

## Life in Purgatorial Spaces

### *Haitian Migrants between Church, State, and Law*

*From birth to mourning after death, law “takes hold of” bodies in order to make them its text. Through all sorts of initiations (in rituals, at schools, etc.) it transforms them into tables of the law, into living tableaux of rules and customs, into actors in the drama organized by a social order.*

—MICHEL DE CERTEAU

*It’s not a whole lot of difference between the Catholic structure and the penal structure.*

—MARTIN CONROY, ADULT EDUCATION INSTRUCTOR  
AT THE HAITIAN MULTI-SERVICE CENTER (CA. 2003–8)

In 1998, I met “Jean-Robert Paul” at the Human Rights Fund (II) Victim Assistance and Rehabilitation Program in Haiti (informally called the Rehab Program; see James 2010). At twenty-one, the pleasant young man had a mischievous grin and greeted me with a smile each day. Although he worked informally as a grounds caretaker, he had been a Rehab Program beneficiary since April 1997 when another agency, Médecins du Monde (Doctors of the World), ceased operations.

Jean-Robert was considered an “indirect” victim of organized violence. Although not assaulted directly, in June 1994 a program psychologist said soldiers had beheaded his parents in front of him. After the killings, Jean-Robert fled by boat with hopes of attaining asylum in the United States.<sup>1</sup> Such hazardous journeys frequently resulted in interdiction, immediate repatriation, or death by starvation or drowning.

Although fortunate to land in South Florida, Jean-Robert was apprehended, then detained at the Krome Service Processing Center, the notorious adult detention facility in Miami, while his asylum request was pending. Krome was established in a former Nike missile base that was converted into a processing

center for Cuban refugees in 1980. In the 1980s, Krome was likened to a “theater of the absurd” and a concentration camp (Nachman 1993: 251, 254). But, as an unaccompanied minor, he did not remain in Krome for long. According to his medical file, he was granted asylum in September 1994, and was then moved to an unnamed program for “unaccompanied refugee minors” (URMs) in Boston, Massachusetts. While in Boston, recalling his parents’ murder provoked visual and auditory hallucinations, paranoid thinking, and violence toward others. Psychiatrists diagnosed him with “subchronic schizophrenia” and prescribed antipsychotics and antidepressants.

In October 1996, despite receiving political asylum, Jean-Robert was repatriated. His reported chronic psychosis represented a “state of exception,” rescinding a legal status of political asylum (Agamben 1998, 2005). Back in Haiti, Médecins du Monde rediagnosed him as schizophrenic, then prescribed psychotherapy and a new course of anti-anxiety and antipsychotic medications. But Jean-Robert had not asked for treatment. He desired social assistance to return to America.

. . .

Jean-Robert’s life story has remained with me. In part, this chapter reflects my attempts to understand his experience, as well as those of other Haitians who fled their country and were apprehended. Although I searched for traces of his passage from Haiti to Boston and back, I have been unsuccessful in finding records of him or persons who knew him in the United States. The fragments of his case exemplify the powerful forces compelling Haitians to risk death or incarceration to seek asylum, sanctuary, and security elsewhere. His story shows the arbitrariness of legal regimes impeding Haitians’ pursuit of freedom, safety, and simply, “life.”

Jean-Robert is one of thousands of Haitians moving through institutions subjecting them to “compassionate repression” (Fassin 2005: 366), modes of humanitarian governance “oscillating between sentiments of sympathy on the one hand and concern for order on the other hand, between a politics of pity and policies of control.” Humanitarian, human rights, medical, and religious groups have all played “pastoral” roles to intercede on behalf of vulnerable populations living in contexts of political, economic, and social insecurity. Although these institutions have provided care, they have also operated as apparatuses of national security to manage, contain, and incorporate, as well as exclude, liminal or “disordered” persons on behalf of nation-states.

Jean-Robert’s story demonstrates how such processes may exacerbate (and release) the traumatic memories refugees and migrants may embody. By beginning in Haiti, moving to Miami, and ending in Boston, not only does this chapter analyze the histories, moral economies, and (bio)politics of migration, it also chronicles some ways Haiti’s “poorest” citizens journeyed to the United States.<sup>2</sup>

On another level, this chapter presents the path by which both they and I ultimately found the Haitian Multi-Service Center. Although contemporary legal regimes require a distinction, the *ensekirite* (insecurity) driving Haitians' exodus from Haiti blurs the artificial boundaries between economic and political roots of migration, migrant and refugee status, and perhaps the moral and legal dimensions of their status—especially because the Haitian state remains fragile (and is often thought of as having failed). Once distinctions are applied, asylum seekers traverse paths of incorporation or exclusion and routinely sojourn through *purgatorial spaces*. Purgatorial spaces are “outside” the social order (i.e., displaced persons camps, detention facilities, mental asylums, orphan asylums, and others). Third parties often manage these bureaucratic spaces, and those who govern them conceive of their work as caring. Implicit in my use of the purgatory concept is the idea that containment is temporary: a variety of technical and technological procedures (legal, medical, educational, vocational, etc.) permit detainees to transition from one social status to another. Such spaces also blur the boundaries between compassionate and repressive pastoral power.

I analyze the roles of both secular and faith-based NGOs working on behalf of government to care for, house, and police migrant lives. Both nonprofit and for-profit corporations are among the institutions mediating the relationships between undocumented Haitian migrants and the nation-state. As my analysis progresses, I extend the concept of corporate Catholicism by examining Catholic charitable actors' labor to incorporate refugees into both church and state, especially through their management of detention centers (and through other intercessory acts made on the detainees' behalf). I describe the social, political, and economic forces (among others) propelling Haitians to leave their nation “unlawfully” and the bureaucratic webs capturing them in purgatorial spaces while their legal statuses and future fates are determined.

My 2004 visit with the delegation to the Krome adult detention facility demonstrates how the physical plant and its disciplinary practices inscribe inmates into a political order from which they will be incorporated or expelled. Our visit to another site, then called “Boys Town”—a Miami residential facility Catholic Charities managed for unaccompanied refugees—presents what was called a “softer” form of detention and incorporation processes for children. Although Catholic organizations have opposed discriminatory federal migration policies, they have also regulated, detained, and contained migrants for government. A third case, one of compassionate asylum, analyzes Cardinal Bernard Francis Law's 1992 intercession to liberate Haitian children from Guantánamo Bay, Cuba. His pastoral power produced exemptions from conventional (secular) national security and migration policies. A final anecdote follows a Haitian Multi-Service Center staff person, “Rénald St. Jacques,” from Haiti through Krome to Boston in the late 1980s. His story highlights the Haitian liberation theology tradition and shows the

strategies and tactics (Certeau 1984) Haitian asylum seekers deployed using their own bodies to protest detention. Even under orders of imminent deportation, migrants may resist expulsion from the body politic to remain in the United States as undocumented persons.

### THEORIZING ASYLUMS

The concept of “asylum” carries at least two connotations (James 2011): the first, from contemporary human rights law, refers to a refugee—someone who, because of a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” (UNHCR 1979: 11, 81), has fled their country seeking safety and security across the borders of a sovereign nation-state with prior authorization. Legal refugee status may confer eligibility for social welfare entitlements and other assistance, and, in some countries, the capacity to work lawfully. For those applying for asylum after entering another country “unlawfully,” receiving asylee status often generates institutional and interpersonal compassion and care.

In the institutional sense, the term “asylum” describes a space of safety, seclusion, and sanctuary for persons categorized as vulnerable or liminal—those unprotected by (and even victims of) a moral, political, legal, or social order. Historical asylums, some of which were previously described (i.e., infant and orphan asylums, hospice centers, industrial schools, etc.), have offered therapies, treatment, moral training, and respite from the exigencies of corporeal existence. The term also indexes spaces of confinement, containment, and even punishment of those deemed threats to the moral, legal, and social order—because of their bodily afflictions, past misfortunes, or personal “transgressions” (i.e., lazar houses for persons with leprosy, mental asylums, maternity houses for women facing unplanned pregnancies, detention centers for juvenile delinquents, and other prisons; see also Foucault 1979, 2006).

