive individuals, thus transforming GITMO into the first and only HIV concentration camp in history (Koh, 1994: 159; Ahuja, 2015: 1). Therefore, I additionally propose to develop a parallel comparison between GITMO’s past usage with its current use as the detention center for *enemy combatants*, a category created in the post-“9/11” era that has the ability of not only refusing but also stripping away citizenship from those detained. The past and present usage of GITMO, combined with the evolution of the (mis)treatment afforded to migrants, are thus linked together in an effort to expose

the mechanisms deployed in the creation of a new category: the displaced and rightless subject (Paik, 2010: 40).

### **The U.S.-Haitian relationship throughout history**

The creation of an HIV “humanitarian” camp for the Haitian refugees at GITMO was only possible because of the ancient imperial connections between the two nations – Haiti and the U.S. (Ahuja, 2015: 4). This biased relationship, which gains visibility in Guantánamo Bay Naval Base, is representative of the U.S. struggle for a tighter control on continental mobility paths, and is part of a broader field of imperial relations, as Neel Ahuja describes it: “[t]his work of power occurs in a broader context bringing together Haiti, Cuba, and U.S. domination of the Caribbean” (Ahuja, 2015, 6).

The imperial history of U.S. presence in Haitian soil is filled with episodes of occupation and slavery. Later, avoidance is the predominant characteristic that defines this tortuous relationship, which stems from the Haitian colony's early claim on independence (1791 – 1804). The first *Black Revolution* in the Americas that resulted in emancipation and freedom from slavery posed a real threat of “contagion” to the U.S., especially to the South, whose economic system relied heavily on slave fieldwork. The possibility of black individuals forming an independent and functional *Black Nation* was a perilous idea that could spread like a virus through the slave population and have fatal results (Paik, 2006: 3). Hence, Haiti was constructed as an ungovernable place, a “model of dependency, plagued by instability that reveals [...] the sorrows of poverty and inequality” (Ahuja, 2015, 7), and the Haitian body as a disease ridden location and the epicenter of physical and social contamination. The multiple U.S. interventions<sup>1</sup> in Haiti embedded this racial construction into the U.S.’ social imagination and conspired to create Haiti as a desolate and hopeless place, whose inhabitants, who became known as Haiti “boat people”, were the visible consequence. This carefully crafted notion of Haiti’s inability to govern itself, as a perpetual castaway, serves to justify the numerous “humanitarian” U.S. interventions and the political segregation that targets this particular group (Ahuja, 2015: 2). These racial fantasies of the “other” were at the

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<sup>1</sup> I am referring to the occupation of Haiti between 1915 and 1934, transforming the island nation in a U.S. dependency; the support of its two dictators, Papa Doc and Baby Doc Duvalier; the undermining of the only democratically elected president, Jean-Bertrand Aristides.

basis of a politic of exclusion responsible for the refusal of thousands of asylum requests by Haitian refugees.

The exclusionary politics were legalized in 1978, when President Jimmy Carter signed the Haitian Program, an initiative that singled out Haitians amongst other Caribbean people on the basis of their national political regime. The program had three objectives: the detention of Haitian asylum seekers already in the U.S. (turning those already living within U.S. borders and having no refugee status into *illegal aliens*); the refusal of due process, and the discouragement of other Haitians seeking asylum in the U.S (Paik, 2006: 8). Ironically, the Haitian Program welcomed Cubans and other refugees fleeing communist countries, while excluding Haitian and other migrants from capitalist and/or allied countries (Ahuja, 2015: 8). The true reasoning for this program was thus to extend into eternity the Cold War narratives of American Exceptionalism at the expense of the Haitian refugees “[that] faced militarized practices of refoulement [...] which singled out Haitians but also drew Haiti into a broader program of border militarization against Mexicans and other potential refugees from supposedly *friendly* countries across the Americas” (Ahuja, 2015: 8)<sup>2</sup>.

