

HEARING OF THE HOUSE INTERNATIONAL RELATIONS COMMITTEE
SUBJECT: HAITI

CHAired BY: REPRESENTATIVE BEN GILMAN (R-NY)

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Body

REP. BENJAMIN GILMAN (R-NY): The committee will come to order. Members please take their seats. The first order of business today before we begin our hearing is to welcome the newest member of our committee, Mr. Tom Campbell of California, who is a distinguished former member who has recently returned to this house to fill the seat vacated by the resignation of our former colleague, the gentleman from California, Mr. Mineta.

Congressman Campbell has most recently served in the California State Senate, as a professor of law at Stanford University, and before his service in the House, he served with the Federal Trade Commission, as a White House fellow and as a lawyer in private practice and as a former clerk to Supreme Court Justice Byron White. Mr. Campbell holds a J.D. from Harvard Law School, for which we'll forgive him, and a B.A. and an M.A. and a Ph.D, all in economics, from the University of Chicago. We warmly welcome you to our committee, Mr. Campbell.

REP. TOM CAMPBELL (R-CA): Thank you, Mr. Chairman.

REP. LEE HAMILTON (D-IN): Will the gentleman yield?

REP. GILMAN: I'd be pleased to yield to the ranking minority member, Mr. Hamilton.

REP. HAMILTON: Let me just join the chairman in welcoming Mr. Campbell to the committee. He served in the Congress with very great distinction previously, and we're delighted to have him back, especially pleased to have him on this committee.

That's quite a resume he's got. He's going to increase the intellectual level of this committee quite a bunch. We're glad to have you, Tom, and welcome to the committee.

REP. CAMPBELL: Thank you.

REP. TOBY ROTH (R-WI): Mr. Chairman?

REP. GILMAN: Mr. Roth.

REP. ROTH: Mr. Chairman, I would like to join you and the ranking member, too, in welcoming Mr. Campbell. I have known Mr. Campbell and worked with him on the Banking Committee, and I see he's going to be on the Banking Committee again and on this committee. So it's a great delight to have Tom back, and we're going to be looking forward to the questions that he has for our witness, too.

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REP. GILMAN: Thank you, Mr. Roth. Any other members seeking recognition?

REP. JAN MEYERS (R-KS): I would just like to add my words to those --

REP. GILMAN: Ms. Meyers.

REP. MEYERS: -- of the other committee members and say how pleased we are to have Tom with us on the committee. REP. GILMAN: Thank you, Ms. Meyers. Any other --

REP. HAMILTON: Mr. Chairman, is it my understanding that there'll be an additional Democratic slot?

REP. GILMAN: We are taking that under consideration and working on that at the present time.

REP. HAMILTON: You'll keep us informed about it, I'm sure.

REP. GILMAN: Yes, be pleased to, Mr. Hamilton.

REP. HAMILTON: Thank you.

REP. CAMPBELL: Mr. Chairman?

REP. GILMAN: Mr. Campbell.

REP. CAMPBELL: Just to respond to your gracious words and those of the ranking member and my colleagues, thank you. It's an honor to be back in the Congress, and particularly to serve on this committee of such distinguished leadership. I look forward to our time together. Thank you for your kind words.

REP. GILMAN: Thank you, Mr. Campbell.

The hearing on human rights and police issues in Haiti will now come to order. Without question, the human rights situation in Haiti has significantly improved since the U.S. intervention in September of 1994. Administration witnesses have emphasized that point repeatedly, and it's anticipated that it will be reiterated once again this morning.

Even so, there has been a distressing pattern of violence involving an estimated 20 political killings since our nation's intervention. Most of those victims have been opponents of President Jean-Bertrand Aristide. The FBI was asked to investigate the killing of attorney Moray Bertanne, a strong opponent of Mr. Aristide, who was shot dead in broad daylight in Port-au-Prince on March 28, 1995. We've been informed that there is evidence connecting the Bertanne killing with the murders of other Aristide opponents.

We are concerned, too, whether a conspiracy exists among some Haitians to eliminate President Aristide's opponents and whether they were trying to hide this from the FBI. Some question whether we are being negative by focusing on what may appear to be a relatively small number of human rights violations in Haiti. Others contend that the presence of 6,000 U.N. peacekeepers and a \$2 billion intervention fund has prevented temporarily much worse political violence.

Actually, this hearing is less about Haiti and more about the responsibility of our State Department to adequately and accurately respond to congressional queries on the critical issues pertaining to our relationship with Haiti. It's not enough to state that President Aristide, whom the administration restored to power at great expense, is doing better than the authoritarian military junta which we threw out. The American people have a right to expect more from this kind of a policy, and the Congress needs full, accurate and timely information on which to base its own actions.

This morning we're seeking answers to some of the following questions: Did the Haitian government obstruct the FBI's investigation into the murder of Moray Bertanne? What have been the results of the FBI's investigation and the Haitian government's investigation? Does our executive branch have any information implicating senior officials of the Haitian government in any of these murders in Haiti? What steps did the State Department take to ensure that the Haitian government cooperated fully with the FBI investigation? When and to what extent did the State Department inform our committee, which has oversight responsibility over the department in the conduct of U.S. foreign policy, about the political murders in Haiti? What steps have been taken to ensure the integrity of the United States-trained Haitian national police?

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I know my colleagues have many additional questions. Let me emphasize that while we're focusing on killings that have occurred since the United States intervention in Haiti, Haiti will never be at peace until justice is served in the hundreds of cases of abuse that occurred during the prior military rule. The Clinton administration must continue to support efforts by Haiti's truth commission to resolve those cases as well. Before proceeding further, do any of my colleagues have any opening remarks? Mr. Hamilton. Do any of our other colleagues have any?

REP. ROTH: Mr. Chairman, short --

REP. GILMAN: Mr. Roth.

REP. ROTH: Mr. Chairman, I want to congratulate you for calling this hearing. I think it's time that we get some forthright answers to what is happening in Haiti. We are informed and have been briefed here that traditionally Haiti, of course, is a violent society and that assassination and death squads and the like have permeated that country. Some officials want us to believe that all that has changed, but I think it's important for us to find out whether it really has changed.

Committee staff has learned that -- from FBI briefings and from reading over 80 State Department cables that the situation may not have changed in Haiti, and I think it's very important for this committee to find out, you know, what is the truth, and is there reason to believe that political assassination is still alive and well in Haiti? And do the death squads still operate?

And possibly even more disturbing, there is reason to believe that the State Department may have tried to cover up this truth. I can't believe that, but that's what we've been told. And is it true that the State Department never kept the Congress informed about important FBI findings? Again, it's hard for me to believe that the State Department would do that, but I think it's important for us to ask that question.

And is it true that the State Department never kept the Congress informed about apparent Haitian efforts to block FBI inquiries? And I think it's important for the Congress to know whether that's taken place, and if so, we do have a problem. You know, how are we going to come to a resolution of these issues?

And so, Mr. Chairman, I hope that today we can get honest, forthright testimony from the administration on the situation in Haiti. After all, the judgment that Congress makes can be no better than the information that we receive. And so I'm looking forward to this hearing and looking forward to clearing up some of these questions that have been raised in the briefings that we received here in Congress. Thank you, Mr. Chairman.

REP. GILMAN: Thank you, Mr. Roth. Mr. Hastings.

REP. ALCEE HASTINGS (D-FL): I thank you, Mr. Chairman. I thank you for holding this hearing. Mr. Chairman, I came here not intending to have any opening statement, until I heard your opening statement, Mr. Chairman, which deeply distresses me. I have immense respect for you, and I believe that you are very careful in your deliberations with reference to all international affairs. Let me suggest to you as one who has been on all sides of investigations that it best serves us to wait until all of the facts are in. To use the term "political killings" and "political murders" without any evidence that will support that other than accusations is a bit distressing and leads to a lot of confusion in the realm.

Let me say this. For all intents and purposes, the Clinton administration's basic policies in Haiti have been an unqualified success, thanks to the tremendous work of the State Department and any number of other nonprofit and other organizations that have worked in that arena. I live in Florida and I witnessed with my own eyes the bodies of Haitians that washed up on the shores. They are no longer doing that, and that in and of itself is a success.

There was an election, albeit with about the same numbers as the last American election that was a national election, and that election went off without any problems of major consequence in spite of the fact that many members of this Congress said that there would be violence, there would not be an election, that Aristide would run. Well, he did not run. And no one wishes to give them the credit for it.

And my colleague Mr. Roth, I suggest to you, when you say that the State Department is deserving of query, I do agree with you that they are deserving of our query, but I do not agree that we should level charges in the public

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realm without having had an opportunity to sit and counsel with the State Department in private with reference to any disagreements that we may have regarding the work that they have done to provide security and democracy and respect for human rights in Haiti.

I think an alternate question has to be, how did the FBI get authority to be in Haiti in the first place? I believe the Haitian government invited the FBI to participate in the investigation. And what did the FBI tell Haiti and President Aristide after their investigation and after the State Department asked them to give them the information that they had gathered? I believe you will find that they told them that they had no firm basis in the way of evidence that would support any conclusory determination that there was anything connecting Aristide with any of the murders that took place of the 20 that seem to be of concern here.

I suggest and argue for all of us to be very careful in our deliberative undertakings when it comes to leveling false accusations, lest you find them rebounding and causing you to have false accusations placed against you. I thank you, Mr. Chairman.

REP. GILMAN: Well, I would like to address Mr. Hastings' concern about considering the murders as political violence. And I'm reading from a letter that's -- REP. HASTINGS: (Off-mike.) Mr. Chairman, if you're going to address me, say what I said. I said you said "political killings" and "political murders." I did not say what you just said.

REP. GILMAN: Mr. Hastings, I refer you to a letter that's been distributed from Wendy Sherman, assistant secretary of legislative affairs, dated January 3rd, in which she states:

"The reemergence of political violence in Haiti and the possible implication of senior officials in the Haitian security apparatus has been and remains at the top of our bilateral agenda with Haiti. The president, the vice president, the secretaries of State and Defense, national security adviser, and other senior American officials have dealt directly and forcefully with this issue in their conversations with President Aristide, and will do so with his successor.

"We're confident that as the committee reviews the telegrams and other materials requested and being made available, you'll recognize the priority that this issue has received."

Mr. Burton.

REP. DAN BURTON (R-IN): Thank you, Mr. Chairman. I have a statement I'd like to insert in the record, but as chairman of the Western Hemisphere --

REP. GILMAN: Mr. Burton, if I might intervene, I'm going to ask that the January 3rd letter be made part of the record and be distributed fully to our committee.

REP. BURTON: As chairman of the Western Hemisphere Subcommittee, we had hearings on October 12th and we've looked into these allegations of whether or not there were political killings and assassinations. And I'd just like to say to my colleague from Florida, if he hasn't had the opportunity yet, I'd suggest he get the CIA and the FBI briefings in his office, because I think when you get that information, it will illuminate this issue much further than I think you currently realize.

It is my belief that there were connections between, if not Mr. Aristide, members of the Aristide administration in these political assassinations. And one of my most -- one of my biggest concerns is that on October 12th, we had the ambassador testify before this committee and he indicated he didn't know anything about the assassination of Miss Bertanne, who was a leading political opponent, and that he had not been notified of anything. It's kind of hard for me to believe that the FBI was down there investigating this and had information concerning this political killing and others and did not share that information with the ambassador.

And that's why I'm very happy today that we're going to put everybody under oath to make absolutely sure there's no misunderstanding about what went on, because I'll tell you, if the FBI did communicate information to the ambassador and other members of this administration and they did not tell our committee or subcommittee about it, deliberately misled us, then that is something I don't think this Congress can tolerate.

