

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/what-we-do/our-cases/haitian-centers-council-inc-v-sale>

Policy Issue Resources

Haitian Centers Council, Inc. v. Sale was a case which secured an order in federal court that closed the detention camp for HIV-positive Haitian refugees at Guantanamo.

Once in office, President Bill Clinton continued the Bush administration policy of forcibly returning Haitian immigrants and maintaining a virtual prison camp for HIV-positive Haitians at Guantanamo, much to the dismay of the human rights and civil rights communities. As a candidate, Clinton had harshly criticized these same strategies.

In the spring of 1993, the same legal team which had fought the Bush administrationCCR, the San Francisco Lawyers Committee for Human Rights, the Lowenstein International Human Rights Clinic of Yale Law School, the ACLU, and the private firm of Simpson, Thacher & Bartlettfound itself facing Clintons Department of Justice. In arguments before the Supreme Court the team fought against the interdiction policy, and in a three-week trial in New York, it argued that the Guantanamo detention camp should be closed.

On June 8, 1993, federal Judge Sterling Johnson ordered that the Guantanamo camp must be closed and that the remaining Haitians, held captive for months behind barbed wire, be released. Judge Johnsons stinging opinion said in part:

Although the defendants [U.S. government agencies] refer to its Guantanamo operation as a *humanitarian camp*, the facts disclose that it is nothing more than an HIV prison camp presenting potential public health risks to the Haitians held there [] The detained Haitians are neither criminals nor national security risks. Some are pregnant mothers and others are children. Simply put, they are merely the unfortunate victims of a fatal disease The Haitians plight is a tragedy of immense proportion and their continued detainment is totally unacceptable to this Court.

However, on June 21, 1993, as Haitians were being greeted by ecstatic family members and supporters at Kennedy Airport in New York, the Supreme Court upheld the Bush-Clinton policy of interdicting Haitians on the high seas by an 8-1 vote. The Court ruled that prohibitions against the forced return of refugees did not apply outside the territory of the U.S., despite the clear language of the Refugee Act of 1980, which provides that no contacting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion.

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