Despite its branding of Haitians as *undesirable* upon the inception of the *Black Republic*, the U.S. immediately initiated an exploitative relationship with the island nation, and rapidly became its chief trading partner (Paik, 2006: 4). This unjust partnership was confirmed with the occupation of the territory in 1915, in which Haiti ceded full control to the occupying force and the U.S. took the opportunity to abolish laws preventing foreigners from acquiring lands. This resulted in the creation of a mass of landless people, displaced in their own country, and reduced Haiti to an “apparent state” (Paik, 2006: 8; Braziel, 2006: 151). The combined dictatorship of François “Papa Doc” Duvalier and Jean-Claude “Baby Doc” Duvalier”, both allegedly engineered by U.S. political influence, contributed to the maintenance of this dysfunctional relationship by declaring Haiti a “free trade zone” and by “disappearing” all dissident voices through the aid of the *Tontons Macoutes*, the presidential military force – a militia vicious enough to leave its mark on the collective imagination of the population, as Haitian writer Edwige Danticat refers:

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<sup>2</sup> Emphasis in the original

In the fairy tales, the Tonton Macoute was a bogeyman, a scarecrow with human flesh. He wore denim overalls and carried a cutlass and a knapsack made of straw. In his knapsack, he always had scraps of naughty children, whom he dismembered to eat as snacks. If you don't respect your elders, then the Tonton Macoute will take you away (Danticat, 1996: 138).

Unsurprisingly, the first refugees who reached Florida's shores were fleeing the repressive regime of "Papa Doc" Duvalier. Nevertheless, it was only when Haiti was declared a true "free trade zone", during "Baby Doc" Duvalier's regime (1977) that the true waves of refugees seeking political asylum reached the U.S. By categorizing the refugees as "economic" rather than "political", the U.S. was able to refuse all the asylum requests.

According to the United Nations High Commissioner for Refugees (UNHCR), a refugee is defined as:

any person owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, [who] is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (Protocol Relating to the Status of Refugees, Article 33, 1967, apud Wedderburn, 2003: 2).

To individuals in these conditions, the United Nations (U.N.) stipulates only two possible solutions: resettlement or repatriation, both occurring under the supervision of this organization (Wedderburn, 2003: 3). Nowadays, resettlement to the U. S. obeys four criteria, namely:

meet the definition of a refugee stipulated in Section 101 a) (42) of the Immigration and Naturalization Act based in the definition used in the 1951 Convention and 1967 Protocol; be among the refugees identified by the President to be of special humanitarian concern to the United States; be admissible under U.S. law; not be resettled in any other third country (Wedderburn, 2003: 5),

and the refugees are then processed according to priority status.

The U.S. therefore, in a blatant violation of international law, refused aid to the refugees it had helped to create. By shifting the designation from "political" to "economic", this nation was able to deny entry to Haitians on basis of the assumed trade relations between both countries, but also because Haiti was supposed to be a "valuable" ally against the communist impetus: "[t]hus, while the U.S. carved out a

special policy to expedite the entry of Cuban refugees, it also refused to face the fact that Haitian 'boat people' did indeed have the 'well-founded fear of persecution' that is required to attain asylum according to U.S. law" (Paik, 2006: 6).

Detaining and denying due process, stipulated by the Carter's Haitian Program, turned out to be a very successful measure to deal with the refugees already inside U.S. territory, but with numbers of asylum seekers escalating, a solution to deter new refugees was necessary. President Ronald Reagan was able to find a way by signing a bilateral agreement with Haiti that criminalized and sought to intercept refugees from entering U.S. waters (Paik, 2006: 16). To fulfill the agreement, President Reagan created a naval task force for preemptive strikes, whose main function was to capture refugee's vessels, and to initiate the immediate refoulement of its passengers. With this course of action and the election of President Jean-Bertrand Aristide, the refugee numbers finally started to dwindle in the beginning of the 90s, but the particularly violent coup to overthrow him led to a renewed escaping process. By then, President George H. W. Bush had only to reach for the agreements his antecessors had set in motion to start the process of refoulement. Nevertheless, President Bush took one step further and signed the Kennebunkport Order that allowed for the immediate repatriation of all refugees found at sea (Paik, 2006: 8). According to A. Naomi Paik in the article "The 'Visible Scapegoats' of U.S. Imperialism: HIV Positive Haitian Refugees and Carceral Quarantine at Guantanamo Bay"(2006: 9), upon arrival to Haiti, the returned refugees were fingerprinted, questioned and photographed by the agents of the repressive regime that they had just tried to escape, hence signing their fate.