These spaces resemble “total institutions,” overwhelmingly encompassing social establishments in which “barriers to social intercourse with the outside world” are “built right into the physical plant, such as locked doors, high walls, barbed wire, cliffs, water, forests, or moors” (Goffman 1961: 4). Erving Goffman characterizes total institutions according to types providing “care for persons felt to be both incapable and harmless”—such as the “homes for the blind, the aged, the orphaned, and the indigent”—or offering “care for persons felt to be both incapable of looking after themselves” but who pose an unintended threat to the community—such as “TB sanatoria, mental hospitals, and leprosaria” (Goffman 1961: 4). In contrast to these more pastoral spaces is another category: this includes structures or programs “organized to protect the community against what are felt to be intentional dangers to it, with the welfare of the persons thus sequestered not the immediate issue” (Goffman 1961: 4–5). In further examining total institutions,

however, the distinction between benevolent care and repressive protection begins to fade. All are sites of surveillance, restricted freedom, discipline, and social control (Goffman 1961: 6–13).

The spaces containing asylum seekers are characterized by temporal indeterminacy. The labor of external actors determines detainees' future fate. That external intercessors may assist immigration detainees to make the transition from so-called "unlawful entrant" to lawful asylee recalls Catholic theological conceptions of purgatory.

### PURGATORY

In Roman Catholic theology, the idea of purgatory refers to a temporary space or condition of spiritual cleansing in which the souls of the dead undergo purification. Prior to entering heaven, the souls in waiting must complete payment of the "satisfaction" owed for unforgiven sins (Hanna 1911). According to the Catechism of the Catholic Church, "the Church gives the name *Purgatory* to this final purification of the elect, which is entirely different from the punishment of the damned" (Catholic Church 1995: 1031). Catholics also believe the living may intercede on behalf of souls in purgatory by praying for their salvation: "This teaching is also based on the practice of prayer for the dead already mentioned in the Sacred Scripture. . . . The Church also commends almsgiving, indulgences, and works of penance undertaken on behalf of the dead" (Catholic Church 1995: 1032).

Anthropologists have used the concept of purgatory to characterize interstitial places in which "patient-prisoners" engage in moral reflection on life beyond the clinic's walls while undergoing detoxification from drug addiction (Garcia 2010: 51–53). Others apply the concept to characterize "zones of practice" in which secular modern scientists debate the impact of biotechnology on "life," as well as the moral and political economies that such technologies generate (Rabinow 1999: 17–23). Some social theorists have employed another Catholic concept, "limbo,"<sup>3</sup> to characterize how "asylum applicants occupy positions precariously in-between undocumented, paperless illegality and 'refugee' status" (Cabot 2012: 17; see also Butler 2006).

My use of the purgatory concept builds on the multiple connotations of "asylum" as physical and moral spaces containing embodied persons who are "outside," but also incorporated within, a social order, as well as on a second meaning of the word referring to a legal status granted to persons. By focusing on detainees, I show how some purgatorial spaces inculcate routines directed toward the corporeal body and disciplinary practices intended to instill in the migrant a set of normative moral dispositions.<sup>4</sup> At the same time, other inscription practices render migrants "legible" to the state as subjects who are either worthy or unworthy of incorporation (Certeau 1984). But these are not solely conditions of objectification and subjugation. Adult Haitians detained at Krome were able to deploy the

corporal nature of their bodies in protest while working with external intercessors who mobilized administratively on their behalf.

The purgatorial spaces examined in this chapter also illustrate the intercessory roles of Catholics (and other nongovernmental actors) on behalf of detained migrants and, if “paroled” as asylees, in the resettlement process. Purgatorial spaces therefore render visible or bring into relief the indeterminate “zones of indistinction” (Agamben 1998: 6) between the political life of individuals included in sovereign states and the bare lives of excluded populations categorized in terms of their biology. Purgatorial spaces may also emerge in the indeterminate realms of governance among voluntary and private sector organizations and government.

But let me be clear—in using the concept of purgatory I am not suggesting detainees are imprisoned because of the unforgiven “sin” or crime of unlawful entry for which they must atone. Nor am I suggesting repatriated detainees are being consigned to eternal damnation in their countries of origin. Rather, my goal is to analyze slippages between logics and practices of compassion, discipline, and repression embedded in such spaces. Indeed, the rules and regulations regarding how refugees may apply for asylee status—a form of secular salvation, so to speak—are not universal or static. For Haitians such rules are often suspended.

#### STATES OF INSECURITY

Over its history, the government of Haiti has been characterized as incompetent, corrupt, failed, fragile, and even predatory (Fatton 2002; Glick Schiller and Fouron 2001; Lawless 1992; Rotberg 1971; St. John 1884; Trouillot 1990). With the recurrence of human-authored and “natural” disasters, and frequent states of emergency, the government of Haiti has been deemed incapable of protecting its citizens. Conversely, scholars have described the Haitian state as “apparent”—possessing only a fiction or shadow of sovereignty—when in truth “political actions as well as all . . . financial activities are monitored and constrained from abroad to such an extent that national leaders are left with no domain from which to take any action that will benefit the majority of their people” (Glick Schiller and Fouron 2001).

Haitians have not usually controlled the discourses circulating about their government, cultural practices, and people. For complex reasons, the Haitian government has brokered imported humanitarian relief and development programs—what could be called an insourcing of aid—with little power to oversee or control how external actors implement programs throughout the country (James 2010). As a result, international governmental and nongovernmental actors, as well as their partners in Haitian civil society, have offered social services to Haitians their state has yet to provide, especially to its poor majority. When Haitians conclude their country cannot support life, many have chosen to *chèche lavi* (literally, “seek life”; figuratively, “search for a way to make a living”) outside the nation’s borders, in hopes of obtaining security, sanctuary, and even citizenship elsewhere.

But, as the Haitian case demonstrates, when migrants flee without prior legal authorization and recognition as political refugees, they can be subjected to governance by public and private agencies and agents. When the causes of flight are difficult to distinguish under conventional human rights law categories, other statuses may influence whether such populations are perceived as eligible or deserving of incorporation or as risks to the security of the host nation-state—thereby initiating processes of detention and exclusion. When perceptions of undocumented migrants shift from worthiness of humanitarian sanctuary to posing a threat, protection may blur into containment, repression, and expulsion (Fassin 2005). The example of Haitian refugees and immigrants offers troubling cases for analyzing further the roles of religious and secular nongovernmental institutions in the governance of humanity and life (Feldman and Ticktin 2010; Fassin 2018; James 2019).

#### THE “HAITIAN PROBLEM” AND THE HAITIAN PROGRAM

In the mid-1970s, in response to deteriorating political, economic, and environmental conditions at home (see James 2010; Trouillot 1990), Haitians began entering the United States “illegally” in larger numbers. In 1980, the World Bank estimated Haitian life expectancy at fifty-one years, the lowest in Latin America, and ranked Haitian infant mortality the highest.<sup>5</sup> Between 1965 and 1980, Haiti had the lowest rate of increase in daily caloric intake and protein consumption, the lowest rate of literacy (approximately 23 percent), and the lowest GDP per capita of Latin America (\$267 in 1980), with even lower figures in rural areas.<sup>6</sup>

At the end of the 1970s, an exponential increase in Haitian attempts to enter South Florida by boat created both a local and a national crisis, resulting in these Haitians’ detention under the United States Immigration and Naturalization Service’s (INS) “Haitian Program.” Prior to 1978, there were 1,926 Haitians who awaited either exclusion or deportation hearings to determine if they would be granted political asylum. Entrants apprehended at the time of arrival in the United States were “entered and processed immediately” (EPI) and faced exclusion proceedings. Those who “entered without an inspection” (EWI) faced deportation hearings (Miller 1984: xii). In 1978, there were nearly two thousand new entrants, culminating in an influx of 22,499 in 1980. By the end of 1981, the INS reported that nearly forty thousand Haitians awaited processing (Miller 1984: xii).<sup>7</sup> In response to the influx, the INS developed the “Haitian Program,” which categorized Haitians as a burgeoning problem or threat to be contained by systematically denying them opportunities to present claims to refugee status.