Now, regarding it being an unqualified success, Mr. Aristide promised that there would be privatization down there. I will tell you, there is not privatization taking place. There have been one or two industries where there have been

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some attempts at it, but there have been many people who wanted to do business in Haiti, who wanted to take the free enterprise system down there, who have contacted me in my office, who've said there has been road block after road block after road block, and there is no real attempt to privatize, to bring the free enterprise system, as Mr. Aristide promised he would do, to Haiti. And that was one of the primary objectives, to get the free enterprise system and the free market system into Haiti so that they could have this unemployment rate, which is totally out of control, under control.

And they're never going to have a stable economy or a stable governmental structure down there long term when we leave unless they get those people back to work. When you have 50 percent of the people unemployed or more, you're going to have chaos, you're going to have crime, you're going to have drugs, you're going to have all those things. And those things have not been accomplished, and the major impediment has been the Aristide administration.

Now let's talk about the law enforcement agencies. I talked to President Aristide personally, and he promised personally that they weren't going to have members of the Lavalas Party or the military involved in the police force, that they were going to have totally new people involved. We brought an expert in from New York to train these people. And now we find out that that's not the case, that a lot of the people who are connected politically to Aristide are going to be in positions in the law enforcement agencies, which I believe will lead to further chaos down there, to further political killings and further corruption. And that does not lead to a truly democratic government.

And so I'd just say that I do not believe Haiti is an unqualified success. I believe we've been pouring millions and it'll probably end up billions of dollars into a situation down there that's not going to solve the problem, and I believe once the troops leave, you're going to see the same chaotic conditions we've seen in the past unless the new government starts living up to the commitments the Aristide government made previously. Thank you, Mr. Chairman.

REP. GILMAN: Are there any other members seeking recognition? Then Mr. Goss -- I'm sorry, Mr. Payne.

REP. DONALD PAYNE (D-NJ): Mr. Goss can go. I'll wait.

REP. GILMAN: Mr. Goss. REP. PORTER GOSS (R-FL): Thank you, Mr. Chairman. I want to thank you for having this hearing and on issuing an invitation to participate as a member of this committee on leave. I appreciate very much the opportunity to be back here.

REP. GILMAN: We welcome you, Mr. Goss.

REP. GOSS: I also -- it is my understanding that there is a likelihood that we will take this subject into closed hearings at some point in conjunction with other committees here, and I know that some of the questions that are on my mind would be more appropriate for that day.

I did want to comment to my friend from Florida, I also am from Florida, and we are very concerned about the economic situation in the country of Haiti because there has been a reemergence of the refugees, unfortunately. And the United States Coast Guard is doing a superior job so far of intercepting at sea and returning to Haiti those people, but it is certainly a signal that is out there for us at this time.

That's not the subject of these hearings. One of the points I hope that the witnesses will speak to when we proceed today is something that I think is of great concern in terms of our investment in democracy in Haiti, which is very, very sizable, and it is this.

After the unfortunate incident of the assassination of the parliamentarian Mr. Feyai in early November and President Aristide got up and made a speech which was widely interpreted by the press and observers as an invitation to incite mob violence, if not giving his blessing to class warfare, and led, unfortunately, to disorder and disturbance and death, the concern was that shortly after that, the police force that we are all counting on to provide law and order and stability after the departure of the international force, was loaded up with what might be considered political hacks or loyalists, or people that had not gone through the process that we had all envisaged.

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And I would hope that we would have some commentary and discussion on the connection between those 13 (hundred) or 1400 members being added on to the police force at a time of great emotion after a very bad series of events in Haiti and whether or not that is something that is reparable or whether or not that is something that the administration regards with significance. Thank you, Mr. Chairman.

REP. GILMAN: Thank you, Mr. Goss. Any other members seeking recognition? Mr. Payne.

REP. PAYNE: Thank you, Mr. Chairman. I'll be very brief so we can move on with the hearing, but I would certainly like to commend you for holding this very important hearing dealing with the question of the police issue.

I am anxious to hear the testimony. I, too, have been critical of the U.S. policy preceding the return of President Aristide. I also have questioned some of the reports of the CIA, as you may recall, and I hope there is a CIA person on the panel. I haven't looked at it. But we heard these stories about the illnesses of Mr. Aristide that were circulated widely by the CIA, that he was hospitalized in Canada somewhere. And as we went then to send people to where these sites were supposed to be, there were no such institutions, there were no such records. Doctors that were mentioned did not exist. And so it makes it very difficult to put much faith in what some of our agencies are projecting because of the credibility that -- or the lack of credibility of the past.

I think that the whole question of privatization should certainly proceed in a more rapid fashion. I think that it's very difficult to make the revolution -- you know, we're doing a revolution here in the U.S. with this big change, but it's difficult to do a revolution in four or five months. We have to recall that President Aristide has not been back for very long. It's very difficult to create a police force and ensure that there are no Lavalests in the police force. That's just like trying to have a police department in Washington saying there could be no Republicans or no Democrats. I mean, who do you have? You know, everyone's got some -- if they're probably old Ton-tons, so -- or maybe the old Frattes or maybe the military of Haiti. So you're something, I mean, you know, even if you're not a card carrier.

And so when we make these kind of -- and my friend Mr. Burton talked about, you know, he can't call this an unqualified success. Well, that's the first time I've heard that term used. I haven't heard anybody characterize Haiti as an unqualified success other than my -- okay, I understand that Mr. Hastings did. But I think that unqualified success -- if you look at what's happened and as you look at the accomplishments, I think it's extremely successful.

I would also hope that we could really get down to the bottom of what's going on. Any kind of killing does not necessarily have to be politically motivated. We have, as you know, many homicides in this country, and they're -- you don't first look to see whether it's politically motivated or not. And I think that perhaps there are homicides all around the world, unfortunately, but anytime there's one in Haiti, we are looking to find out whether this was a political situation.

So I would just look forward to hearing our witnesses, and I appreciate you, once again, Mr. Chairman, for calling this very important hearing at this time.

REP. GILMAN: Thank you, Mr. Payne. If there are no further -- Mr. Ballenger.

REP. CASS BALLENGER (R-NC): Very short, Mr. Chairman, and I thank you for allowing me. I don't have a CIA report or an FBI report, but surprisingly, I got a Christmas card from Haiti from a longtime friend, a resident of Haiti, but a United States citizen, and he says in part, "Good to hear from you. We're all fine. Our government, however, has made a big mess of this place, and the press and the U.S. embassy here just spread disinformation."

I'd like to say that that's an unsolicited statement from a friend of mine in Haiti. Thank you, Mr. Chairman.

REP. GILMAN: Thank you, Mr. Ballenger. If there are no further statements, our witnesses this morning are Ambassador Robert Gelbard, assistant secretary of State for international narcotics and legal affairs; Ambassador James Dobbins, the State Department special coordinator for Haiti; Bill Perry, deputy assistant director, criminal investigative division, Federal Bureau of Investigation; and Seth Waxman, associate deputy attorney general of our Department of Justice.

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Will the witnesses please rise to be sworn in? Will you please your right hand? Do you solemnly swear or affirm that the testimony you'll give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

WITNESSES: I do.

REP. GILMAN: Thank you. You're now under oath, and we'll proceed. Start with Ambassador Gelbard.

AMB. ROBERT GELBARD (Assistant Secretary of State, International Narcotics and Legal Affairs): Thank you, Mr. Chairman. Mr. Chairman, members of the committee, thank you for the opportunity to discuss our role in the establishment of a professional law enforcement authority in Haiti. Such a force is essential to a secure environment in the country, one in which fundamental human rights and freedoms are fully respected. Our assuring that the government of Haiti has the ability to maintain such an environment after the departure of U.N. forces in two months' time is a fundamental element of our policy in Haiti.

I would like to begin by underscoring an achievement of which the governments of the United States and Haiti can both be proud. In about one year's time, in a nation whose institutional development generally is extremely weak, and where the establishment of institutions independent of political influence is almost unheard of, we, the United States and Haiti together, have built a new national police force which is in the process of becoming the capable, apolitical professional force required to help buttress this newly democratic nation.

As we will discuss today, Mr. Chairman, much still needs to be done to accomplish this goal in full. But we would be very harsh judges indeed not to acknowledge that the Haitian National Police has made tremendous progress in the single year since its founding.

The force that has been deployed to date is not perfect. Given the weak institutional environment that exists throughout Haiti it is difficult to imagine that it might ever be perfect. But it is perfectible in my view. And to this end, continued US engagement with strictly defined requirements for Haitian National Police performance is key.

Mr. Chairman, I believe we can ensure the new police force meets at least minimal operational standards within the next two months. A level of capability that will allow for the withdrawal of UN and US forces on time and in full, provided two criteria are met. First, the United States must complete the basic training of the students now enrolled at the National Police Academy in Port-au-Prince. Second, the government of Haiti must take action to ensure that the Haitian National Police remains a non-political professional force.

What I propose to say is to give this committee an overview of US actions in support of the establishment of a new civilian public security structure in Haiti, lay out our objectives and what we have done to meet them, describe for you some of the obstacles that have arisen which could impact on our goals, and how we are addressing them.

Our interest in helping the Haitian government build a new civilian police force predates the restoration of democracy in Haiti. For example, after the coup removed the legitimate government of President Aristide, we worked with the Haitian government in exile to develop a conceptual plan for a new civilians police force which was completed in March of 1993. ICITAP worked with exiled government of Haitian members and with the Haitian parliament to draft new police legislation which eventually was enacted into law in December 1994, after the re-establishment of the legitimate government in Port-au-Prince.

In the summer of 1994, we initiated a program in four phases to get a new police force up and running. First, before the September 1994 multinational force deployment, we helped the then exiled government of Haiti to interview and select 1,000 persons from the Haitian migrant community living at Guantanamo to assist the MNF in performance of its initial public safety duties. The Guantanamo group was given minimal training designed only to allow them to perform supporting roles for the multinational force. The group has not been trained, nor is it qualified, to carry out the full range of police work.

Second, in October 1994, we assisted the rightful Haitian government in the establishment of an interim public security force. With a few exceptions the IPSF was made up of Haitian armed forces who were able to pass a basic check. This review included vetting of names against lists supplied by human rights organizations and US agencies to exclude those who had committed human rights violations or other criminal offenses. The IPSF, of course, was

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meant to serve only as an interim solutions to Haiti's indigenous public security needs while we worked with the government of Haiti to form a new police force.

Third, prior to the MNF's deployment, we led the effort to recruit 850 international police monitors to monitor and assist the IPSF. Later, with the MNF's transition to a United Nations command, the IPM functions were assumed by a United Nations mandated civilian police force, which has also recently engaged in field assistance and training to newly deployed members of the Haitian National Police.

Finally, in January of 1995, the government of Haiti with our full support, began the process of establishing a new apolitical professional Haitian National Police. Working with the government of Haiti, principally through ICITAP to design the new Haitian National Police, we established the following objectives. All candidates would be selected solely on the basis of merit. Those selected would undergo rigorous basic training aimed at providing them with the skills to carry out community-based policing in a democratic society while inculcating a respect for fundamental human rights. Newly graduated agents would continue to receive some level of field training and mentoring from academy instructors and UN civilian police monitors. Agents would have the basic equipment necessary to carry out their duties, and after a period of field service, HNP agents would selectively receive advanced and specialized training in areas such as crowd control, VIP protection, investigations, forensics, supervisory training and so on, to round out the capabilities of the force as a whole.

Our horizon for the full implementation of the program was five years. Our work with the HNP is about at its first anniversary, and I believe this is a good time to take stock of our record. Mr. Chairman, I believe we have made good progress on standing up the new Haitian National Police. Our merit-based recruitment, conducted by multinational teams composed of US, Canadian, French and Haitian government representatives traveling throughout the countryside produced over 33,000 candidates for 5,000 available positions. Testing, which was rigorous but fair, included written and oral examinations as well as psychological profiling and comprehensive medical testing.

