

THE SECRETARY OF STATE

WASHINGTON

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March 29, 1995

Dear Madam Attorney General:

I am writing to inform you that, pursuant to Section 241(a)(4)(C) of the Immigration and Nationality Act, 8 U.S.C. §1251(a)(4)(C), I have concluded that the continued presence and activities of Emmanuel Mario Constant (born October 27, 1956, in Haiti) in the United States would have potentially serious adverse foreign policy consequences for the United States and would compromise a compelling United States foreign policy interest. Mr. Constant entered the United States sometime in December 1994, and insofar as the Department of State is aware, is still here. I request that you seek to confirm whether or not he is in the United States and, if so, to detain and deport him. I also request that you take all steps possible to effect his deportation to Haiti.

My decision to invoke INA §241(a)(4)(C) with respect to Mr. Constant is based on the following considerations. Supporting Haiti's fragile democracy is one of our foremost foreign policy priorities, as is seeking respect for human rights in Haiti and throughout the world. A central element of our bilateral policy toward Haiti is helping to build democratic institutions, including a vastly improved criminal justice system through the efforts of the Administration of Justice program jointly administered by the Department of State, the Department of Justice, and the Agency for International Development. The Administration of Justice project seeks to enable the Haitian courts to bring to justice those responsible for serious crimes and violations of the fundamental human rights of Haitians. One target of this effort is the Revolutionary Front for the Advancement and Progress of Haiti ("FRAPH"). Although FRAPH claims to be a political party, it has never in fact participated in the national political process. It is officially regarded by the Department of State as an illegitimate paramilitary organization whose members were responsible for numerous human rights violations in Haiti in 1993 and 1994. Opposition to FRAPH is a key element of our Haitian foreign policy, and we have said so publicly.

The Honorable  
Janet Reno,  
Attorney General.

Mr. Constant's presence and activities in the United States seriously undermine these compelling foreign policy objectives. Mr. Constant is one of the co-founders and current President of FRAPH. He was instrumental in sustaining the repression that prevailed in Haiti under the illegal military-led regime until it was displaced last September by the multinational force led by the United States. On February 3, 1995, Mr. Constant sent a letter on behalf of FRAPH to the Special Representative of the Secretary General of the United Nations for Haiti using a Washington, D.C., return address and telephone number. In addition, since his arrival in the United States, FRAPH elements in Haiti have broadcast on Haitian radio tape recordings of Mr. Constant speaking on behalf of FRAPH to the Haitian people.

These activities create the impression in Haiti that the United States is permitting Mr. Constant to use the United States as a base of operations for FRAPH. They fuel false but widespread perceptions in Haiti that Mr. Constant was deliberately allowed to enter the United States in December and that the United States Government is secretly supporting him; that the United States endorses both him and his positions; and that we approve of FRAPH. These misperceptions persist notwithstanding that we have consistently denounced FRAPH and made statements distancing the United States from it and Mr. Constant.

My concern about Mr. Constant's presence and activities in the United States is heightened by the fact that elections for a new Haitian Parliament and for over 2,000 local government positions are scheduled for June 4, 1995. The United States has a huge stake in making sure that these elections -- the best manifestation of democracy -- are held successfully. Because Mr. Constant for many Haitians symbolizes the antithesis of democracy, permitting him to remain at large in the United States could undermine this important foreign policy objective.

In light of these facts and the current perception in Haiti of the United States' tolerance of Mr. Constant, even if Mr. Constant were to cease his FRAPH-related activities in the United States, his mere presence here would seriously undermine U.S. foreign policy interests. To permit Mr. Constant to remain at large in the United States in these circumstances will appear as an affront to the Haitian Government, and will cast doubt upon the seriousness of our resolve to combat human rights violations, thereby undermining our ability to play a leadership role in this area. I have therefore concluded that nothing short of Mr. Constant's removal from the United States can protect our foreign policy interests in Haiti.

The Haitian Government shares our belief that Mr. Constant is in the United States and has requested his extradition so that he may face criminal charges in Haiti. We have returned the request, which was technically deficient, to the Haitian Government, to which we have offered assistance in perfecting the documents. Given the compelling foreign policy interests at stake, it is essential that we seek Mr. Constant's deportation independent of any extradition efforts.

Accordingly, I have concluded that Mr. Constant's presence and activities in the United States have potentially serious adverse foreign policy consequences for the United States and would compromise a compelling United States foreign policy interest, as provided for in INA §241(a)(4)(C). I request that you take all reasonable efforts to ensure Mr. Constant's expeditious deportation from the United States. In light of the Haitian Government's interest in having Mr. Constant returned to Haiti, I also request that you do everything possible, consistent with the Immigration and Nationality Act, to effect his deportation to Haiti.

Sincerely,

A handwritten signature in cursive script, appearing to read "Warren Christopher".

Warren Christopher