Cold War politics influenced the disparate legal treatment between Haitians and migrants of other national origins. Haitians were distinguished from other ethnic entrants because their country was neither “war-torn” nor “Communist-controlled,” a categorization enabling government officials to label Haitians solely

as economic rather than political refugees (Conway and Buchanan 1985: 95). Their exclusion from political recognition recalls Giorgio Agamben's (1998: 11) discussion of the exception and the ban. In his analysis of sovereign power and bare life, Agamben states, "Bare life remains included in politics in the form of the exception, that is, as something that is included solely through an exclusion." In the example of Haitian asylum seekers, the overwhelming tendency to designate them as economic migrants includes them within customary international human rights law by means of a virtual exclusion or denial of legitimate status as political refugees.

Furthermore, representing Haitians as a menace in political discourse justified and routinized their unjust categorization as economic migrants. Evidence of the differential impact of Cold War politics on migrant incorporation policies and practices is found in the massive acceptance of more than 322,500 Indochinese refugees between 1975 and 1980, and the inclusion and resettlement of 125,000 Cuban exiles who joined over 600,000 others in 1980.<sup>8</sup> According to Aihwa Ong (2003: 53, 58–59), however, the screening process for Cambodian refugees in camps in the Thai border zone—and in Thailand, the Philippines, and Indonesia—was also discriminatory, culturally insensitive, and subjugating: "transform[ing] refugees into viable migrants entailed a system of symbols through which dependency was thoroughly institutionalized."<sup>9</sup> The majority of Haitian entrants did not receive an opportunity for such symbolic transformation.

Discourses of economic burden and indolence emerging in South Florida local politics offered additional justification for the disparate legal treatment of Haitians. In the 1970s, anthropologist Alex Stepick conducted field research in the region and found mixed reaction to Haitians:

Some were struck by the desperation and courage motivating a 700-mile sea journey in overcrowded, barely seaworthy boats. Others believed that the Haitians were a disruptive force, destroying the community and draining public resources. While Miami's economy may have been rejuvenated by Cubans, the black Haitians without skills or capital were viewed as an unwanted burden. (Stepick 1986: 11)

In contrast to perceptions of Haitians as malingering, unskilled, and unsuccessful, Stepick affirms most were so hard-working they had conflicts with Mexicans, other migrants, and native-born African Americans competing for employment.<sup>10</sup> As I would later learn, similar interethnic tensions had materialized in Greater Boston.

In addition to discourses casting Haitians as national security threats and public burdens, federal public health institutions represented Haitians as "disease carriers."<sup>11</sup> This stereotype had some limited factual basis, as a few Haitians entered the United States afflicted with tuberculosis and typhoid; however, a Dade County Health Department study stated malnutrition and starvation were their most severe health problems (Stepick 1986: 11). Nevertheless, some health officials reinforced perceptions of Haitians posing what could be called "biosecurity" risks

to South Florida (Nachman 1993: 228), a stereotype resonating profoundly in the local media.<sup>12</sup> On October 27, 1979, a *Miami News* article titled “Haitian Health Crisis Hits Dade,” asked the governor to declare sections of northwest Miami a “special health emergency zone”:

State and county health officials said yesterday that local resources are over strained in meeting the widespread medical problems among the estimated 15,000 Haitian refugees in Dade County. . . . The refugees suffer from such communicable diseases as tuberculosis and venereal infections, as well as from malnutrition, anemia, dysentery, diarrhea, intestinal parasites, skin disorders, and complicated pregnancies. (Cited in Farmer 1992: 236)

By emphasizing the communicable nature of Haitians’ diseases and the economic burden of caring for the sick, these health officials shifted attention away from the structural dimensions of suffering—the social, political, and economic roots of Haitians’ illnesses—to the immediate threat that such suffering posed to the Dade County public. By way of contrast, Ong (2003: 95) states how Southeast Asian refugees received extraordinary medical benefits in California: “although more than seven hundred thousand Southeast Asian refugees have settled in the United States since 1975, they never became a threat to public health. . . . Today, the perception of polluting immigrants is reserved mainly for refugees and peoples from poor regions and sites like Haiti and Africa, whose populations are widely considered to be carriers of HIV.”

This process of classifying Haitians as a biosecurity threat was compounded by discourses on AIDS: in late 1981, the Centers for Disease Control and Prevention (CDC) began to list Haitians as a population at high risk for contracting AIDS. Negative stereotypes contributed to Haitians being included in the high-risk category as an ethnic and national group:

Some US researchers proposed that AIDS began with an outbreak of African Swine fever in Haitian pigs, and that the swine virus had been passed to humans. . . . Another idea was that animal sacrifice and other voodoo rituals could explain the origins of human infection. Others proposed that Haitians might have contracted the virus from monkeys as part of bizarre sexual practices in Haitian brothels. (Sabatier 1988: 45)

The specter of AIDS and aberrant cultural practices only intensified the extent to which Haitians were stigmatized as dangerous disease carriers.

Not only did these discourses justify discrimination against Haitians in places of employment, schools, and hospitals, such forms of rhetoric also justified their quarantine in detention centers and their eventual exclusion from the United States. In 1981, after determining that “illegal” immigration by sea—in particular Haitian migration—had become a “serious national problem detrimental to the interests of the United States,”<sup>13</sup> President Ronald Reagan’s administration devised a policy

to stop the flow of Haitian boat people to the United States altogether (Stepick 1986). On September 29, 1981, Reagan established the Haitian Migrant Interdiction Program through Proclamation 4865 and Executive Order 12324. The proclamation claimed waves of Haitian migrants “severely strained the law enforcement resources of the Immigration and Naturalization Service’ and ‘threatened the welfare and safety of communities’ in the southeastern United States” (LCHR 1990: 10). Executive Order 12324, issued the same day, permitted the secretary of state to “enter into, on behalf of the United States, cooperative arrangements with appropriate foreign governments for the purpose of preventing illegal migration to the United States by sea” (Miller 1984: 73; LCHR 1990: 10).<sup>14</sup>

After the INS guidelines for interdiction at sea were established, the first interdiction took place on October 12, 1981. By intercepting Haitians at sea before they entered US territory—an intervention in a zone of indistinction—the Reagan administration was able to circumvent laws requiring that refugees be given due process in a judicial arena. Thus, the president’s orders solved the so-called “Haitian Problem” before it ever reached US territory. From that time until 1990, 364 boats were intercepted carrying nearly 21,461 Haitians. All but six were returned to Haiti (LCHR 1990: 4, 10).<sup>15</sup>

Regardless of this interdiction policy, refugees from the 1991 to 1994 coup period still sought liberty in the United States by sea, especially after the violence in Haiti escalated between 1993 and 1994.<sup>16</sup> During this time the exodus peaked at nearly forty thousand ill-named “boat people” in one year. When the number of interdicted persons exceeded the capacity of the US Coast Guard to process them at sea, Haitians were interned in another purgatorial space, the GTMO camps at the US naval base in Guantánamo Bay, Cuba (Farmer 2003; Smith 2000; Kahn 2019). At the time, GTMO was not considered US territory and was outside the jurisdiction of customary international human rights law. Thus, long before the indefinite detention of suspected architects of terrorist jihad against the United States, Haitians and other nationals were confined at Guantánamo through logics justifying apprehension, containment, exclusion, and expulsion in the name of security.