While all candidates were vetted for past criminal activity and human rights abuses, once vetted they were assigned numbers to disguise their identities. In this way candidates could not be selected by name based on political considerations. Less than 15 percent of the applicants passed the entrance tests. HNP trainees today represent the most talented in Haitian society. Further, ICITAP training at the new Haitian National Police Academy has provided students with basic skills for community policing.

This has been accomplished in spite of an accelerated program mid-stream to meet the government of Haiti's revised officer deployment schedule. We did this, Mr. Chairman, by dividing the curriculum into two sessions and opening an auxiliary academy at Fort Leonard Wood, Missouri. For six months we offered eight weeks of conceptual training in such issues as human rights and Haitian law at the academy in Port-au-Prince, and eight weeks of practical programs in areas such as firearms, arrest procedures and driving, at Fort Leonard Wood.

Throughout, international field mentoring efforts have continued, mostly through the United Nations civilian police monitors. But this support is not enough, given the relative inexperience of the HNP recruits. We believe the government of Haiti may ask for a continued CIVPO presence following the expiration of the UN mandate in February. But such a request has not yet been made.

Equipping the HNP is a continuing problem. Conditions at many station houses are poor, office infrastructure minimal, and the force still lacks many of the basic items used by modern police. It is especially important that the government of Haiti dedicate more of its own resources to standing up the police. In addition, the force will also need more specialized training, which ICITAP would propose to begin soon. Like this committee, Mr. Chairman, this administration is extremely concerned about the continuing apolitical and professional profile of the Haitian National Police. While we recognize the need for greater numbers of police than will have been deployed by the departure of the UN forces, we have strongly argued against the Haitian government's decision to merge significant numbers of the Interim Police Security into the HNP. We have not taken the position that IPSF members ought to be excluded from the HNP, but rather have argued that the decision to include IPSF members should be made on a case by case basis. Their eligibility for consideration should be based first on their professional performance, with special emphasis on human rights grounds while in the IPSF. Assuming they are able to meet the same recruitment

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standards as other HNP Academy graduates we would support their inclusion and would be willing to provide US funded academy training if funding for such training were available.

As an alternative, we would support the creation of specialized corps for traffic control, for stationary security at public facilities, that would induct IPSF members at something other than sworn officer status of the HNP Academy graduates.

There is a demonstrated need for such personnel throughout Haiti.

We have expressed our concern in particular about the induction of more than 100 ex-Haitian armed forces officers into headquarters and field-leadership positions in the HNP. We have continued to recommend merit-based selection and have made our concerns clear to the government of Haiti. We understand that the UN civilian police had some role in selecting these officers for retention, and we understand that the UN has recommended their incorporation into the HNP.

While we understand that the UN based its recommendations on feedback from its corps of 600 police monitors serving in the field, we nevertheless differed in our assessment and in our advice to the government of Haiti. As Ambassador Dobbins will mention in his testimony, we hold our deepest concerns over the inclusion of individuals in the HNP's ranks who may have committed criminal acts. We will not support a force which harbors criminals in its ranks. On this, our position with the government of Haiti has been unwavering. We want to ensure a thoroughly apolitical, professional national police force that respects human rights and fundamental freedoms, and our future support is contingent upon progress towards this basic goal.

Mr. Chairman, we are at a delicate juncture, in terms of our training of the HNP. Without the release of further funds through AID to ICITAP, the ICITAP police training program in Haiti will run out of funds on January 15th. At that time, the expatriate training staff of the Haitian National Police Academy, some 150 police officers, largely from the United States, but also including some 20 Canadian RCNP and five French National Police instructors as well, would be dismissed and sent home. In effect, the academy would close. That will have important consequences our ability to stand up a fully-functional HNP, capable of taking over all public security functions from the UNMIH forces and allow their orderly departure.

It would mean that the last two classes of HNP cadets, some 1500 members of Basic Training Classes 8 and 9 could not graduate and would be unprepared for the field. Further, certain specialized training programs could not be carried out, and ICITAP technical assistance to the HNP would be terminated. Departure of the ICITAP advisors now would seriously hamper our efforts to institutionalize procedures and operations of the new police force.

Mr. Chairman, the administration continues to believe, and will seek to confirm, that the government of Haiti broadly shares the goals I have outlined above. With the government of Haiti, we hope to complete the basic task of fielding a well-trained, motivated corps of professional Haitian police; a force capable of carrying out its public security mandate, while fully respecting human rights. We want to finish what we started to give Haiti its best possible chance for lasting democracy.

Thank you, Mr. Chairman.

REP. GILMAN: Thank you, Mr. Gelbard.

Ambassador Dobbins, Special Coordinator for Haiti, Department of State.

Mr. Dobbins.

AMB. DOBBINS: Thank you, Mr. Chairman.

REP. GILMAN: You may submit the full statement or summarize it, whichever you --

AMB. DOBBINS: Let me excerpt the full statement --

REP. : Mr. Chairman, could you have the witness put the microphone closer to his -- so we can hear him.

AMB. DOBBINS: With your permission, I'll excerpt from a fuller statement, which will be submitted for the record.

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REP. GILMAN: The full statement will be received, without objection.

AMB. DOBBINS: Haiti has a long, unhappy tradition of political violence. Helping Haiti's democratic leaders break with that tradition has been a major objective of American policy. With the dismantlement of the Haitian army, once known for its violence and repressive tactics, the abolition of the rural section chief system, which occurred in late 1994, and the formation and training of a civilian national police force, there has been a dramatic drop in violence and an improvement in the human rights situation.

All types of violent crime are down, and political violence has fallen off even more sharply. Following three years of brutal repression, during which rape, torture and murder were the routine instruments of governance, many had expected that the restoration of Haiti's legitimate government would be followed by a wave of retribution. Thanks to the professionalism of American and international forces, and President Aristide's emphasis on reconciliation, this has not occurred.

But recognizing how the situation has improved is not to suggest that further steps are not needed to eradicate political violence from Haitian life. As I've noted to this committee on October 12th, in my submitted testimony, there've been some two dozen murders committed in Haiti since October 1994, and these may -- which fall in the category of possible political or revenge killings, the most prominent of which was the murder of Mireille Bertin on March 28th, 1995.

Recognizing the importance of eradicating political violence from Haitian life, the US government has, over the past year, maintained an intense dialogue with President Aristide regarding the Bertin investigation, other potential political murders, possible connection among these killings, possible involvement of individuals in official positions with such activities. President Clinton, Vice President Gore, Secretary of Defense Perry, Assistant to the President for National Security Lake, Deputy Assistant Secretary of State Talbot, Ambassador Albright, Ambassador Swing and other representatives of State, Justice and Defense have all, on various occasions, reviewed these issues with President Aristide. In these discussions, we have urged that acts of political violence be investigated and prosecuted aggressively.

We have urged that anyone implicated in such activities be relieved of all official responsibilities. We have urged that a new, professional police and justice establishment be created, untainted by any association with past acts of political violence. President Aristide accepted our offer to have the FBI investigate the Bertin murder. He subsequently sought to broaden the scope of the FBI's effort to cover other high-profile possibly political cases dating from the coup period. He accepted our counterproposal that he form a new investigative unit to -- a new Haitian investigative unit -- to investigate all such crimes, including the Bertin case. He agreed that this investigative unit should be made up of ICITAP-trained graduates from the police academy, and that it should be supported by professional investigators from the Royal Canadian Mounted Police, the French Gendarmerie, and the United States, with forensic and other technical support from the FBI.

Our dialogue with the government of Haiti on these matters is by no means concluded. We will continue to press for an aggressive investigation of the Bertin and other possibly political, possibly connected murders. We will continue to urge that the Haitian government separate individuals, who may be implicated in these acts, from any connection with the police or judicial establishment, even before that investigation is complete. We will continue to urge that appointments to senior positions in the Haitian National Police be based on merit and competence, not patronage and political loyalty. We will continue, in other words, to urge that the government of Haiti sustain, preserve and extend the reforms in Haiti's police and justice system, which it has set in train.

Assistant Secretary Gelbard has addressed the issues related to our training of the Haitian National Police. As he's noted, we have made clear that we will not support a force which harbors criminals within its ranks. This includes, obviously and especially, anyone implicated in political violence. We have, over the past 15 months, made major strides in ridding Haiti's security establishment of such individuals. We will remain vigilant, and we remain optimistic that our efforts can have a continued effect.

We've worked closely with the Congress in helping Haiti to create a new police force, establish the rule of law and deal with the problems of political violence. Department representatives have met with members or staff over 30

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times since January 1995, and 11 times since October. I raised the Bertin case in my October 12th testimony to this committee. On November 2nd, State and all other agencies concerned provided detailed and extensive information on this same subject to the House Select Committee on Intelligence.

Mr. Chairman, I understand, and am deeply distressed, that you are concerned that the State Department may not have furnished this committee, on October 12th, with the same information that it gave to the Intelligence Committee two weeks later. On October 12th, I informed this committee that the government of Haiti had just set up a special investigative unit to pursue the Bertin and other possibly politically-motivated killings. Prior to that event, the FBI had treated this inquiry as an ongoing criminal investigation, and shared only such information as it deemed necessary and advisable with the Embassy, DoD and other agency personnel in Port-au-Prince.

It was following creation of the special Haitian investigative unit, and thus later in October, that FBI representatives in Washington met with State and other relevant agency representatives to share the results of their investigation. As we prepared to turn this material over to the new Haitian investigative unit and to respond to inquiries from the House Select Committee on Intelligence. Mr. Chairman, in eight weeks the peacekeeping operation of the UN in Haiti will be completed. Our troops will return home. Their orderly, safe and timely departure is, I know, a priority that all of us share. We've learned through experience that the most difficult part of any peacekeeping operation is often its conclusion, not its initiation. Essential to the successful and timely conclusion of this particular operation is the deployment on schedule of Haiti's new police force in order that something is in place to take the place of departing American and other international military forces and assume responsibility for security in Haiti when the mandate of the UN peacekeeping force terminates in eight weeks.

Over 1,500 police cadets remain in training today. We seek your cooperation in assuring the funding necessary to allow these cadets to complete their training over the next eight weeks.

REP. GILMAN: Thank you, Mr. Dobbins. Mr. Bill Perry, deputy assistant director, criminal investigative division of the Federal Bureau of Investigation, you may submit your full statement, summarize it, whichever you may see fit.

MR. PERRY: Mr. Chairman, I will read a summary of my complete statement.

REP. GILMAN: Complete statement will be made part of the record. Without objection. Please proceed.

MR. PERRY: Mr. Chairman, and members of the committee, my name is William E. Perry and I'm a deputy assistant director of the Federal Bureau of Investigation. Special agents of the Federal Bureau of Investigation arrived in Port-au-Prince, Haiti during the early hours of March 29th, 1995, to initiate an investigation into the murders of Mireille Durocher Bertin and Eugene Belejoux (ph).

As the committee knows, Madame Bertin was a prominent politically active Haitian attorney and an outspoken critic of President Jean- Bertrand Aristide. At approximately 3:30 PM on the afternoon of March 28th 1995, both Bertin and Belejoux (ph) were slain by 9 millimeter and 5.56 gunfire from at least two assailants as their car sat in heavy traffic on Martin Luther King Boulevard in Port-au-Prince.

The FBI's investigative strategy was designed to ensure that a thorough and comprehensive investigation was conducted in spite of the FBI's lack of compulsory process, witness protection, etcetera, in a foreign country. The investigative plan sought to examine a variety of possible motives for the murders.

Upon arrival in Haiti, liaison was immediately established with Haitian government officials and with the US Embassy. Since we are conducting a law enforcement investigation in a foreign culture with a foreign language and with no contacts of our own, we met regularly in Port-au-Prince with representatives of the Embassy, the US military and other relevant US agencies in order to obtain assistance and advice and generally to apprise them of the course of the investigation. Discussion included investigative strategies, problems experienced and certain investigative information developed on the murders.