Several national and international human rights organizations disputed these obviously racially-based exclusion tactics; the Haitian Refugee Center moved several complaints against the U.S. government to stop the refoulement of refugees captured in international waters and to make sure that every individual had the right to due process. A compromise was finally reached in 1991 and by the end of November the refugees captured at sea, instead of being repatriated, were placed in Guantánamo Bay, Cuba:

The U.S. ultimately brought refugees it actively helped create but refused to recognize to a site it has produced as a lawless zone where it can act with impunity; in a sense, the U.S. brought one

unintended excess effect of its imperialist project to a consciously intended product of that same empire building project (Paik, 2006: 3)

The usage of Guantánamo as a holding facility has a long history. Even before the U.S. occupation of Guantánamo, the Spanish military used it to isolate revolutionary fighters from the general population in hope of restraining the Cuban revolution and independence (Ahuja, 2015: 4). As a refugee camp, this location had many benefits: it was large enough to hold thousands of refugees; it allowed for the postponement of the discussion of the eligibility to the refugees' status; the U.S. couldn't be reached without permission, which in turn kept the refugees out of sight from public opinion; and, finally, the U.S. could deny any legal responsibility on their status due to the carefully crafted liminal legal status of Guantánamo (Ratner, 1998: 191 - 192).

The improvised holding facility was a desolate place, where the refugees were forced to live behind sheets of razor wire, sleep in tents and share their space with all kind of aggressive species of animals and insects, such as scorpions and snakes (Paik, 2006: 7). These conditions would be perilous enough for healthy people and more still for HIV positive individuals with a frail immune system that eventually became the sole inhabitants of Camp Berkeley. Nevertheless, this was not the first time that the Haitian body was constructed as a diseased location, and AIDS/HIV was not the first disease associated with it. Early in the twentieth-century, the black body had already been associated with syphilis, suggesting that it was a place of contamination (Paik, 2010: 45). The idea of contagion and of diseased bodies and minds was viscerally linked to Haiti since the Black Revolution: "Further, it is embedded in longstanding traditions of prejudice against Haiti and its people and anti-Black racism as well as political and economic ties that the U.S. has fostered with the island nation" (Paik, 2006: 14).

When AIDS and the HIV virus crisis first appeared, the Center for Disease Control (CDC) identified four high-risk groups: homosexuals, hemophiliacs, heroin users and Haitians. Haitians' inclusion as the only group identifiable through national belonging was a clear manifestation of the imperial racial prejudice and evidence also of the fear of immigrants as the epicenter of unknown diseases (Paik, 2010: 45; Hernández, 2005: 1). This biased view of reality was also a highly sexualized one because, at this stage, the only known forms of infection were sexual encounters between gay men, thus reinforcing the notion that the black body was a hypersexualized polluted place (Paik,



2010: 46). The CDC hence helped create the popular belief of a racial link between the Haitian body and the disease, thus establishing the formula “Haitian = AIDS carrier”, which was responsible for the assumption that Haiti was the ground zero for AIDS. Ironically, several scholars defend that the HIV virus was introduced in Haiti via North America. The poverty-stricken Haitian population, following years of imperial exploitation, resorted to other means of survival including the exploration of sexual markets, transforming Haiti into a sexual paradise for American gay men (Paik, 2006: 14). Although the virus’ origin and its pattern of dispersal remain obscure, the former accusation reveals the one-sided nature of the relationship.

The Reagan Administration method for dealing with the HIV contamination was to silently contain it by screening immigrants and impeding HIV-positive individuals from entering the U.S. HIV infected Haitian refugees were segregated in GITMO behind barbed wire and guarded by armed soldiers, suggesting that Haitians would pose a threat to a “clean” society. “The HIV prison camp at Guantánamo emerged from this nexus in which xenophobia against foreigners in general and fears of HIV/AIDS converged with racist and anti-Haitian discourses that identify Haitians as unwelcome ‘contagion’ and as ‘boat people’” (Paik, 2010: 46).

### **Guantánamo as a HIV Concentration Camp: deconstructing rightless people**

Between 1991 and 1994 nearly 300 HIV positive Haitian refugees were incarcerated in Guantánamo. Making use of the legal and geopolitical limbo of the facility, the Haitians believed themselves in an indefinite situation from which there seemed to be no escape (Paik, 2010: 39). According to Paik, in the article “Testifying to Rightlessness - Haitian Refugees Speaking from Guantánamo”, since the refugees had already passed the asylum requirements and could not be returned to Haiti but were being held in Guantánamo without permission to enter the U.S., the government was in fact reducing them to “rightless subjects – people without a state to protect their rights, subjected to persecution not only by their home government but also by the government of their supposed safe haven” (2010: 2). Nevertheless, their rightless status doesn’t begin with the entry in Guantánamo, it starts rather with the beginning of the Black Nation unrecognized by imperial powers because free, self-emancipated Black Haitian citizens had no conceptual translation (Paik, 2010: 3).