In more recent years, the United States has framed its interdiction policy as a benevolent practice of efficient “humanitarianism”—a form of protection or security, rather than coercion, threat, or punishment—that relieves taxpayers of a burden of care:

As the United States’ primary maritime law enforcement agency, the Coast Guard is tasked with enforcing immigration law at sea. . . . When successful, illegal immigration can potentially cost U.S. taxpayers billions of dollars each year in social services. In addition to relieving this financial burden on our citizens, the Coast Guard’s efforts help to support legal migration systems. Primarily, the Coast Guard maintains its humanitarian responsibility to prevent the loss of life at sea, since the majority of migrant vessels are dangerously overloaded, unseaworthy or otherwise unsafe.<sup>17</sup>

In practice, Guantánamo was and continues to be a space where civil law has been suspended and the state of exception is the rule. Portraying interdiction (and containment) as benevolent echoes the concept of compassionate repression (Fassin 2005). Such paradoxes of humanitarian detention emerged in the contemporary purgatorial spaces containing Haitians.

#### HAITIAN MIGRANTS IN DETENTION

In the early hours of February 29, 2004, after a rapid acceleration of insecurity, President Jean-Bertrand Aristide was once again forced to flee Haiti. I watched these events unfold while conducting postdoctoral research with Miami Haitian refugee and immigrant communities between 2003 and 2004. Observers and long-time advocates for Haitian democracy and human rights exclaimed, “It’s déjà vu all over again!” (Maguire 2004; Cheryl Little, personal communication, March 2004). In the days following Aristide’s expulsion, it was unclear what had happened. A pervasive feeling of confusion, frustration, and anger was expressed through social unrest in Little Haiti, North Miami, Homestead, and other areas with high Haitian resident concentrations. In the local and national media, the events surrounding Aristide’s ouster and initial exile to the Central African Republic were contested.

On March 10, 2004, I joined a delegation formed to evaluate the status of Haitian detainees in several South Florida detention centers. TransAfrica Forum, a Washington, DC advocacy organization tracking how US policy affects Africa and the African diaspora, sponsored the delegation (TransAfrica Forum 2004). Haitians were detained in four locations. The Krome Service Processing Center held Haitians and other “illegal entrants” (Nachman 1993: 231). In the 1980s, the notoriously understaffed facility lacked sufficient Creole interpreters, running water, sanitation, supplies, and telephones, and had only limited shelter apart from hangars and tents. Toward the end of 1980 some improvements were made to provide more permanent structures. One year later, Krome had expanded to include a men’s and women’s dormitories, a juvenile facility, a cafeteria, and an administration building (Nachman 1993: 231–32; Dow 2004: 48–77). After public protests against its unsanitary conditions, additional improvements were made.

Regardless of the improvements to Krome’s physical infrastructure, for many inhabitants it was a space of vulnerability rather than humanitarian protection. In 2000, reports surfaced documenting the “widespread sexual, physical, emotional, and verbal abuse of women detainees by Krome officers.” Women were subsequently transferred to another detention center, the Turner Guilford Knight Correction Center (Women’s Commission for Refugee Women and Children June 2001: 1). By 2004, under Department of Homeland Security oversight, Krome only housed adult males and was considered a model detention center.

At the time of our delegation, sixty-five Haitian women were detained at a second location north of Miami, the Broward County Transitional Center, a facility

managed by the Wackenhut Corrections Corporation. This multinational corrections and residential treatment company had changed its name to the GEO Group Inc. after a series of scandals.<sup>18</sup> Haitian women and children were confined at a third location, a southwest Miami Comfort Suites Hotel leased by the US government. Our delegation was denied access to this location. Finally, Catholic Charities of the Archdiocese of Miami, Inc. (CCAM) managed another detention center for the federal government, “Boys Town,” a facility for “unaccompanied refugee minors.” Although different in intent and practices, our visits to Krome and Boys Town revealed several similarities between secular correctional or penal institutions and religiously based reformatories. Protection and penitential confinement were two sides of the same coin.

As our vans approached Krome’s peri-rural location, dry trees and grasses surrounded us. Tall, rusted fences topped with razor wire enclosed the landscape. We drove through two sets of gates to a checkpoint where we presented identification and received visitor passes marked “Escort Required” in red print. After parking next to an unremarkable cream-colored building with green trim, Officer George Hernandez came to greet us and gave us copies of the detainee handbook. As we approached the building, I recalled I was approaching where Jean-Robert Paul was detained before his parole to Boston.

After passing through an X-ray security checkpoint we were escorted through another set of doors and we viewed rooms where detainees spoke to visitors by phone through double-paned glass. Internees were visible around us. Officer Hernandez next led us to an outdoor area to observe detainees in a grassy courtyard completely fenced in with barbwire. In a straightforward style, he said detainees were given a “Know Your Rights” presentation on arrival and Haitian Creole presentations were given several times a week. At the time Krome housed 127 Haitian men, 102 Cubans, and individuals from other nations to form a population of 505. After observing these inmates, I noticed a color-coded uniform system and asked Officer Hernandez what the colors signified. A strict schedule kept each color-coded detainee group in its proper place. Those wearing blue jumpsuits represented “administrative detainees”: individuals with “credible fear cases” who had no criminal background. Those in orange had some criminal background but had committed nonviolent offenses. Individuals in red had committed violent felonies; some had completed sentences in US jails and were now awaiting deportation or release.

Haitians were administrative detainees wearing blue. All had arrived on two boats during the turmoil surrounding President Aristide’s second election, reaching US shores on December 3, 2001, and October 29, 2002. In Building 8, a large room with sixty-eight bunk beds where many detainees slept, we were able to speak directly to seven Haitians. They spoke plaintively of feeling abandoned and wondered why their desperate pursuit of security and liberty was deemed a crime.

David Joseph’s case epitomized the many conceptual, legal, and physical zones of indistinction employed to exclude Haitian asylum seekers. Although he was

nineteen when we spoke, he had been detained with adults since his October 29, 2002, arrival and had turned eighteen while imprisoned. All Krome residents were presumed to be over the age of eighteen. Another agency, the US Department of Health and Human Services Office of Refugee Resettlement (ORR), managed detainees under age eighteen.

Only the biological body testified to the veracity of his age. In the absence of verifying documentation, dental X-rays and wrist measurements yielded either potential asylum and citizenship or exclusion and deportation (Physicians for Human Rights and the Bellevue/NYU Program for Survivors of Torture 2003: 130). These procedures resembled the late nineteenth- and early twentieth-century racial anthropometric practices (Kevles 1995)—that is, when scientists thought bodily measurements indicated a subject's purported intelligence, and physical, moral, and cognitive development. Contemporary medical experts challenged these biometric assumptions, arguing that there could be significant discrepancies between chronological age, dental age, and skeletal age. Furthermore, the standard to which present-day refugee measures were compared—the *Radiographic Atlas of Skeletal Development of the Hand and Wrist*, by William Walter Greulich and S. Idell Pyle—used upper-class White children from 1931 to 1942 as the norm. The method's relevance to current "multiethnic" populations was questioned (Physicians for Human Rights and the Bellevue/NYU Program for Survivors of Torture 2003: 130–31). Use of such technologies at Krome invalidated the voice, narrative, subjective experience, and human rights of the "minor" asylum seeker.