We did not provide this information as an intelligence gathering or intelligence dissemination effort. We were not in Haiti to do either and we did not. Rather we provided information to these agencies in Port-au-Prince in order to obtain their cooperation and assistance and thus to enhance our ability to achieve our investigative goals.

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Outside of Port-au-Prince the FBI's level of information sharing with other agencies was much different. FBI HQ officials interacted with Department of State counterparts and Department of Justice officials infrequently with respect to the Bertin investigation, when necessary to support investigative efforts in Haiti.

For example my first interaction with Ambassador Dobbins or with Associate Deputy Attorney General Waxman for that matter, was on a trip we made to Haiti together in July 1995 to meet with President Aristide to discuss the means of removing certain obstacles to our investigation. In late October of this year, when we concluded that our investigation in Haiti could not productively continue, and the time had come to turn the investigation over to the newly constituted special investigative unit of the Haitian National Police, we discussed this proposed transition and provided a substantive briefing on the Bertin investigation to Washington representatives of the Departments of State and Defense and other agencies.

The FBI encountered difficulties and major obstacles at the inception and throughout the investigation because of its unusual nature and other uncontrollable circumstances. In this case the FBI was investigating a violation of foreign law. The investigation was conducted in a foreign country and in a foreign language. Moreover the investigation was commenced at a time when the criminal justice system in Haiti had not functioned effectively for years. There are also serious logistical problems and cultural differences to overcome. Further complicating the investigation was the fact that the FBI has no legal status in Haiti. The FBI cannot obtain orders from judicial authorities to compel witnesses to give statements. There is no legal obligation for person to cooperate or provide truthful information to the FBI. Similarly the FBI has no authority to conduct searches or obtain subpoenas to gather evidence. And the FBI also has no authority to offer any form of witness protection.

As a result of investigative efforts, particularly source information of unknown reliability, the FBI expressed to the government of Haiti the likelihood that it would be necessary to interview government officials and employees, including cabinet members. In early June 1995, FBI agents interviewed various IPSF members. Subsequently the FBI experienced significant investigative difficulties because of its inability to interview government of Haiti officials and employees, including some members of the IPSF and the Palace Security Service, on terms consistent with an impartial professional investigation.

Issues were raised regarding the conditions under which the FBI could interview IPSF personnel. The FBI had extended negotiations with government of Haiti officials and the attorneys representing the IPSF officers regarding these interviews. Ultimately our efforts were stymied by what in our professional judgment were unreasonable conditions placed upon any such interviews by private attorneys purporting to represent these individuals. As the FBI has no access to compulsory practice of any sort in Haiti we felt the time had come to turn the investigation over to the Haitian authorities.

I hope my appearance today will address the committee's questions regarding the FBI's involvement in the Bertin/Belejoux (ph) murder investigation in Haiti. Thank you.

REP. GILMAN: Thank you, Mr. Perry.

Mr. Waxman, associate deputy attorney general, Department of Justice.

MR. WAXMAN: Thank you very much, Mr. Chairman, and members of the committee. My name is Seth Waxman. associate deputy attorney general in the United States Department of Justice. I appreciate the opportunity to appear before the committee to answer any questions the committee may have of me.

The interests of the Justice Department in Haiti are threefold. First, our Immigration and Naturalization Service is the agency principally responsible for dealing with illegal, and of course legal immigration from that country. Second, our training components, ICITAP and OPDAT (sp), have been principally responsible for providing training for police, prosecutors and judges in Haiti, a country that only a little over a year ago lacked any functional, impartial prosecutorial or judicial system. Third, as the committee knows, upon the request of the State Department and the government of Haiti, our federal Bureau of Investigation was called in urgently to conduct an investigation into the murder of Madame Mireille Bertin and a companion.

I understand the committee may have questions about some or all of these areas, and particularly the level of information sharing between the FBI and the Department of State with respect to the Bertin investigation. Since I

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have been the principle Department of Justice contact in Washington with the other federal agencies on all three of these issues, I thought it might be helpful to the committee if I made myself available to answer any questions you might have.

I have no prepared statement other than to say that the Department of Justice is proud of the contribution it's been able to make over the past 15 months in the rebuilding of Haiti, and I'm grateful you've permitted me to attend the hearing. Thank you, Mr. Chairman.

REP. GILMAN: Thank you, Mr. Waxman.

We thank our panelists for their testimony. And let me start in with our questions. And we'll try to move right along.

Ambassador Gelbart, does President Aristide's decision on December 6 to integrate ex-soldiers and other recruited at Guantanamo Migrant Camp into Haitian National Police compromise the integrity of the US-trained police force? Throughout your testimony you've indicated that we're trying to keep this force apolitical and make sure it's going to be an independent force. Could you comment on this?

AMB. GELBART: Yes, Mr. Chairman. As I said in my testimony, and as you just commented. We have been very clear in the preparation and development of our training program for the Haitian National Police, as we are in any other police training program elsewhere in the world; that our goal is to develop a highly professional and apolitical force.

That is why, when we undertook the recruitment process, as I explained in my testimony earlier, we stressed the need for a purely objective selection process, based on objective criteria, with the result that a very small percentage of those who were initially interviewed were finally selected.

We took the position from the beginning that we were prepared, in principal, to entertain the idea of the possible inclusion of IPSF or even Guantanamo trainees into the Haitian National Police if they met the criteria that were established for regular HNP recruits, and if, during the time that they served in the IPSF, their record, both professionally and in terms of human rights, proved to be exemplary. We are now taking the position, with the Haitian government, that we are prepared to look at these individuals on a case-by-case basis, looking at their human rights and professional record over the course of the last year or so. We are prepared to look at them in terms of their academic criteria, too, to see if they meet the minimum standards that would be required.

REP. GILMAN: Now, is the proposal by the Haitian government to integrate some 1400 to 1500 members from the former police agencies into the new police force acceptable?

MR. GELBARD: As I said, we could only accept their becoming cadets, candidates, if they meet the minimum objective criteria, and if we see that they have performed --

REP. GILMAN: Well, does the Aristide government go along with that proposal, or have they already integrated --

MR. GELBARD: They have not integrated yet, and we are still in the process of discussion with the Haitian government about this.

REP. GILMAN: Um-hmm. (In acknowledgement.) Has uniforms been distributed to these new 1400 or 1500 members?

MR. GELBARD: I'm not aware of that.

REP. GILMAN: Information that -- Mr. Dobbins, do you want to indicate whether that's taken place?

AMB. DOBBINS: I think it has, almost entirely, if not entirely. I think the 1500 --

REP. GILMAN: So, practically, it's a fait accompli, already, that they're integrated.

AMB. DOBBINS: I think it depends on what you mean by integrated, sir. Let me say this, the presidential decree set a policy and indicated that the implementation of it would be turned over to something called the Police Council, which has the Minister of Justice on it, the head of police, and several other senior officials. To our knowledge, this policy-setting body has not yet made all of the decisions which would include: what their pay scales are, what their

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ranks are in relation to others, the degree to which they will carry weapons and what weapons, the degree to which they will exercise full or limited police authority. A number of the people that are in this 1500 are doing fairly specialized things, and it's not clear the degree to which they will be circumscribed so they could only do that.

For instance, 200 or some are members of the Palace Guard, the equivalent of the uniformed Secret Service. We had urged that this function be done by the Haitian National Police; it is a police function, but a very limited one. It's not clear whether these people will only continue to do that, which they've been doing and which we've been training them to do.

Another component is apparently doing nothing but traffic duty, and again, we don't know whether they will be uniformed and equipped in a way that makes clear that they are only traffic monitors.

REP. GILMAN: Ambassador Dobbins, is there any information that any member of the Palace Guard is implicated in any of the killings that took place?

AMB. DOBBINS: Well --

REP. GILMAN: Is there any information available to you that indicates implication of the Palace Guard in any of the killings?

AMB. DOBBINS: We have submitted a good deal of information that relates to these questions to the House Intelligence Committee --

REP. GILMAN: I'm asking if you have received any information --

AMB. DOBBINS: And we are making that available to the committee. It is my --

REP. GILMAN: Have you received such information?

AMB. DOBBINS: -- recommendation --

REP. GILMAN: Mr. Dobbins, I don't think you're answering the question I'm asking. Have you received any information that members, any members, of the Palace Guard were implicated in any of these political acts of violence?

AMB. DOBBINS: Yes. And also members of the police. What I'm trying to say, Mr. Chairman --

REP. GILMAN: Did you make that information available to our committee at any time?

AMB. DOBBINS: The --

REP. GILMAN: Could you answer that yes or no? Did you make any of that information available to this committee?

AMB. DOBBINS: The answer is either yes or about to be yes, in the sense that we've sent you a list of --

REP. GILMAN: I'm asking you, up to this point, prior to this hearing, had you made any of that information available to our committee?

AMB. DOBBINS: The letter, which I believe we gave you yesterday, sir, said we were --

REP. GILMAN: I'm --

AMB. DOBBINS: I'm trying to answer the question, Mr. Chairman.

REP. GILMAN: I'm asking, prior to this hearing and the letter that we received yesterday, had you made any of that information available to this committee?

AMB. DOBBINS: Not that I know of, sir.

REP. GILMAN: Are you aware of any information linking President Aristide, members of his cabinet or closest advisors, to the killings or political violence?

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AMB. DOBBINS: Uh -- let me say, the Bertin investigation was initiated as a independent FBI investigation because of information in our possession, which I think was publicly known at the time --

REP. GILMAN: I submit, Ambassador, you're not answering the question. Let me repeat the question. Are you aware of any information linking President Aristide, members of his cabinet or closest advisors, to the political violence or political killings? Could you answer that yes or no?

AMB. DOBBINS: The Minister of the Interior was, I guess the word would be, a suspect from the beginning of the Bertin investigation. It was because there were allegations that the Minister of the Interior was involved --

REP. GILMAN: And any other security advisors?

AMB. DOBBINS: There is information of this nature, sir, and what I'm trying to -- REP. GILMAN: Had you made that information available to this committee prior to these hearings?

AMB. DOBBINS: Not that I know of, nor Mr. Chairman, am I aware of any requests for such information.

REP. GILMAN: Ambassador Dobbins, did the Haitian --

REP. DAN BURTON (R-IN): Mr. Chairman?

REP. GILMAN: Yes?

REP. BURTON: Let me just say that I hope that I have an opportunity to go back to this line of questioning, because I was the chairman of the subcommittee on October the 12th, and these questions were asked of the --

REP. GILMAN: You'll have an opportunity to pursue that, Mr. Burton.

Mr. Dobbins, did the Haitian government cooperate fully with the FBI's investigation into the Bertin killing? We understand that, from the testimony given today, that the FBI concluded its investigation because they felt it was unproductive and were meeting with certain obstacles. Did the Haitian government cooperate with the FBI's investigation? Can you answer that yes or no?

AMB. DOBBINS: We were disappointed with the level of cooperation we received. Mr. Waxman took the lead on discussions on this subject with the Haitian government. He may want to elaborate, both on what was agreed and where we --

REP. GILMAN: Mr. Dobbins, did you raise this issue with the Aristide government?

AMB. DOBBINS: Repeatedly.

REP. GILMAN: The issue of lack of cooperation -- you say repeatedly? When did you first raise that issue with the Haitian government?

AMB. DOBBINS: I think -- well, I mean, I think the FBI sought and received the Embassy's assistance whenever it encountered an obstacle. Some of those obstacles were overcome as a result of that, and in the end, some weren't, and I would guess that those obstacles -- I mean, I would guess that those interventions on the part of the Embassy in support of the FBI began almost immediately upon its arrival --

REP. GILMAN: Then this became a major issue, did it not, with --

AMB. DOBBINS: It became an issue to the point where, as Mr. Perry noted, Mr. Waxman and I and Mr. Perry traveled to Haiti in July in order to seek to remove some of these obstacles.