The rightlessness of the Haitian population, and most especially of the HIV positive population 'indefinitely quarantined' at Guantánamo, was deepened by the legal circumstances that surrounded them (Paik, 2010: 45). The refugees were, for the most part, inaccessible to the outside entities that were trying to help them and it took a multifactorial strategy, involving legal and extralegal (lobbying) methods, to reach its conclusion (Wilson, 2006: 46).

In "How We Closed the Guantánamo HIV Camp: The Intersection of Politics and Litigation"(1998), Michael Ratner, one of the defense attorneys for the HIV refugees confined in GITMO, explained the legal circumstances, the context and the strategies used to ensure their freedom, many played outside of the courtroom. One of the early determinations the team tried to establish was their "refugee" status in agreement with the UNHRC protocol signed by the U.S. This litigation was of the utmost importance, not so much because it could represent a breach in the hypocritical treatment of the Haitian refugees, but because it brought media attention to the matter (Ratner, 1998: 210). Knowing that the U.S government and its legal apparatus responds faster to public outrage than to legal battles, the team deployed the "spotlight strategy", designed to maintain the media's attention on the subject (Ratner, 1998: 193). This was also vital to keep the screen-in (testing on board the Coast Guard vessels) rate high, while also avoiding refoulement.

Another goal of the team was to lift the veil of secrecy enshrining the camp and treatments provided to the detainees, especially for the HIV positive refugees, which were further segregated and isolated from the mass refugee population. This was, however, a sensitive subject since "the hysteria that swirled around HIV, AIDS, immigrants, and Haitians could easily overshadow our legal arguments" (Wilson, 2006: 196). Therefore, the process to (re)acquire refugees rights was slow and arduous, starting by simply trying to assert that, in GITMO, an exclusively U.S. controlled area, the Constitution would hold the same sway as within national territory and therefore the refugees should have the right to counsel before being returned – something that Ratner describes as "as American as apple pie"(1998: 197). Although the legal team supporting the refugees claims to have been successful in this particular battle, the reconstitution of Guantánamo's Naval Base as a legal limbo was recently recreated, supported by the invention of the "enemy combatant" category.

In 1992, Democratic Presidential Candidate Bill Clinton (foreshadowing the 2007 Democratic Presidential Candidate Barack Obama), supported by well-established powers in the LGBT community, promised to close down Guantánamo and end the HIV exclusion, if elected. Thus, laden with hope in the presidential candidate, the team stopped all proceedings, only to be bitterly disappointed when President Clinton yielded to public hysteria and refused to comply with his promises (Ratner, 1998: 202). The only possible solution then was to go to court, in an open fight and claim all refugees' rights. The matter was only resolved on June 8, 1993, when Judge Sterling Johnson, Jr. ordered the release of all Haitian refugees and the closure of the HIV concentration camp (Koh, 1994: 159). A resounding victory only achievable due to a two-front engagement: a "backstage strategy" that implied lobbying, constant contact with U.S. immigration authorities and keeping the media's curiosity in the story; and also an "upstage battle" in the court.

While the refugees' legal team fought legal battles to ensure the freedom of every detainee, the refugees also ensured their visibility through hunger strikes and refusal of treatment, initiated after Clinton's betrayal – a strategy defined by Ratner as "the strategic turning point" (1998: 208). This was evident in the courtroom as well, where the obvious fragility of the detainees converged with the marks on their bodies to give palpability to their testimonies, as Paik describes in the case of a detainee: "While displaying her scar verified her story of persecution and status as a genuine refugee, her loss of consciousness physically spoke to the intolerable, repressive conditions she endured within the camp" (2010: 50), thus transforming this witness in the epitome of the rightless subject under U.S. despotic imperial rule.

By illustrating their life history on trial – escape from tyranny in Haiti, apprehension by the Coast Guard and the camp life – individual stories came together to form the discourse of the collectivity, an instrumental tool to elucidate the position of the refugees in relation to U.S. legal discourse, and "as they spoke beyond the abysmal material conditions of the camp, the refugees revealed another theme that runs throughout the proto-narratives: their beliefs concerning what constitutes humane living conditions and, by extension, what constitutes the human" (Paik, 2010: 53). While the state tried to reduce the Haitian refugees to their corporeal existence, by stating that all their physical needs were met, a reasoning that the Haitian population

apprehended through the multiple metaphors of animalization of the self and ultimately rejected by evidencing an interior and spiritual life present in their testimonies and in their letters (Paik, 2006: 8; Ahuja, 2015: 9).