Measurement of suspect bodies was not the only discursive strategy restricting refugees' capacity to apply for asylum. Federal immigration policies toward Haitians as a legal class also inhibited their efforts to request asylum and await final judgment under more humane conditions. Although David was eventually granted release on bond pending an asylum hearing, he was denied discharge to a family in the United States because of changes in immigration policy toward Haitians. By the time of the October 29, 2002, boat, the US government had quietly instituted a "secret policy" against them:

Following the December 3, 2001 arrival of 167 interdicted Haitians who were brought ashore to Florida, the Immigration and Naturalization Service (INS), which is now part of the Department of Homeland Security (DHS), adopted a secret policy directed solely at Haitians, which resulted in the prolonged detention of virtually all Haitian asylum seekers in South Florida, regardless of whether they arrived by boat or by plane, and despite the fact that all but two of the 167 had convinced U.S. Asylum Officers they had a "credible fear" of persecution upon return to Haiti. (Florida Immigrant Advocacy Center 2004: 10)

The federal government proclaimed that Haitians had to be detained for purposes of national security. Their parole could encourage a large, costly influx of "other aliens": "the release on bond of additional alien passengers from [the

October 29] vessel will cause a 'surge' in other aliens attempting to reach the United States by sea . . . there are insufficient resources to adequately screen the passengers of these vessels, which may contain aliens seeking to threaten the homeland security of the United States."<sup>19</sup> With the Board of Immigration Appeals upholding the immigration judges' decision to grant bonds, Asa Hutchinson, then undersecretary for Border and Transportation Security, asked former US Attorney General John Ashcroft to deny the release of all Haitians in this category.

Although of slight build, David appeared too thin, almost frail. He told us he had lost his appetite and he lamented having spent two Christmases in detention. He spoke passionately and with anguish: "Given the current situation, I came to the US to safeguard my life, not to be kept in jail. I got so sick I couldn't even eat. I don't hear from my family. I don't know how they're doing. Houses have been destroyed in Haiti [following the second ouster of Aristide] . . ." Overwhelmed by emotion, David stopped for a few moments, then spoke about the conditions under which they lived at Krome: "We aren't treated well. Haitians are humiliated here." All the detainees grieved their fate and shared disillusionment in hoping for US governmental assistance. They feared deportation to Haiti. Although Candace Jean, the Catholic Legal Services lawyer who interceded on David Joseph's behalf, was hopeful an appeal to the Board of Immigration Appeals might grant him asylum, on November 29, 2004, he was deported after spending more than two years in detention.<sup>20</sup>

David Joseph's case highlights how zones of indistinction are material spaces—like the detention camp or the land and sea borders between sovereign territories—as well as legal, symbolic, and conceptual spaces. In these purgatorial zones, humanitarian protection blurs into confinement, imprisonment, and punishment through a variety of discursive strategies—such as categorizing Haitians as "threats to national security" rather than as citizens possessing legal rights to seek asylum across borders, or as adults instead of unaccompanied minors. Once contained, a political and spatial order inculcates in detainees a sense of temporal indeterminacy while their future status, as incorporated or excluded, is determined.

## BOYS TOWN

Boys Town, recently renamed the Unaccompanied Minors Program at Monsignor Walsh Children's Village, provoked moral and ethical questions about faith-based charity, national security, and the differential treatment of Haitians under US immigration policy. This case highlights how Catholic Charities' management of migrants on behalf of the state obscures any distinction between public and private realms, secular and religious administration, and pastoral, disciplinary, and repressive power. In so doing, Catholic institutions have become integral components of governmental apparatuses that police and confine the vulnerable while determining whether to incorporate them as future members.

Catholic Charities of the Archdiocese of Miami, Inc. links Boys Town to the controversial Operation Pedro Pan.<sup>21</sup> From 1960 until 1962, under President Fidel Castro's rule, Cuban parents who feared their children would be indoctrinated as Marxist-Leninists voluntarily sent fourteen thousand of them to be resettled with Catholic foster families in the United States. As director of the Catholic Welfare Bureau (now called the CCAM), Rev. Bryan O. Walsh placed these "children in temporary shelters in Miami," a fosterage practice that evolved into the Children's Refugee Program. When the capacity of local Catholic minor facilities was eclipsed, children were relocated to more than thirty other states through Catholic Charities' network of agencies.<sup>22</sup> Presumably, Boys Town was one of these facilities.

In 2004, Boys Town offered to unaccompanied minor children what staff members called residential "day treatment." Staff members called their facility a "soft detention" center caring for "minors," children ranging from infants to seventeen-year-olds. By the time of our March 10 visit, the fifty-six-bed center had already served 241 children. The majority spoke Spanish, Mandarin Chinese, and Haitian Creole. Staff fluent in the minors' languages offered educational and recreational programs (both on and offsite), psychological counseling, and food and clothing.

Our delegation met briefly with staff members, and was then led down a long driveway to another building containing a large recreation room. Inside, the children were assembled in rows before us. Seated in a semicircle in front of them, we could be attending an elementary school performance anywhere in United States. The children began a familiar song: "I am proud to be an American, where at least I know I'm free, and I won't forget the men who died who gave that right to me. And I gladly stand up next to you and defend her still today, 'cause there ain't no doubt I love this land . . . God bless the USA." Each child had a colorful map hanging from their neck representing a global nation. They waved handmade US flags and stood one by one to name their home country.

The musical show demonstrated each child was acquiring skills needed to navigate asylee status (if paroled into the United States), and potentially, permanent residence and citizenship. Secondly, their performance offered evidence of the normalcy, safety, and routines afforded to unaccompanied refugee minors while awaiting liberation. The song choice revealed the role soft detention facilities played in inculcating patriotic political dispositions in the children—a contemporary example of Catholic Charities' intercessory work to "reform" or rehabilitate children and prepare them for possible futures outside the purgatorial space. This was a positive outcome both for the children and for Catholic Charities, especially given continued questions about the roles of Catholic institutions in failing to protect children from clerical abuses. The children's earnest performance remains a bittersweet memory.

After the show our group divided to allow some to interview the Haitian children while others spoke with staff. There were ten Haitians, six boys and four girls ranging from five to seventeen years old. We were told there were difficulties placing Haitian children in the Haitian American community because

of economic, legal, and other barriers. Children who could not be placed were routinely deported.

For some children Boys Town was not a benevolent pastoral space; it was a punitive one from which they hoped to flee. They shared heartrending stories of struggling to reach the United States and their fears one or both of their parents had died. They were frightened by the thought of returning to Haiti and felt isolated at Boys Town. Loneliness compounded psychological and physical complaints stemming from past traumas. The children also mentioned other minors who had run from the facility, preferring to navigate the shadowy world of illegality rather than await the award or denial of asylee status.

Boys Town raised questions regarding the roles of religious nonprofits as apparatuses of governmental security and as institutions attempting to inculcate moral, behavioral, and even political dispositions in those under their charge. As such, its “day treatment” resembled, but was not identical to, the 1960s work of Operation Pedro Pan or the early twentieth-century American Catholic charities refugee resettlement work. Each historical example demonstrated Catholics’ capacity for civic responsibility and citizenship by means of rehabilitating, educating, and reforming wards of the state and other marginal populations. Even as faith-based organizations care for those served, by engaging in soft detention and refugee resettlement work, organizations like Catholic Charities have become components of a federal security apparatus that incorporates, while also policing, detaining, and expelling, so-called “unlawful migrants.” In so doing, institutions like these operate between the poles of compassion and repression (Fassin 2005).

Since 1980, the organizations receiving the largest federal Office of Refugee Resettlement (ORR) subcontracts have been faith-based. In the fiscal year 2008, Church World Service, Episcopal Migration Ministries, Hebrew Immigration Aid Society, Lutheran Immigration and Refugee Service (LIRS), and the United States Conference of Catholic Bishops (USCCB) were among the nine major ORR subcontractors. The USCCB—the public policy, evangelization, and social action agency of the Catholic bishops of the United States—describes itself as the largest resettlement agency in the world and has served as an ORR lead subcontractor.<sup>23</sup> When we visited, the USCCB and the LIRS were the only two agencies resettling unaccompanied refugee minors for the ORR. Under the USCCB auspices, Catholic Charities programs served the ORR’s Unaccompanied Refugee Minors Program (URM).

The stated mission of the ORR Unaccompanied Refugee Minors Program is to help “minor refugees develop appropriate skills to enter adulthood and to achieve social self-sufficiency” while they await placement in foster families, unification with their own families in the United States, and regularization of their legal status.<sup>24</sup> As previously stated, if minors have not found placement prior to turning eighteen, they are transferred to an adult detention facility. If unable to obtain asylum, they are deported. Although Catholic Charities physically manages the program, children remain legally in the custody of the ORR during their stay.