REP. GILMAN: Then these obstacles were occurring from almost the time of inception of the FBI investigation in March, is that correct? Between March and your visit --

AMB. DOBBINS: As Mr. Perry said, there were a number of difficulties conducting what was a unique operation in a unique environment. Difficulties emerged probably from the first day; some were overcome, some in the end were not.

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REP. GILMAN: Mr. Dobbins, I think, when you appeared before this committee on a prior occasion, you asserted that you knew little about the investigation until October, is that correct?

AMB. DOBBINS: No, I --

REP. : I would -- let me --

AMB. DOBBINS: Mr. Chairman, I raised the Bertin investigation in my testimony before this committee in early October, which I think is the occasion. Prior to that --

REP. GILMAN: And prior to that, you had notified this committee of any of the problems that the FBI had been encountering, is that correct?

AMB. DOBBINS: I don't believe I had any contact with this committee, prior to October 12th. I could be wrong, but I don't recall --

REP. GILMAN: Mr. Dobbins, on October 12th, you stated before Mr. Burton's committee, "The FBI has not briefed me, or as far as I know, anyone else in the administration, on their findings. They are still conducting their investigation, and as far as I know, have not come to a conclusion." And that was an October 12th, 1995, statement.

AMB. DOBBINS: Right.

REP. GILMAN: Is that -- you still stand by that statement?

AMB. DOBBINS: Absolutely. Now, let me --

REP. GILMAN: Well, from mid-March to --

AMB. DOBBINS: Let me, could I add, Mr. Chairman, that I raised the Bertin investigation in my testimony, and spoke about what the State Department was doing to facilitate and advance that investigation. So I took the initiative. And as the Chairman will recall, this was a compressed hearing with about 10 or 12 witnesses, and nevertheless I felt although the focus was on the elections, that I needed in my opening statement to get in the announcement about the Haitian to create this investigative unit. And I asked the chairman's leave to make that statement because it was a new step which they had done at our urging, and I wanted to get that on the record.

REP. BURTON: Mr. Chairman, would you yield just briefly.

REP. GILMAN: Mr. Burton.

REP. BURTON: Let me just say that there's absolutely no doubt that in the line of questioning, that you could read the entire text of the questions and answers, that it was very clear that I was asking Mr. Dobbins if he had any information, or had been given any information, or had any consultation with the FBI regarding the Bertin murder. And he said, as you clearly stated, that the FBI has not briefed me, or as far as I know anyone else in the administration on their findings. And that is highly questionable. Because we now know from the FBI's statement, that they met regularly with them and briefed them regularly.

REP. GILMAN: Well, reclaiming my time, and Mr. Burton, you'll have the opportunity to pursue that further. There were cables that were released by the State Department and reflected the following: 39 cables referred to the Bertin killing, including the foiled plot. Thirty were sent to the Embassy in Port-au-Prince State Department, of which 19 were slugged specifically for Dobbins, or his office symbol, meaning that he's listed separately as an addressee to ensure that it reaches his desk. Nine were sent from State to Embassy, at least three of which were cleared or approved by Mr. Dobbins. This number is probably higher, but in some cables the clearances were crossed out. And 22 cables referred to the FBI's investigation, of which nine mentioned specific, startling evidence or leads. And in that same period US officials discussed the investigation of high profile execution style killings with President Aristide, Prime Minister Michel, or Justice Minister Exume (ph) 18 times, with three of these meetings involving Secretary Christopher, Deputy Secretary Talbott or interior Secretary Babbitt, and 15 involving Ambassador Swing or his charge. Mr. Dobbins, were you familiar with those cables and those meetings?

AMB. DOBBINS: Certainly.

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REP. : Mr. Chairman, point of personal privilege. Is there new rules now? Will other members have an opportunity to ask questions? We've been 20 minutes here. And it's a five minute rule.

REP. GILMAN: Yes, I've exceeded my time and I apologize for exceeding my time.

Mr. Hamilton.

REP. : I mean, I can go along, you're the chairman, but I think it's totally unfair that the other members will have sit here to a monologue for half an hour.

REP. GILMAN: Mr. Hamilton.

REP. HAMILTON: Mr. Chairman, I thought your line of questioning is right on target and we should get to the bottom of these things rather than trying to get around the side of them.

REP. : I have no question with the line of questioning, it's just that someone would like the line of questions.

REP. GILMAN: Mr. Hamilton.

REP. HAMILTON: Thank you, Mr. Chairman.

Mr. Perry, do I understand from your testimony that the government of Haiti has been uncooperative with respect to the FBI investigation?

MR. PERRY: Congressman, we have had difficulties and had delays and difficulties in proceeding with our investigation in terms of interview of people within the government of Haiti and the conduct of our investigation.

And as I stated in my testimony, we made efforts during the course of the investigation to eliminate those difficulties so we might proceed and interview individuals within the government of Haiti that we wanted to interview.

REP. HAMILTON: So your impression is that the government of Haiti was uncooperative?

MR. PERRY: We couldn't get done what we wanted to get done, Congressman.

REP. HAMILTON: Because the government of Haiti did not cooperate, is that correct? MR. PERRY: We had difficulty overcoming the conditions --

REP. HAMILTON: Because the conditions --

MR. PERRY: -- that they eventually imposed.

REP. HAMILTON: Do you believe that the government of Haiti was cooperative in advancing your investigation?

MR. PERRY: They could have been more cooperative, I believe. (Laughter.)

REP. HAMILTON: Did they put obstacles in your way? Okay, that's one way of putting it. I'm just trying to get a sense of it. On the one hand we've had testimony this morning that President Aristide sought the FBI, approved it coming in. Then your testimony comes along and says that, at least the way I understood it, that you had a lot of obstacles in trying to carry out that investigation. And it was my impression that many of those obstacles were created by the government of Haiti. Am I incorrect in that impression?

MR. PERRY: No, that's correct, Congressman.

REP. HAMILTON: Okay.

Now, Ambassador Dobbins, this charge against you and against the State Department, of covering up. I want to get as clear as I can about the sequence of events here and exactly what happened. And I don't make any conclusions, I don't operate from any conclusions here.

You appeared before the committee on October the 12th, and you said an investigation was underway with regard to the one assassination, is that correct?

AMB. DOBBINS: I said that and I also noted in the prepared testimony that we were very concerned about this pattern of activity and about the 20-odd other assassinations which, or possible assassinations which --

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REP. HAMILTON: Are you aware in any of this that you withheld information from this committee?

AMB. DOBBINS: Mr. Congressman, I was asked what the FBI had found out. Now I knew from personal experience that I was not adequately informed to answer that question in an authoritative way that the Congress would expect. I was not informed, I had asked colleagues at my level in Washington whether they had been briefed. They told me they had not. I had been asked to leave the room when details of this case were discussed. And I understood the reason, that this was a delicate law enforcement matter, and that there was a sort of a need to know rule.

REP. HAMILTON: So you, in your own mind, Ambassador Dobbins, you did not withhold any information from the committee.

AMB. DOBBINS: On the contrary, I volunteered information. I went on to say that the case, went on to give at least one detail --

REP. HAMILTON: Now at what point did you give you give this information to the Intelligence Committee?

AMB. DOBBINS: Two weeks later.

REP. HAMILTON: Two weeks later. And after you did that did you come back to this committee and give information?

AMB. DOBBINS: We weren't asked. I mean, the Intelligence Committee asked for this. They asked for it in a classified fashion, and they received voluminous material.

REP. HAMILTON: You're aware, of course, that the House Intelligence Committee is a very special committee around here, and they don't just routinely share information with other committees, you're aware of that I presume?

AMB. DOBBINS: I assume, yes.

REP. HAMILTON: Let me -- Mr. Chairman, I don't want to exceed my time because I know other members -- I do want to ask the question about the money. Now I understand the chairman and perhaps others have a hold on, what, \$5 million for training of police. Is that correct, Ambassador Gelbard?

AMB. GELBARD: Yes, Congressman.

REP. HAMILTON: And I don't know the reasons for that. But I just want to ask you to tell me the impact of that now. Suppose the money is held, not released, what happens?

AMB. GELBARD: As I said in my previous testimony, Congressman, we have roughly \$500,000 still available to run our police training program. Our goal has been to graduate approximately 1,500 more police to get up to the level of 5,000 graduates by the end of February, at which time the UN forces are due to leave.

The available funds would cause us to be forced to shut down the academy to all intents and purposes, by mid-January.

REP. HAMILTON: The unavailability of those funds?

AMB. GELBARD: Due to the unavailability of the additional funds.

REP. HAMILTON: And what are consequences of that?

AMB. GELBARD: Well, as I said earlier, Congressman, we worked with the government of Haiti from the beginning together to abolish the Haitian Army, which of course has been notorious for its lack of professionalism, for its long history of human rights abuses. The Haitian government recognized, as did we and a number of other countries, that no army was really necessary due to the lack of any kind of external threat. However there clearly has been the need for a professional law enforcement entity.

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REP. HAMILTON: Look, you're faced here in two months with the UN pulling out. And the hope of maintaining security and order there rests with this police --

AMB. GELBARD: That's what I was getting to.

REP. HAMILTON: Is that correct?

AMB. GELBARD: This, the Haitian National Police is --

REP. HAMILTON: And if they don't get the money the whole thing collapses.

AMB. GELBARD: -- is the body which is to carry on public security. Failure to have --

REP. HAMILTON: What you're telling me is that if the \$5 million is not released our training program collapses and the hope of making a transition from the UN --

AMB. GELBARD: And there would be inadequate --

REP. HAMILTON: -- resources to train people --

AMB. GELBARD: -- public security forces to maintain that presence.

REP. HAMILTON: And there is some suggestion in one of the testimonies, I think that's from Ambassador Dobbins, that it might even have an impact on the orderly and safe withdrawal of the troops?

AMB. GELBARD: Yes sir.

REP. HAMILTON: All right, thank you.

AMB. GELBARD: We would also be concerned that that's a potential adverse effect of illegal immigration.

REP. HAMILTON: Thank you, Mr. Chairman.

REP. GILMAN (R-NY): Mr. Bereuter, for a motion.

REP. BEREUTER (R-NE): Mr. Chairman, I move that the committee, at a time to be determined by the chairman after consultation with the ranking Democratic member, provided that all members then present have had the opportunity to question the witnesses, close this hearing to the public, pursuant to provisions of rule 4(b) of the committee, on the grounds that disclosure of the testimony evidence or other matters be considered would endanger the national security.

REP. GILMAN: Thank you, Mr. Bereuter.

The chair would like to advise the members that it his understanding that this procedure is acceptable to our minority, the chair would like to advise the members that under rule 4(b), the majority of the committee must be present to approve this motion and a roll call vote is required

Is there any debate on the motion?

REP. BURTON (R-IN): Reserving the right to object, let me just ask one question, Mr. Chairman, I don't think I'll object, but I'm very concerned.

I think the public has a right to know if this Congress has been misled. And one of the things that, as I understand it -- your concern -- Mr. Hamilton raised the issue about American troops safety when they withdraw if this police force is not continued in their training.

Is that the reason for the national security question?

REP. : Nope.

REP. GILMAN: Mr. Burton, our intention is not to go to a closed hearing at this time until we get into any confidential matters that should not be disclosed publicly.

REP. BURTON: All right, I'll withdraw.

REP. GILMAN: The question is now on the motion --

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REP. ROHRABACHER (R-CA): Mr. Chairman, Mr. Chairman --

REP. GILMAN: Yes, Mr. Rohrabacher.

REP. ROHRABACHER: Mr. Chairman, it seems to me that what we're talking about is the political security of the administration's decisions, rather than the national security of the national security of the United States.

I don't see any national security implications about this. We're talking about a political embarrassment for the administration.

REP. GILMAN: Mr. Rohrabacher, it may not be necessary to go to a closed session, but if that question does arise, we want to be in a position to move in that direction.

Under the rules, a roll call vote is --

(Off mike)

REP. GILMAN: Mr. Kim?