### **Guantánamo, migrants and (in)complete citizenship**

According to Jana Evans Braziel (2006), in “Haiti, Guantánamo, and the ‘One Indispensable Nation’”, Guantánamo exists as a liminal dwelling for far longer than the events of the “9/11”. In fact, according to this author, Guantánamo is the crystallization of the impetus of imperial power, as well as the representation of the national jailing system. GITMO therefore signifies the projection of national practices on the international foreground.

It is in the space of the Guantánamo Bay Naval Station, Cuba, that threads of the imperial history (Haiti, Middle East, among others) are woven together to form the United States Empire. This is a history constructed over centuries and that leads to the establishment of the role of the “one indispensable nation”<sup>3</sup> assuming control of “apparent states,” such as Haiti (Braziel, 2006: 129). At one point, in the last decade of the twentieth century, approximately forty-five thousand refugees fleeing from a repressive regime in Haiti were detained at GITMO, occupying the same space of today’s “enemy combatants.” “The *detour* from Haiti to Afghanistan and Iraq through Guantánamo renders visible how imperial military *routes* have historically moved across the Atlantic and how the *roots* of the U.S. American Empire are migratory, not fixed” (Braziel, 2006: 130). The imperial racial routes of the U.S. Empire that Braziel mentions are at the root of the creation of avenues of influence in distant “apparent states” such as Haiti, Iraq, Diego Garcia, and Cuba.

Previous to the lease *ad eternum* of Guantánamo Bay, the U.S. had already tried to establish a naval station in Môle-St. Nicolas, Haiti, as part of the greater imperial project of transforming the Caribbean into a U.S. lake. Unable to fulfill the Monroe Doctrine prophecy in Haitian territory, the U.S. turned attention to the Cuban territory:

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<sup>3</sup> Term coined during the Clinton Administration that established the United States as the indispensable nation on Foreign Policy debates. It has ever since been a popular motif in the U.S. narrative (Carpenter, 2013:47).

This late nineteenth-century historical trajectory to establish naval dominance in the Atlantic and Caribbean marks what I am identifying as the first historical moment of Haitian-American-Cuban transnational triangulation and becomes the geographical-historical nexus through which U.S. imperialism or “American Empire” emerged. (Braziel, 2006: 133)

The territory of Guantánamo Bay has ever since been transformed in the collective imagination of the locals and is depicted in their art as a barren and hostile territory, not just for Cuban nationals, but for Haitian refugees and “enemy combatants”. It is also not just the inhabitants that recognize Guantánamo as the face of imperial and military might; the world renowned Haitian rap artist Wyclef Jean has (re)appropriated the lyrics of popular and patriotic song “Guantanamera” to protest the U.S. occupation of the region (Braziel, 2006: 143). For the subjects trapped here, the liminal setting of the territory mirrors their own condition as “liminal citizens.” This category reflects an individual trapped between two states and struggling to belong to a new one. The struggle for belonging leaves the refugee or the post-9/11 “enemy combatant” in a delicate situation in which s/he has to accept the form of regulation of the new country, the condition of “flexible bodies, ready to be disciplined for incorporation once they are admitted to the country” (Braziel, 2006: 137).

What seems to emerge from the uses of GITMO, and of other *Guantánamos* around the world, such as Diego Garcia, is that the U.S. Empire is in the process of dispersal around the globe, but at the same time is permanently perfecting the imperviousness of its “homeland” borders. A feat observable in the aggressive techniques, such as detention, which are generally employed against immigrants which stems from “a *fear of* immigrants as potential terrorists in the interior of the nation, [which] has also motivated a *fear for* immigrants”(2005: 1)<sup>4</sup>, as stated by David Hernández in *Undue Process: Immigrant Detention, Due Process and Lesser Citizenship*. Hernández’s arguments point to the racial bias in immigration laws that usually target non-white noncitizens and that frequently use citizenship as a weapon against these individuals. Although racial prejudice has become more conspicuous after the events of “9/11”, the Anglo hegemony on immigration laws is traceable to its origins.

The legal aspect of racial prejudice, the reduced rights of immigrants or complete lack of them, is what defines the *undesirables* in today’s public opinion, and the

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<sup>4</sup> Emphasis in the original

detention of non-white noncitizens after “9/11” is just another pattern of the criminalization of these individuals: “The detention of immigrants is not a new story, but instead, a new chapter in the criminalization of immigrants, whose continuity underscores the persistence of the legal and social hierarchy that is the foundation of our ‘nation of immigrants’” (Hernández, 2005: 6).