The Catholic Church's history of resettling migrants on behalf of the United States government extends back to the colonial era (see Chapter 2). Until the early twentieth century, these efforts were organized at the local diocesan and parish levels and involved providing pastoral care, social services, and education. In 1920, American bishops established a national department of immigration under the National Catholic Welfare Conference. The conference had evolved from another national Catholic institution established in 1917—namely, the National Catholic War Council.<sup>25</sup> From concern for Catholic military chaplains and the need to formulate official Catholic positions on the war, “representatives from sixty-eight dioceses and twenty-seven Catholic societies met at The Catholic University of America and formed the National Catholic War Council, ‘to study, coordinate, unify and put in operation all Catholic activities incidental to the war’” (Gribble 2008: 74). In 1919, the Council was made permanent with five departments, “Education, Legislation, Social Action, Lay Organizations, and Press and Publicity, each headed by a bishop” (Gribble 2008: 75), and in 1922, the Council was renamed the National Catholic Welfare Conference.

Between 1920 and 1930, the Immigration Department, which had a presence at Ellis Island, had assisted more than 100,000 immigrants in their efforts to immigration. Following World War II and the passage of the Displaced Persons Admissions Act of 1948, the Church assisted in the resettlement of more than 100,000 European refugees. Catholic Relief Services (CRS) and the Catholic Committee for Refugees coordinated the provision of resettlement services.<sup>26</sup>

In 1965, the National Conference of Catholic Bishops and the United States Catholic Conference “assumed the work” of the National Catholic Welfare Conference under one joint institution, the USCCB (Oates 1999: 93). After its creation, the USCCB established the Migration and Refugee Services department to coordinate refugee resettlement activities, public policy, advocacy, and legal aid to immigrants.<sup>27</sup>

But the role of the USCCB as subcontractor for the federal Office of Refugee Resettlement is much more recent. On March 17, 1980, Congress enacted the Refugee Act of 1980 (P.L. 96–212) to establish “the number of refugees to be admitted to the United States” and created “the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services to administer assistance programs designed to help refugees achieve economic self-sufficiency as quickly as possible” (ORR 1981: 1, 14). Responding primarily to the needs of hundreds of thousands of Indochinese refugees who were admitted to the United States following the Indochina Migration and Refugee Assistance Act of 1975, the new office coordinated efforts to resettle refugees accepted by the United States through grants made primarily to twelve voluntary agencies called informally by the term VOLAGs (ORR 1981; see also Ong 2003: 52–65). In fiscal year 1980, the USCCB and LIRS were two of the largest subcontractors resettling refugees, especially unaccompanied minors (ORR 1981: 14).

In part, the Church's support was motivated by its commitment to aid the poor, the sick, and the vulnerable, of which migrants are a particularly cherished population. In addition to theological imperatives to be charitable, policy statements also exhort Catholics to enact private acts of charity on migrants' behalf. In "Welcoming the Stranger among Us: Unity in Diversity,"<sup>28</sup> the USCCB describes Jesus as both migrant and refugee in order to inspire Catholics to welcome immigrant and refugee communities.<sup>29</sup> Catholics are also encouraged to advocate for immigrant human rights and laws that "preserve the unity of the immigrant family . . . [through] the extension of social services, citizenship classes, community organizing efforts that secure improved housing conditions, decent wages, better medical attention, and appropriate educational opportunities for immigrants and refugees."<sup>30</sup> As later chapters show, the Haitian Multi-Service Center sought to promote these activities as necessary for a dignified life. From examining this array of Catholic principled issues and charitable social services, the links among human life, health, social welfare, and the law are inextricable.

But the Boys Town example and the next case, Pwojè Lavi, also raises questions about the symbolism of children as objects of charity and humanitarianism. In humanitarian discourses, children have represented states of savagery and original sin, but also innocence, peace, hope, and truth (Liisa Malkki 2010). Children may also embody neutral, depoliticized ideals about the future for public and private actors in local settings, alongside more transcendent, universal values. At Boys Town, the song performance welcoming our delegation presented minor refugees as potential or "apprentice citizens" (Malkki 2010: 81), even while acknowledging ties to their home countries. Nevertheless, Boys Town was still a facility from which several Haitian children hoped to be liberated.

The next case, involving the 1992 release of Haitian minors from the Guantánamo camps, brings this story to Boston, and to another program Catholic organizations managed on behalf of the "caring state" (Daly 2009). Inaugurated by Cardinal Bernard Francis Law, this program shows how pastoral power can influence and critique state policies. Law's intervention evoked a centuries-old legal sanctuary tradition rendering a monastery or convent a space of protection and legal immunity from secular modes of detention and punishment. This narrative also queries the uses of charity to rebuild an institution's credibility in the face of scandal.

#### PWOJÈ LAVI (PROJECT LIFE)

Although portrayed initially as a safe location for asylum seekers, in the Guantánamo camps civil law has been (and continues to be) suspended,—producing the "state of exception" (Agamben 1998, 2005). In this purgatorial space, Haitian detainees existed at the level of "bare life" (Agamben 1998), lacking recognition of their civil and political rights. One Haitian parolee eventually resettled by the Haitian Multi-Service Center said of Guantánamo, "We felt that we were in jail

the entire time. . . . We were under military surveillance. We had no freedom, even to go to the toilet” (Bennett 1992a).

Increasing numbers of Haitians fled by boat as repression of the prodemocracy sector escalated during the coup years. By January 1992, more than eight thousand Haitians were stranded in Guantánamo under conditions generating comparisons to Nazi Germany concentration camps. In keeping with the Reagan-era migration policy, the Bush administration argued that Haitians fled poverty rather than political persecution. Less than one quarter of these men, women, and minor detainees were permitted to apply for asylum. Haitians described how life was “marked by boredom, periodic violence and the near constant anxiety of having their fate in the hands of strangers” (Bennett 1992a). Another man who tested positive for HIV and was quarantined in a separate camp on the naval base said, “We lived in tents . . . men and women together. The women would put up sheets for privacy and to create their own space. When it rained, the water would come inside, and we ate rice and beans every day. There were wooden toilets set up without a flush. They were near where we ate and the smell was very bad” (Negri 1993).

In February 1992, many refugees were repatriated from Guantánamo. The Boston Haitian community called the Bush administration’s refusal to grant the refugees an opportunity to enter the United States (while their asylum cases were pending) immoral and “evident proof of the insensitivity and selective application of the concept of human rights by the US administration” (Negri 1992). In the *Boston Globe*, Cardinal Law agreed, describing the repatriation as “legally justifiable” but “morally questionable” (Negri 1992). Despite efforts to mobilize moral judgment, there would be no change in US policy. By May 20, 1992, with 12,482 Haitians detained, Guantánamo had nearly reached its 12,500 capacity. Government officials suspended interdictions unless boaters faced imminent threat of death (Hansen 2011: 292). Two days later, in a direct letter to President Bush, Cardinal Law evoked publicly the collective moral failure permitting the Holocaust:

The sad memory of Jews being refused entry before World War II should teach us that never again should we turn our back on a human being pleading for our help and hospitality. In the name of all that is decent, we cannot turn our backs on poor Haitians willing to take heroic measures in order to escape a hopeless situation which is made worse by a failure of resolve on the part of the international community. (Law 1992a)

Regardless of Law’s effort to deploy pastoral power on the Haitians’ behalf, on May 24, 1992, President Bush issued Executive Order 12807 authorizing the Coast Guard to return persons interdicted at sea without requiring “any procedures to determine whether a person is a refugee.” In July 1992, as camp tensions escalated into demonstrations and rioting, the United States government launched a military operation using a warplane, bulldozer, and combat-clad soldiers brandishing weapons, to corral “the refugees into small holding pens while ransacking their

shelters. . . . Haitians, male and female, their hands bound behind their backs [were] loaded into vans. Children and pregnant women were among those arrested” (Hansen 2011: 295).