(Off mike)

REP. BEREUTER: Mr. Kim, my motion was to move that the committee, at the time to be determined by the chairman, after consultation with the ranking democratic member, provided that all members then present have had the opportunity to question the witnesses, close this hearing to the public, pursuant to provisions of rule 4(b) of the committee, on the grounds that the disclosure of the testimony, evidence, or other matters to be considered, would endanger the national security.

REP. GILMAN: On the motion, those in favor will vote aye, those opposed will vote no.

The clerk will call the roll.

CLERK: Mr. GILMAN?

REP. GILMAN: Aye.

CLERK: Mr. Gilman votes yes.

Mr. Goodling?

REP. GOODLING: Aye.

CLERK: Mr. Goodling votes yes.

Mr. Leach?

REP. LEACH: Aye.

CLERK: Mr. Leach votes yes. Mr. Roth?

REP. ROTH: Aye.

CLERK: Mr. Roth votes yes.

Mr. Hyde?

Mr. Bereuter?

MR. BEREUTER: Aye.

CLERK: Mr. Bereuter votes yes.

Mr. Smith?

REP. SMITH: Aye.

Mr. Smith votes yes.

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Mr. Burton?

REP. BURTON: I'll vote aye with reservations.

CLERK: Mr. Burton votes yes.

Mrs. Meyers?

REP. MEYERS: Aye.

CLERK: Mrs. Meyers votes yes.

Mr. Gallegly?

Mrs. Ros-Lehtinen?

Mr. Ballenger?

REP. BALLENGER: Aye.

CLERK: Mr. Ballenger votes yes.

Mr. Rohrabacher?

REP. ROHRABACHER: Aye with reservations.

CLERK: Mr. Rohrabacher votes yes.

Mr. Manzullo?

REP. MANZULLO: Aye.

CLERK: Mr. Manzullo votes yes.

Mr. Royce?

REP. ROYCE: Aye.

CLERK: Mr. Royce votes yes.

Mr. King?

REP. KING: Aye.

CLERK: Mr. King votes yes.

Mr. Kim?

REP. KIM: Aye.

CLERK: Mr. Kim votes yes.

Mr. Brownback?

REP. BROWNBACK: Aye.

CLERK: Mr. Brownback votes yes.

Mr. Funderburk?

Mr. Chabot?

Mr. Sanford?

REP. SANFORD: Aye.

CLERK: Mr. Sanford votes yes.

Mr. Salmon?

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REP. SALMON: Aye.

CLERK: Mr. Salmon votes yes.

Mr. Houghton?

REP. HOUGHTON: Aye.

CLERK: Mr. Houghton votes yes.

Mr. Campbell?

Mr. Hamilton?

REP. HAMILTON: Aye. CLERK: Mr. Hamilton votes yes.

Mr. Gejdenson?

REP. GEJDENSON?

CLERK: Mr. Gejdenson votes yes.

Mr. Lantos?

Mr. Torricelli?

Mr. Berman?

Mr. Ackerman?

Mr. Johnston?

Mr. Engel?

REP. ENGEL: Aye.

CLERK: Mr. Engel votes yes.

Mr. Faleomavaega?

Mr. Martinez?

REP. MARTINEZ: Aye.

CLERK: Mr. Martinez votes yes.

Mr. Payne?

REP. PAYNE: Aye.

CLERK: Mr. Payne votes yes.

Mr. Andrews?

REP. ANDREWS: Aye.

CLERK: Mr. Andrews votes yes.

Mr. Menendez?

Mr. Brown?

Ms. McKinney?

Mr. Hastings?

REP. HASTINGS: Aye.

CLERK: Mr. Hastings votes yes.

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Mr. Wynn?

REP. WYNN: Aye.

CLERK: Mr. Wynn votes yes.

Mr. McNulty?

Mr. Moran?

REP. MORAN: Aye.

CLERK: Mr. Moran votes yes.

Mr. Frazer?

REP. FRAZER: Aye.

CLERK: Mr. Frazer votes yes.

MR. GILMAN: The clerk will report the tally -- call the absentees.

CLERK: Mr. Hyde?

Mr. Gallegly?

Ms. Ros-Lehtinen?

Mr. Funderburk?

Mr. Chabot?

Mr. Campbell?

Mr. Lantos?

Mr. Torrecelli?

Mr. Berman?

Mr. Ackerman?

Mr. Johnston?

Mr. Faleomavaega?

Mr. Menendez?

Mr. Brown?

Ms. McKinney?

Mr. McNulty?

REP. GILMAN: Was Mr. Menendez recorded?

CLERK: Mr. Menendez is not recorded.

REP. MENENDEZ: Aye.

CLERK: Mr. Menendez votes yes.

REP. GILMAN: The clerk will read the tally.

CLERK: On this vote there were 29 ayes, and zero noes.

REP. GILMAN: The motion is agreed to.

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And I wish to stress that it's my intention to remain in open session as long as possible and perhaps for the duration of the hearing, unless necessary to close it at some future time.

REP. GOODLING (R-PA): Mr. Chairman?

REP. GILMAN: Mr. Goodling?

REP. GOODLING: Oh, I think he's finally sat down.

There was a lobbyist that kept running back and forth here all excited, wanted somebody's attention up here, and I was afraid he was going to have a heart attack. But I think he finally now sat down so I guess things are in order.

REP. GILMAN: Thank you, Mr. Goodling.

Mr. Roth?

REP. ROTH (R-WI): I thank you, Mr. Chairman.

Mr. Dobbins, I know this is a rather murky business, but as I interpret this, the heart of it is basically this: That the FBI had evidence that these murders were linked to the Aristide regime and that the State Department had this evidence, but kept it hidden from Congress, and the question is why.

MR. DOBBINS: Thank you.

I think it was a matter -- it was publicly acknowledged by -- as far as I know -- the State Department and everyone else -- that the FBI went down there because the murder was potentially linked to the Aristide regime. It was because the minister of the interior was potentially involved, that we had information linking him, that the FBI went down there. And as I recall, that was a matter of public record within 24 or 48 hours of this occurring.

So the reason the FBI was there was because they have no justice system. They had a serious, potentially political crime with potential links to the government that was supposed to do something about it, and the FBI was sent down there. This was -- I really believe -- a matter of public record from March of last year.

The FBI treated this -- to my understanding -- as a law enforcement sensitive operation. As they indicated, they were not down there to collect intelligence or support American policy, except in the sense that they were conducting an independent investigation.

They did not brief me. I sought briefings and was told that it was inappropriate at that stage and I acquiesced in that, as did other senior officials in Washington.

REP. GILMAN: So basically what you're saying is you did not know.

MR. DOBBINS: Could I finish, please, because this is important obviously.

I had extensive information from our embassy in Port-A-Prince, from State Department officers, reporting based on their contacts -- which were largely contacts designed to facilitate that investigation -- on how they thought it was going.

I knew this information to be incomplete. I knew this information had not been confirmed by headquarters. And I thought this information was in some respects probably inaccurate.

I did not think I, as a State Department official, should be briefing the Congress based on incomplete, potentially inaccurate, uncorroborated information on what another agency was doing with that -- which, incidentally, that agency believed to be sensitive -- but quite aside from that, when that other agency was freely available.

REP. GILMAN: Well, there seems to be some misinterpretation of that.

But let me ask you this, when General Raoul Cedras (sp?) left Haiti we gave him certain incentives -- like we were going to rent his real estate and so on. Are we still using American taxpayers for that purpose?

MR. DOBBINS: I believe the arrangement was -- I can't recall -- a year or something like that. And I believe it is still under lease to us. And I believe that lease comes to an end --

REP. GILMAN: And we gave him certain incentives to leave Haiti? MR. DOBBINS: In effect, yes.

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REP. GILMAN: Yes.

MR. DOBBINS: I think we're using it for some good purpose.

I mean some one in the embassy is living in it, but yes --

REP. ROTH: But on the street language you would say it was a payoff.

Now, when Aristide said he was going to run for re-election, then some of the people in the State Department sat down with him and they reasoned together. What I would like to know so that we can't have any charge of information being withheld from this congress in the future, and you being under oath, I know you will be frank with us, what kind of incentives, what kind of reasoning did we do with Aristide?

AMB. DOBBINS: First of all, Aristide did not say he was going to run again. Aristide was somewhat ambiguous about his intentions which lead to a good deal of concern. We had had a conversation with him -- I mean, this had occurred and reoccurred, so I'm not clear exactly what (inaudible word) said, but the biggest flash point occurred the day after he met with Tony Lake. During the meeting with Mr. Lake, he made absolutely clear that he was leaving on February 7th. He made it so clear that we were convinced. The next day he gave a public statement in which he answered some questions --

REP. ROTH: Yeah, but the question I have was because --

AMB. DOBBINS: -- and it fluttered, and there was a flutter of speculation based on his unwillingness to confirm that he was leaving and then --

REP. ROTH: But the question, but the question --

AMB. DOBBINS: -- three days later he confirmed it.

REP. ROTH: -- but the question is this, so that we paid off, we paid off the General Cedras, and the question I have for you so that there is no misunderstanding in the future being there being under oath, we didn't pay off Aristide is what you are telling this Congress.

AMB. : I know of no --

REP. ROTH: You don't know of any, but you are not saying we didn't?

AMB. DOBBINS: Given the line of questioning here, I think I ought to confine myself to what I actually know. But I know of no such thing and I think I would know. I mean, I am the responsible official. So, I think you can take that as fairly definitive.

REP. ROTH: You were asked to leave the room when the murders, however, were you asked to leave any rooms when the deals were made with Aristide?

AMB. DOBBINS: I don't believe there was any deal, sir.

REP. ROTH: But, were you asked to leave the room? You are not answering the questions.

AMB. DOBBINS: Well, I answered that question. There have been meetings with President Aristide at which I have not been present. I have no reason to believe that there were any --

(Both speak at once.)

REP. ROTH: All right, thank you very much.

REP. GILMAN: Mr. Hastings.

REP. HASTINGS: Thank you very much, Mr. Chairman.

Mr. Dobbins, Mr. Dobbins, Ambassador? Regarding the queries that have been put to you with reference to previous testimony, more specifically October the 12th, do you feel in any way that you gave at that time any inaccurate or unfounded information to the committee that was querying you at that time?

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AMB. DOBBINS: No, sir. I mean, having reviewed my testimony on this point, I find nothing inaccurate. Clearly in retrospect I would have been better off suggesting that the FBI be directly queried on their investigation.

REP. HASTINGS: All right. And subsequent to the queries that were put to you on October 12th in the appropriate forum in the Intelligence Committee, the information that is being bandied about here today was provide to the Intelligence Committee. Am I correct?

AMB. DOBBINS: There were a set of questions and answers as well as written testimony which cover, I think , all of the questions that have been asked which were provided from the State Department as well as from Justice, FBI, CIA and DOD.

REP. HASTINGS: All right. I thank you.

Mr. Perry, how many similar type or analogous type investigations have you been involved in and or your agency involved in worldwide?

MR. PERRY: Congressman, this investigation was somewhat unique. There have been other investigations that have occurred outside of the United States --

REP. HASTINGS: I understand. And when you do, and let me make it clear, am I correct or -- the FBI's involvement came, one, at the suggestion of United States appropriate authorities to President Aristide that the FBI be permitted to come to Haiti for purposes of conducting an investigation?

MR. PERRY: Yes, Congressman, it is my understanding that Department of State, President Aristide looked for our involvement in that murder and the Attorney General and director discussed it and we were subsequently --

REP. HASTINGS: Right.

MR. PERRY: -- went down there.

REP. HASTINGS: There were obstacles you have put forward in your prepared testimony that have zero to do with Aristide or any of his minions, more specifically, the infrastructure, the culture, the lack of subpoena powers, the lack of an adequate judiciary, and any number of other concerns including the long history of violence and the unlikely possibility that witnesses who think they would be killed would come forward? All of those things were a part of obstacles, would you agree?