The U.S history of detaining non-white noncitizens and citizens has deep roots – after the bombardment of Pearl Harbor, thousands of Japanese-American citizens were displaced to internment camps to contain the imaginary threat of further bombings; the Mexican-American Border is paved with detention facilities designed to hold the prisoners of the War on Drugs, a complex narrative created about the southern neighbor that permanently arrests him/her in the equation immigrant = drug mule/dealer. Nevertheless, these episodes are constructed as isolated events, independent from one another, and as a response to a possible threat from an outside enemy capable of eluding borders, thus constraining the scope of perception of the racial thread that links them.

Episodes of war in which new discursive categories of enemies are assembled, such as the case of the Japanese-American citizens during WWII, reveal that *citizenship* is a tantalizing category of national belonging. This becomes especially true after the “9/11” events, “[when] lifting legal constraints for the treatment of noncitizens and producing new categories of enemy citizens is precisely what the federal government has pursued and achieved in the contemporary war on terrorism” (Hernández, 2005: 7).

However, it is not just in periods of war that citizenship is deconstructed or cancelled. A category rooted in white supremacy and swayed by a set of other “measures of difference” that range from gender to ideology is bound to mutate throughout time – today, the complete exclusion of women, Native Americans and African American individuals from citizenship would be met with unquestionable contestation. This doesn’t mean, however, that a parallel tier garnished with lesser rights has not flourished for these individuals as a *second-class citizenship* (Hernández, 2005: 5).

The perpetuation of the racially motivated evolution of immigration laws is highlighted here to tarnish the government’s defense of an unprecedented “war on

terrorism.” The exceptionalism of “9/11” and its aftermath needed to be faced with a response never before seen in history. In reality, the new exclusionary methods and tactics were however just another evolving moment in the centuries-old immigration control that the U.S has been practicing: “[t]he events of 9/11 and the federal government’s national security response merged with the anti-immigrant sentiment of the 1990s, which perpetuated an age-old fear of immigrants in terms of the traditional concerns” (Hernández, 2005: 7). An example of this sentiment is the 2002 overturn of the decision that gave Haitian refugees the victory based on the economic safeguard of the Coast Guard. By reversing the decision of the Court that guaranteed due process to refugees, the Executive Branch (not the Congress) placed the immigrant further in a liminal place of denial of rights, citizenship among them, and reinforced the subordinate role of racial groups (Hernández, 2005: 14).

When Hernández states that “[c]ontemporary detention policies emerge from the historical dialectic between immigrant detention and the racialization and ‘othering’ of noncitizens” (Hernández, 2005: 15), he is making evident that the border that separates citizens from noncitizens is social in nature, gaining expression at the militarized border – both with Mexico and in the Atlantic.

### **Conclusion:**

The centuries long relationship between the United States of America and Haiti seems to confirm the continuity of empires into modern times – after direct exploitation of Haiti’s resources and territory, the U.S. turned to political and economic influence to maneuver the fate of the young nation, manipulating their image on the world stage in order to shun Haitians from the public’s view.

The refusal of the Haitian refugees and their segregation in the Naval Base of Guantánamo Bay, a liminal creation of the Executive, confirms these subjects’ rightless (in)existence. Moreover, the further segregation of the HIV positive Haitian refugees attests to the cultural understanding of Haiti and the Haitian body as a place of infection and pollution, responsible for the dispersal of fatal diseases.

The 90s Haitian refugees occupied the spaces which the “enemy combatants” from the War-on-Terror occupy today. The shared liminal condition of these subjects testifies to the routes of the U.S. Empire and conspires to bring together “apparent

states”, at least in the eyes of the U.S. Administration, such as Cuba, Haiti, and Iraq, thus confirming the self-asserted “one indispensable nation.” These spaces also have continuity within the national space: in the immigration holding facilities originally built for the ‘war on drugs’.

The legal battle that ensued for the rights of the refugees established that Guantánamo, as an exclusively U.S. controlled facility and under the Constitution, must confer the subjects the right to due process. The episode ended with the release of all HIV positive refugees, a decision however recently overturned by the Executive Branch regarding present Guantánamo detainees on grounds of the War on Terrorism. This decision reflects the decades old segregation and racial basis of immigration laws, usually portrayed as ahistorical and episodic. It nevertheless represents the long tradition of fear of immigrants by the “nation of immigration.”

The double tier of the citizenship system (full personhood and lesser citizenship) is the ultimate representation of the Anglo domination over the legal system and the serial repetition of the subordinate place of non-white non-citizens in the U.S. society of today.

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