Cardinal Law was eventually successful in obtaining the release of more than one hundred Haitian unaccompanied minors, including an infant, into the custody of the Archdiocese of Boston (Bennett 1992c). According to a staff person I interviewed from Boston’s Catholic Charities, Law spoke directly with President Bush about the children. Bush agreed to their release, and Law obtained US Department of Justice and USCCB support to resettle them. The Charity sent staff members to Guantánamo to retrieve the children, and they all traveled by military plane to Boston.

The goal of Pwojè Lavi, Project Life,<sup>31</sup> was to help the Haitian minors acculturate and resettle, either with members of their own extended families or with foster families. The program operated between July 1992 and late spring 1994.<sup>32</sup> According to a former staff person, the children ranged from an infant to young adolescents. The children were first sheltered at the Espousal Center in Waltham, Massachusetts, a pastoral institution run by an order of priests, then removed a few short weeks later. I was told its staff lacked the language and cultural skills to work with Haitians and care for more than one hundred children. The Charity next asked the Sisters of the Good Shepherd to house the children.

Although the Good Shepherd sisters had not had much prior experience with housing unaccompanied refugee minor children, they had been involved in juvenile reform in Boston since the early twentieth century (see Chapter 2). The sisters had a contract with the Massachusetts Departments of Social Services (currently called the Massachusetts Department of Children and Families)—which deals with cases of abuse and neglect—and with the Department of Youth Services, which attempts to “protect the public and prevent crime by promoting positive change in the lives of youth committed to our custody.”<sup>33</sup> A Good Shepherd administrator said in the mid-1980s that the sisters held a contract with the state to provide “residential treatment” to 120 girls who “failed to thrive” in foster homes. The girls had come before the juvenile court system because of mental health problems and social delinquency. Although some of the girls resided at the convent in a locked facility, others were not confined. The sisters provided to the Haitian children a fully accredited residential school, recreational activities, and access to religious services if requested. In 1992, Catholic priests and Protestant pastors were made available to meet the Haitian children’s spiritual needs.

Pwojè Lavi had sixty staff members—including doctors, nurses, therapists, and lawyers—most of whom were Haitian and fluent in Creole. Personnel worked three shifts. Traditional Haitian cuisine was served. Each child had their own room. Much like Jean-Robert Paul’s experience in Boston, however, a Haitian social worker directing this program noted some children acted out as a result of previously experienced traumas.<sup>34</sup>

Cardinal Law came regularly to share meals and celebrate the Catholic Mass with the children. According to a Haitian Multi-Service Center staff person who previously worked with Pwojè Lavi, Law wanted details of each child's welfare. The children liked him because he allowed them to play with his majestic black and red robes. To adult Haitians, the cardinal's willingness to allow Black children to touch him—children who had survived dire conditions in Haiti and imprisonment in the Guantánamo camp—was a moving demonstration of Law's care. By the program's end, some children had been reunified with parents and family members or placed with foster families. Others received asylee status and embarked on a path toward permanent residence and eventual citizenship. For years afterward the children stayed in touch with Pwojè Lavi caregivers who later worked at the Center.

. . .

Cardinal Law was able to circumvent US immigration policy restrictions and secure the release of Haitian children by shaming the United States publicly and through private pastoral appeals to President Bush. In so doing, Law helped procure a safe environment for these children. I am still struck by these stories of Law's pastoral care. The narratives pose stark contrasts to the cardinal's current image following the 2002 revelation of his approval of transfers of known predator priests in the archdiocese (beginning in 1984).

Because Cardinal Law's extraordinary advocacy for Haitians, especially children, occurred at nearly the same moment when victims of pedophile priests in the Archdiocese of Boston were publicizing their suffering, I am compelled to consider his public charity toward Haitians alongside the exposure of corporate Catholic scandal. On February 24, 1992, when the story of Haitian detainees was becoming prominent in the media, the *New York Times* announced the formation of a commission in the Archdiocese of Chicago to examine decades of accusations of clerical sexual abuse of minors. The Chicago priest and sociologist, Rev. Andrew M. Greeley, called the clergy pedophilia crisis the "S. & L. disaster of the Catholic Church," referring to the American savings and loan crisis from the mid to late 1980s. Then, on May 8, 1992, in the *Boston Globe*, nine men and women in southeastern Massachusetts alleged that Rev. James R. Porter had sexually molested them as children in the 1960s. With full knowledge of the misconduct allegations, the Church transferred Porter to two neighboring parishes where he allegedly assaulted other children before leaving the state in 1967. The nine adult accusers said they intended to sue the Church if it did not compensate them for damages and help them obtain justice.

The day after Cardinal Law's May 22, 1992, appeal to President Bush for clemency for Haitian detainees at Guantánamo, he was questioned about his church's response to the charges made against Porter in the 1960s. Law is reported to have responded as follows: the news media "has covered this story irresponsibly to paint all the clergy in a negative way" (Franklin 1992). At a mother's march against

violence on the same day, Law publicly called down “God’s power” against “the media, particularly the *Globe*,” for their lack of coverage of the Church’s benevolent work and disproportionate coverage of the emerging local scandal. The media described Law as “distressed by the absence of coverage of his own stand . . . criticizing the US decision to turn back Haitian refugees” (Franklin 1992).

The cardinal’s reported displeasure at the lack of attention to his advocacy for Haitians suggests legitimate frustrations with the media’s failure to use its power on Haitians’ behalf. Perhaps Law was irritated about his exercise of pastoral power on their behalf not generating greater public outcry against unjust immigration policies or, possibly, personal forgiveness for his failures to safeguard other children. In this view, Law’s intercession for the Haitian children in Guantánamo can be interpreted as a penitential act, one intended to balance his failures to protect James Porter’s (and other predator priests’) victims, especially as they came forward publicly to denounce the Church. Although I cannot definitively confirm this interpretation, Cardinal Law’s intercession for Haitian minors reinforced the power of Catholic charitable institutions as agencies able to manage difficult cases. As the Charity administrator stated previously, other Catholic resettlement agencies considered Haitians “*a population that most people don’t want to touch.*”

#### ASYLUM, SANCTUARY, AND LAW

For some Haitians, Boys Town, Pwojè Lavi, and even Boston’s Haitian Multi-Service Center, offered “sanctuary” in the historical sense. In the Middle Ages, individuals were able to seek immunity from punishment at religious institutions like a monastery or abbey (Shoemaker 2011). Through confession and other penitential practices, the offender could be redeemed. Early Christian writers depicted churches as “spatial buffers against the spiritual contagion of theatres and pagan worship sites” (Shoemaker 2011: 17). The theologian Augustine of Hippo linked church sanctuary protections for fugitives to the intercessory powers of Catholic clerics in both secular and sacred realms of justice. In keeping with the obligation to offer charity, not only could Church officials petition courts for leniency on behalf of orphans and widows; the duty to provide charity could “require bishops to attempt to gain leniency or even clemency for malefactors tried before imperial magistrates” (Shoemaker 2011: 18). Furthermore, the practice of intercession “on behalf of the accused and condemned” had roots in the economy of salvation: “In Augustine’s view, intercession aimed to turn the wrongdoer from his sin so that he might live free from it, while secular punishments only injured or killed the body without purging the soul” (Shoemaker 2011: 18–19). Over time, the church building itself was viewed as a sacred space able to offer asylum because of its sanctity. As a locus of spiritual activity, the physical building was inviolable or impenetrable by secular magistrates.

In contemporary times, religious actors have challenged secular law by using sacred spaces to offer sanctuary to undocumented migrants. In the 1980s, when US immigration policy was increasingly restrictive and political asylum claims were routinely denied not only to Haitian migrants but also to those from El Salvador and Guatemala, the church-based sanctuary movement (both Catholic and Protestant) shielded asylum seekers from “detection by law enforcement agencies who would have deported them back to an uncertain fate” (Van Ham 2009: 622).<sup>35</sup>

A final story tracing one of the Center’s instructors from Haiti through Krome to Boston not only demonstrates the strategies and tactics Haitians employed to reach the United States but also how Haitian Catholics deployed pastoral power to critique, resist, and even limit state power.