MR. PERRY: Yes, Congressman.

REP. HASTINGS: All right. That being our case, at some point , you determine that you, meaning the FBI, had done all that you could do in this investigation?

MR. PERRY: Yes, Congressman.

REP. HASTINGS: When you did, did you have consulsory evidence that would withstand a judicial test, rather than suggesting, proving that Aristide had anything to do with any of the 20 plus murders or that you may have investigated?

MR. PERRY: That we could prove in court?

REP. HASTINGS: Right.

MR. PERRY: No, Congressman, I don't believe we did.

REP. HASTINGS: All right. Did you have any such conclusory evidence regarding, other than the interior minister, that the allegations apparently centered around, that anyone else consulsory or evidence that would stand up in court, that they participated in any political killing or political murder?

MR. PERRY: No, Congressman.

REP. HASTINGS: I have no further questions, Mr. Chairman.

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Mr. Chairman, I would like the right to have the unanimous consent to include extraneous material, and more specifically to include materials of someone who may very well have been involved in his own investigations of these matters? And I would like the opportunity to provide that to the Chairman for his consideration.

REP. GILMAN: Without objection.

REP. ROHRABACHER: Reserving the right to object --

REP. GILMAN: Mr. Rohrabacher.

REP. ROHRABACHER: Just as a matter of courtesy, I will not be objecting. But just so my colleague will know, there was another situation where as a matter of courtesy, we were expecting him not to object, and he did object. So, I will withdraw my objection.

REP. GILMAN: Thank you, Mr. Rohrabacher.

Ms. Meyers.

REP. MEYERS: What is the increase in the problem with boat people that has taken place in the last ,say, six months?

AMB. DOBBINS : It was, I believe it was the month before last, a fairly high number of about 1,000 people. It was, however, limited to boats. So the increase was from one to two boats over that two month period. But it was also from 500 to 1,000. You are not seeing the kind of small boat exodus that you saw a year and a half ago. You are seeing organized commercial migrant smuggling. It is a serious problem. It's not as serious as the problem with Santa Domingo, I think. But it is a serious problem. And since Bob follows this on a world-wide basis, maybe he is better to answer this as a comparative thing.

MR. GELBARD: As Ambassador Dobbins says, there is no question that what we are seeing now is, can be classified purely as alien smuggling. These are large shiploads of people who have paid smugglers to try to come to the United States. We believe that through the superb work of the Coast Guard, we have been able to interdict and so far return all those who have been, who are attempting to enter the United States illegally. This is in contrast, as you are well aware, of the efforts before by many hundreds of small boatloads of individuals.

This still represents a very small number of people, first, compared to what we saw in Haiti before, during the time when President Aristide was in exile and people were attempting to flee Haiti at that time. And as Ambassador Dobbins said, also very small in comparison with the numbers who were trying to leave the Dominican Republic illegally, or who are being smuggled from elsewhere in the world through Central America, through Mexico or through other places in the Caribbean.

REP. MEYERS: The population of Haiti is 6 million?

WITNESS : It is approximately 7 million.

REP. MEYERS: Seven million.

AMB. GELBARD: It was approximately seven million.

REP. : And there's very little on the island that can support seven million people. Is that correct? I mean, the level of poverty is very high.

AMB. GELBARD: The level of poverty is extremely high, which accounts for the attempts the international community is trying to make, working with the Haitian government to improve the economic development situation.

REP. : And is there a high level of drug use and smuggling through Haiti?

AMB. GELBARD: As far as I'm aware, there's an extremely low level of drug use. We have seen over time, given Haiti's geographic situation, the use of Haitian territory for drug transit. We saw that in significant measure prior to President Aristide's return. And we have seen some continued use of Haitian territory during that time, but at very low levels compared to, say, the Dominican Republic once again.

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REP. : We are dealing then with a country here that essentially is ungovernable at this point, really. Would you say that?

AMB. GELBARD: I would say that we have a country which in its 200 years of existence as a nation has not been able to develop, has not had the conditions to develop any institutional capabilities, any kind of institutions which would permit economic, social and political development. President Aristide's election was the first democratic election which had ever really occurred. We have now just seen the second. And we are certainly, we and the international community, hoping to see the development of the economy, political and social institutions too.

REP. : What is the level of literacy in Haiti? How many people can read?

AMB. GELBARD: I don't have a figure. I'd be happy to get it for the record. I know it's extremely low.

REP. : Do you think that the effort that the United States is making in Haiti are worthwhile? Are we getting anyplace, are we going to get anyplace? AMB. GELBARD: I was our negotiator on Haiti in the previous administration, as some of the members of Congress are aware, in a different assignment. In my current position I've been involved in certain aspects of Haiti policy. And there is no question in my mind, it's both my personal and professional opinion, that the situation in Haiti required our intervention, it required the intervention of the international community. We did the right thing. And, obviously, in the situation where we have a country which has no institutional capabilities over the course of 200 years, what is required is patience and time to achieve the goals that the entire international community and the Haitian people want. But I firmly believe, as I'm sure all my colleagues do, that it is fundamentally in the interests of the United States given the fact that Haiti is literally a neighbor of the United States, we share a territorial border, for us to have done what we did and for us to continue to remain engaged in a serious, dedicated way.

REP. : I think I want us to remain engaged in this serious and dedicated way. I just think that until we take some steps with the rest of the world community, I don't mean this as something we should mandate, but that we should assist in some kind of population efforts, really serious population efforts, and really serious educational and literacy efforts there, that everything that we do is going to be wasted. I don't mean that we should turn our backs and walk away from people. I just think that what we're doing right now we could still be doing in a hundred years. Unless we resolve those basic problems of overpopulation, poverty and literacy, nothing is going to change.

AMB. GELBARD: We fully concur with everything you have said. And those are among some of the fundamental efforts on which the United States government through the Agency for International Development, multilateral institutions and other bilateral donors, are engaged.

REP. : Thank you, Mr. Chairman.

REP. GILMAN: Mr. Frazer. Could you use your microphone, please, Mr. Frazer.

DEL. FRAZER: What have we done, or what has the State Department done to inform the Haitian government of the US government's disapproval of the incorporation of 1,400 IPSF into the HNP?

AMB. GELBARD: We have, on several occasions as far as I'm aware, discussed at various levels with the Haitian government, our feeling that as I said in my earlier testimony, that any additional candidates for the Haitian National Police need to meet minimum requirements, the minimum academic and professional requirements to become cadets in the police academy. And second, those who have served as members of the IPSF, whether they are former members of the Haitian armed forces, or the so-called Guantanamo trainees, need to be checked for the quality of their professional performance and their human rights performance during the time they have served as members of the IPSF. Our feeling is that only if they meet those criteria could they become candidates for the Haitian National Police. Alternatively, though, as Ambassador Dobbins made reference to earlier, we are prepared to consider inclusion of such individuals if they have performed well professionally and in terms of their human rights performance, in areas that would be less than full members of the Haitian National Police. For example if there were adjunct forces established as part of the overall public security entity, so that they could participate as traffic policemen or as a static security guards.

DEL. FRAZER: Was this issue raised directly with President Aristide and/or President-Elect Preval? And what was their responses, their direct responses?

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AMB. GELBARD: I'd have to defer to Ambassador Dobbins on that.

AMB. DOBBINS: I believe that the issue has been raised with President Aristide, and in more detail with the minister of justice. The issue, as I've said, is a complex of separate issues involving different categories of his people, of which the integration at the higher, more senior levels is potentially the most important and in some ways the most troublesome.

The response has been that the decisions about how to integrate them haven't been fully taken, that they'll take our views into account. They do want training for most of these people and they understand that the training requires that we and they agree on who is to be trained. So this is an ongoing process of negotiation. I can try to provide you more detail, but that's all I have at my disposal at the moment.

AMB. GELBARD: Congressman, if I could just add, we have a memorandum of understanding with the government of Haiti regarding the issue of police training. And the specific provisions regarding the rights and responsibilities of the government of Haiti on the one hand, government of the United States on the other, are as follows: the government of Haiti, the MOU states that the government of Haiti retains the sovereign right to make all final decisions with respect to the police, including organization, development and training, while we retain the sovereign right to determine the conditions under which we will continue to make assistance available to permit that training.

But of course, as Ambassador Dobbins says, this is a matter of discussion and we are still working this through.

REP. GILMAN: Thank you, Mr. Frazer. Mr. Burton.

REP. BURTON: Thank you, Mr. Chairman.

Mr. Perry, you said in your statement, we met regularly in Port-au-Prince with representatives of the Embassy, the US military and other relevant agencies to generally apprise them of the course of our investigation. Did you or any member of the FBI ever talk to Ambassador Dobbins directly, ever talk to talk to Ambassador Dobbins directly about the case?

MR. PERRY: Directly about the case, did we ever talk to him?

REP. BURTON: Did you ever brief him or talk to him directly about the Bertin case?

MR. PERRY: We talked in terms of our trip down there.

REP. BURTON: I'm asking you a question about Bertin murder. Did you or any member of the FBI ever, ever talk to the ambassador directly about that case?

MR. PERRY: Yes.

REP. BURTON: Ambassador, I want to read to you what you said before my committee when I asked you this. You said, "the FBI has not briefed me, or as far as I know, anyone else in the administration on their findings." Now how do you square that with what we just heard from the FBI?

MR. DOBBINS: I think it squares perfectly. I went down with the associate attorney general and the FBI. We took a plane trip down there. When I got there we met with the FBI team to discuss this case. I was asked to leave the room. On the trip down there, our discussions were focused either on generalities or the specifics of our mission -- which were to remove some of these obstacles.

REP. BURTON: Ambassador, the FBI right next to you --

MR. DOBBINS: Could I -- could I --

REP. BURTON: Let me just finish -- just said that he talked to you and briefed you directly. And you said in your statement to me, the FBI has not briefed me, or as far as I know, anyone else in the administration, on their findings.

MR. DOBBINS: Perhaps we're at a semantic difference.

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I was excluded from what I considered the briefing. I asked Mr. Gelbard at one point whether he'd been briefed, he said no. I asked my colleague at the White House whether he could arrange a briefing. He called me back as said they don't believe it's appropriate.

So, as far as I was concerned, I wasn't getting briefed. I wasn't complaining. My statement to you was not a complaint, it was a statement --

REP. BURTON: But you don't believe you were --

MR. DOBBINS: -- that the FBI was compartmentalizing this information.

REP. BURTON: But you don't believe you were misleading the subcommittee, and me as chairman, when you made that statement?

MR. DOBBINS: I didn't intend to. That's all I can say.

I had been excluded from substantive briefings as a conscience matter of policy, and, therefore, I did not believe that I could, in good conscience, brief the committee on what the FBI was doing.

REP. BURTON: Well, I would think that most members of Congress, regardless of party affiliation, would think if that statement was made to them, that certainly was misleading the Congress of the United States. And I'd hate to think that every time we have an ambassador or somebody appear before us, that we're going to have to have them sworn in in order to make sure that there's no equivocation.

You know, when we're trying to get the facts about what's going on where we're pouring hundreds of millions of dollars and risking American lives in a place like Haiti, and we ask you questions about what's going on, and a murder of a top opposition party official in the middle of downtown Port-A-Prince at high noon, and you say you don't know anything about it, you haven't been briefed about it, you haven't talked to anybody about it, and the FBI says they have briefed you and talked to you not once but many times.

But you didn't only say that, you said that nobody at the embassy, or anybody else in the administration, had been briefed on the findings.

MR. DOBBINS: I said that I didn't know of anyone else -- (inaudible) -- I just recounted to you the people that I had checked with.

I didn't say I didn't know anything about the case, sir, I raised it in my testimony at some length.