### CONTAINING THE STATE

Although desperation could propel Haitians onto paths resulting in their imprisonment, resistance was possible. Réналd St. Jacques, as I call him, spent nineteen months in Krome between 1988 and 1990, a time during which hundreds of Haitian men and women were detained beyond the facility’s capacity. He was born in 1964 in Gonaïves, Haiti, into a large family whose older son was killed for political reasons. During the period of *ensekirite* that some have called “Duvalierism without Duvalier” (Trouillot 1990: 221–24), the escalating murders of young Haitians made him fear for his own life. The lack of job opportunities was an additional motivating factor. In 1988, Réналd fled for the United States without prior legal authorization.

In contrast to the thousands of Haitians who fled by boat, Réналd’s family had some financial means. Given the restrictive American immigration policies, he knew there was little likelihood of migrating legally. Along with another friend, he purchased a false passport and visa, then flew to Miami. Both men presented their documents in the customs and immigration zone of indistinction (Agamben 1998). Although Réналd’s identification papers went undetected, his companion’s were discovered. Under questioning, this friend exposed St. Jacques’s identification papers. Both men were sent to Krome:

*ECJ:* If I can ask, what was Krome like when you were there?

*RSJ:* When I [was] there, there [weren’t] so many people in it. Like, maybe one hundred, [but later] up to seven hundred people. [It was] getting bad with [Mexicans] coming, Dominicans, Haitians . . . So, when it’s too crowded, there’s fighting. Fighting with officers, fighting with people. . . . Yeah, it [was] getting worse. They start[ed] deporting people. They sent people to take us. It was a bad experience.

Like the prisoners in Northern Ireland who used their bodies (and excreta) to protest the conditions in which they were imprisoned (Aretxaga 1993, 1995), the

Krome detainees announced in a letter to local leaders and the media that they would commence a hunger strike: “We [had] to do a hunger strike, to see if we can get out. . . . In [1988], we [had] a hunger strike for four days without food.”<sup>36</sup> Although I do not know whether religious meanings of fasting informed the Krome hunger strike, I had learned in Haiti how religiously informed fasting was a common means to prepare for and focus prayers for deliverance from suffering and injustice.

The Miami Haitian community began protests outside Krome’s walls on their compatriot’s behalf. A *Miami Herald* story described the more than 180 Haitian detainees participating in the hunger strike as having left Haiti after the “Sept. 17 military coup brought Lt. Gen. Prosper Avril to power” (Lazo 1988). Avril had been leader of Jean-Claude Duvalier’s presidential guard and was a member of the US-backed National Council of Government (CNG), “a military-controlled regime” that the US Department of State asserted “would lead Haiti on the road to democracy” (Trouillot 1990: 221–22). “Craving freedom more than food,” the *Herald* reported, the detainees “turned down a special Thanksgiving buffet of Cornish hens, mashed potatoes and salad” and “would not eat . . . as a request that all Haitians be released from the center and given the same treatment received by Cuban refugees, who routinely get political asylum” (Lazo 1988).

The disparate treatment of Haitian migrants, in comparison to “unlawful entrants” from “communist” nations, had political roots in the Cold War. Like François and Jean-Claude Duvalier, Prosper Avril was not considered an enemy of the United States. In response, a well-known Catholic priest, Rev. Gerard Jean-Juste, who directed the Haitian Refugee Center (HRC) in Miami, deployed pastoral power in the tradition of Haitian liberation theology on the detainees’ behalf. In addition to filing lawsuits against the federal government,<sup>37</sup> Jean-Juste framed the strike as a call to the public to consider these detainees’ plight in the context of American ideals of liberty and justice: “I support the hunger strike. . . . This is a great day, Thanksgiving, and their call for freedom brings us to the roots of this country” (cited in Lazo 1988).

The hunger strike enabled more Haitian detainees to be paroled; however, as Rénaud puts it, the public pressure and spotlight on Krome’s conditions provoked the INS to expedite deportation proceedings:

*RSJ*: After [the] strike . . . they [started releasing] people who have family here. But I didn’t have family, so . . . they kept me. Nineteen months. . . .

*ECJ*: How did you keep your spirits up?

*RSJ*: Mostly it was very tense, [a] lot of tension, [and problems], because they [were] deporting people through [another] prison. When those guys came back, they [were] all lean, they didn’t get food, they [came] with bone and skin. So, I was afraid.

With the overcrowding and strikes, some Haitian detainees were relocated to a Louisiana jail and another INS facility in Texas. After a lawsuit Rev. Jean-Juste’s

HRC filed in protest of the transfers, the decision to relocate was overturned and the detainees were returned to Krome (Due 1989).

Eventually, with the support of two immigration lawyers—Cheryl Little, from the Florida Immigrant Advocacy Center, and another woman (whose name he could not recall)—Rénald was released on bond:

So, I [called] Cheryl and I said, the way the tension is inside . . . you have to do something. Cause if you don't do anything, [they're] gonna send me to Louisiana because it's been getting so bad. So, they said, ok, we're gonna go back to the judge again to see if they can get a bond for me. So, they went . . . and they gave me a bond for five hundred dollars, so I got released.

After his release, Rénald met with the bishop of Miami and gave several interviews to the media to appeal publicly for clemency. Ultimately, his lawyers were not able to attain asylum status for him. They suggested he go to Canada, which accepted Haitian asylum seekers more readily than the United States did. Making another journey across national borders posed too great a risk, and he feared being apprehended once again.

In 1990, when many Haitians still grappled with the legacies of *ensekirite* and the climate of terror the Duvalier regime had established, Rénald chose life as an undocumented person in Boston. Social distrust was normal and even essential for day-to-day survival in Haiti. Pragmatic caution remained for many Haitians in the United States. Under such conditions, the Haitian Multi-Service Center became his home away from home. His Haitian host permitted Rénald to sleep on a couch at night; but he requested he leave the residence during the day. In the early 1980s, in the tradition of Haiti's liberation theology and the more recent sanctuary movements, St. Leo's pastor quietly allowed a small number of undocumented migrants to reside in the parish buildings until they could find other housing and, hopefully, regularize their legal status. The Haitian priest Leandre Jeannot mobilized pastoral power to support his flock and to bolster the professional expertise of civic leaders in the Haitian community to bring the Center into being.

. . .

Haitians with no other means have made their passage to residence in the United States through several purgatorial spaces. For some, the experience of internment merely preceded expulsion and the return to the conditions of insecurity that have plagued their country. My visit to Krome and Boys Town deepened my understanding of the stories of Pwojè Lavi and Krome that were later shared with me and that complicate a facile analysis of these very different purgatorial spaces. Although, on one level, all were spaces of containment resembling Goffman's total institutions, the extent to which each facility disciplined detainees varied according to perceptions of their worth. On a spectrum of "pastoral" power, Krome was closer to the repressive end; Boys Town and Pwojè Lavi were closer to the

benevolent and compassionate end. In each space, detainees were inculcated into (or excluded from) a legal regime through normalizing routines and practices, whether those practices included a schedule of meals and exercise, or educational instruction and religious services. Unanswered questions remain regarding the governmental lease of for-profit corporate spaces like the Comfort Inn for women detainees and their children and the ongoing role of for-profit corporations like the GEO Group, Inc. in detainee management. How are the lives of asylum seekers in these hybrid spaces?

The intricate relationships between the state and religious and secular organizations partnering with, but subsidiary to, government, raise questions about the so-called separation of church and state. Against such spaces of containment, the Haitian Multi-Service Center (and St. Leo Parish) in Boston served as pastoral (and purgatorial) spaces offering shelter from many of these indeterminate migration conditions.