MR. PERRY: Congressman, I wonder whether, since I was part of that trip down to Haiti at which --

REP. BURTON: Well, but there was -- with all due respect, there was more than one occasion when the FBI talked to the embassy. This isn't the only time.

MR. PERRY: Without doubt.

REP. BURTON: They talked to the embassy many times. And for the ambassador to come before my subcommittee and say he doesn't know anything about it and hasn't been briefed, is almost a blatant misrepresentation or lie.

MR. PERRY: Congressman, I just wanted to -- there's been such a discussion about the trip down to Haiti that the three of us made and the meeting which I asked Ambassador Dobbins to be excluded from. If it would be helpful to the committee, I would very much like to lay out on the --

REP. BURTON: Well, this is not the only occasion -- we have a more important issue here and that is misrepresenting the Congress.

MR. PERRY: I appreciate that.

REP. BURTON: Mr. Dobbins, you knew you were going to talk to Aristide about obstacles to the FBI investigation. Why then did your statement in October and today suggest that the Haitians were cooperating? MR. DOBBINS: Based on our discussions with the Haitians, we concluded that the best step for them to take would be to set up their own investigative unit. We urged that on them. And on that day I was able to announce that we had

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successfully gotten their agreement. This was -- we urged this on them after extensive consultations with Senator Dole's staff, and a negotiation of language in, I believe, the State Department appropriations --

REP. BURTON: If I might interrupt.

MR. DOBBINS: -- which required such a unit be set up.

REP. BURTON: That's just blue smoke, because you wouldn't have gone to see him if they were cooperating. You knew they weren't cooperating and that was the purpose of the meeting.

Let me ask of the FBI -- Mr. Perry -- a question.

You know, you were asked by the gentleman from Florida a while ago if there was any conclusive evidence that would hold up in court about whether or not Mr. Aristide or his close associates were involved in this assassination.

Let me just put it a different way. You can't really make that kind of statement because you're making a subjective judgment. You're not on a jury, you're not in a court.

Let me ask you this, did you have any evidence that Mr. Aristide or his close associates were involved in that assassination, or any other political assassinations down there?

MR. PERRY: Congressman, I just want to specify also that we were down there -- we were doing one investigation that essentially was the Bertin case --

REP. BURTON: Okay.

MR. PERRY: -- and not other murder cases down there.

REP. BURTON: But did you have any information that would lead you to believe any associate, or Mr. Aristide himself, was involved in that?

MR. PERRY: One of the areas that we were looking at was the political motivation -- possible political motivation in the killing.

We had information that people within the government of Haiti might have information that would bear on that, or possible involvement in that.

We were trying to proceed in terms of interviewing people within the government of Haiti, regarding those issues.

REP. BURTON: So you think --

MR. PERRY: We had information that that was an area that we needed to explore -- source information of unknown reliability -- that would lead us in that direction

REP. BURTON: You did have some information that led you to believe he might have been involved in it?

MR. PERRY: President Aristide?

REP. BURTON: Or his close associates?

MR. PERRY: Associates within the government of Haiti, not President Aristide. No, sir.

REP. BURTON: Mr. Chairman, let me just end up by saying -- because I see my time has expired -- I hope that you'll continue to keep a hold on that \$5 million because they're putting 1,400 people into the police force down there. They already have uniforms. They're, I believe, being paid. And they are, in effect, a part of that police force. And some of those people may have been implicated by the testimony today in some of these assassinations down there. And for us to be using taxpayers dollars to beef up a police force down there that has these kinds of thugs in it, I think is highly questionable.

And I'd like to just add one more thing. And that is that I hope the administration in the future, and Mr. Dobbins in particular -- when you come up here, don't try to mislead the Congress and don't equivocate. If we ask you a question and you want to go into closed session to give us an answer, give us the answer. But don't tell us that something didn't happen when it did, because we know damn well it was a lie.

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REP. GILMAN: Thank you, Mr. Burton. And we will take your suggestion under advisement and we'll be consulting with our committee members before we undertake any further action.

Subject to approval by the committee -- yes?

Mr. Payne?

REP. PAYNE (R-NJ): Thank you very much.

I'm subject to the committee?

REP. GILMAN: I will strike that from the record.

REP. PAYNE: Oh, okay. I didn't know if it was a new kind of -- (inaudible words). I didn't know what that meant.

Let me just ask a couple of questions. Could you -- we've heard a lot of talk about how much money we've spent and how poorly this money has been used. Could you -- perhaps one of you -- just describe very briefly, the conditions during the last year of the Cedras- Francois government? What was happening, what was the human rights' situation, and the size of the army?

WITNESS: I think the observers estimated that perhaps 5,000 people were killed in government associated repression over a 3-year period -- if I remember the figure correctly -- which would be about 1,500 people in that category a year. So this was clearly an exceptionally difficult and exceptionally repressive period.

In addition, toward the end, there was a mass exodus of people fleeing Haiti, nearly 20,000 of whom ended up, as I recall, in Guantanamo.

REP. PAYNE: And so, we've got a situation where in three years -- 5,000 people -- or say, during the last year, 1,500 people were killed.

So far we've been talking about a death -- and every death is certainly serious -- I don't think that we've spent that much time at any hearing of the Western Hemisphere Committee during the last year, the amount of time that was spent here on this one killing -- for the 1,500 killings that happened during that last year.

Secondly, let me ask you a question. Mr. Perry, were you invited to that Western Hemisphere meeting on October 12th -- or whenever it was -- did you testify -- the hearing that's been referred to so much?

MR. PERRY: No, sir.

REP. PAYNE: Okay. I just wonder, if you were the main topic of the discussion, seems like it would've simplified a lot of matters if the chairman of the committee had invited the FBI. I mean, you were doing the investigations, right?

MR. PERRY: The FBI was conducting investigations of Bertin, yes, sir.

REP. PAYNE: All right. So it might've saved a lot of time today if someone -- maybe it's an after thought -- but perhaps if I were chairman I would've thought about it -- have most of the questions about the investigation, about the FBI -- seems to me to make sense to invite the FBI. But, you know, that's just my view.

Could you tell me about the section chiefs -- the chef de section as they call them -- and the terror that they reigned before and the fact that -- are they still in existence? And how did that happen if they're not?

WITNESS: Their functions were terminated and they have been replaced by elected officials.

REP. PAYNE: Could also you tell me the size of the army at that time, during the past year or two?

WITNESS (MR.): Well, it was 7,000 on paper and 6,000, you know, present for duty when the American forces arrived.

REP. PAYNE: And how many policemen have we trained so far?

WITNESS (MR.): I believe that 3500 have completed training and 1500 are in training.

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REP. PAYNE: 3500 and 15 (hundred.) Well, the -- with this withheld money -- it's indicated that the money will be withheld -- the academy would have to close down, more or less, and it will be difficult to continue. The number initially was higher than 5,000 that it was estimated that we needed, right? I think they talked initially about 7,000 or 8,000 policemen.

WITNESS (MR.): That's right, Congressman. But eventually the Haitian government decided that it could not sustain the ability to provide salary payments for a much larger number, given the poverty of the country, so on that basis, they came back to us and asked us to reduce the initial number of Haitian national police to be trained.

REP. PAYNE: And actually, wouldn't it seem to make absolutely no sense for us to close down a process after investing the amount of money into it by the withholding of the final funds? I mean, it's like a bridge that's three-quarters built.

WITNESS (MR.): We agree completely.

REP. PAYNE: All right, I see my time is expired. You know, that red light means your time is expired, so I guess I'll have to stop. Thank you, Mr. Chairman.

REP. GILMAN: Thank you, Mr. Payne. Mr. Goss.

REP. GOSS: Thank you, Mr. Chairman. I am very concerned about the relationship of the new president, President Preval, and the new chief of the police, who is apparently Mr. Salistin, who is having trouble getting confirmed by the Parliament there. There is some very interesting commentary in "The New York Times" about that in a recent article: "Members of Parliament, speaking anonymously for fear of retaliation, have complained that corruption has flourished under his management," speaking of the new chief, Colonel Salistin, and so forth.

That is an area I do want to take up because it is directly relevant to our investment and our hopes. There is another area I want to take up, and those are reports about the commando-style assassinations that were reported by OS Ambassador Colin Granderson, and I want to know what information we have on association between that and the Bertanne investigation.

But I particularly want to go to some specifics now, if I may, and ask Ambassador Dobbins some direct questions. The first is, who has been the director of the interim public security force?

AMB. DOBBINS: Major Denny Toussant.

REP. GOSS: Has Mr. Toussant been appointed to a new position as the director of judicial police?

AMB. DOBBINS: So we understand.

REP. GOSS: Does the judicial police have jurisdiction over the special investigation unit?

AMB. DOBBINS: It's not clear. The unit had a direct line to the chief of police without going through any subordinate. That was under the old system, and I guess we would have to answer that we don't know whether the new director would maintain that.

REP. GOSS: Do you think there's a possibility that Mr. Toussant will have jurisdiction or some participation in the special investigation unit?

AMB. DOBBINS: Yes.

REP. GOSS: Is the special investigation unit charged with the investigation of political murders that have occurred in 1994 and subsequently?

AMB. DOBBINS: Yes.

REP. GOSS: Do you have any evidence that Mr. Toussant was involved in any of the political violence?

AMB. DOBBINS: Mr. Congressman, testimony about any particular individual would be derived either from intelligence material or from sensitive law enforcement material or from other material, which I would recommend be gone into in closed session.

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REP. GOSS: If you would decline to answer that on the degree of sensitivity in that area, I would respect your judgment, and I would draw the conclusion that should your answer have been yes, it would seem that we would be in a quandary about how we have somebody who may be linked up with violence doing the investigation of himself and his friends. And that is an area of some great concern.

I say that, and I will just signal that we will continue this conversation either in this committee, in closed session or in other committees that will be dealing with this, because this is an area where we have said before that we are taking steps to weed out individuals who are suspected of violence. And it seems to me that if we get the near the top of the chain, we've got to be extra diligent in making sure that the record is very, very clear, and apparently it is not. Thank you, Mr. Chairman.

REP. GILMAN: Thank you, Mr. Goss. Mr. Moran.

REP. JAMES MORAN (D-VA): Thank you, Mr. Chairman. First of all, Mr. Chairman, I'd seek unanimous consent to include in the record at this point a communication from the State Department to Mr. Hamilton dated January 3rd of 1995.

REP. GILMAN: Is that the letter we previously --

REP. MORAN: (Inaudible.)

REP. GILMAN: All right, the letter is received. Would you have copies of it?

REP. MORAN: I think we do. (Inaudible.) They were at our desks. It's just that apparently it wasn't actually formally put into the record. So that's okay, Mr. Chairman?

REP. GILMAN: Yes. Now proceed.

REP. MORAN: Mr. Chairman, as I've sat here, there has been a clear attempt to implicate, even directly accuse President Aristide of being involved, perhaps even directing these murders. The fact is that we have been given absolutely no evidence that would cause any prosecutor to go into a court of trial in this country or, obviously, in Haiti and attempt to make such a connection.

It's as though you're charging President Nixon because Robert Kennedy got assassinated. I don't see any tighter evidence than the motivation that was discussed. Obviously, you would pursue anybody that had any motivation, but under direct questioning, the answer has been no, there is no connection. And I can understand why the attempt is being made, but I certainly think that it is wrong and irresponsible.

REP. GILMAN: Mr. Moran, are you asking a question or drawing --

REP. MORAN: Now I'm going to get to my question. That was the context. The second issue, though, that has disturbed me is that in addition to accusing President Aristide, Mr. Dobbins, our lead witness, was just accused of lying. I have the testimony that was given in our subcommittee of this committee, and it is clear that -- at least in my mind -- that Mr. Dobbins did not lie. He said that he has not been briefed by the FBI as far -- excuse me, let me just use the exact words: "The FBI has not brief me or, as far as I know, anyone else in the administration on their findings. They are still conducting their investigation and, as far as I know, have not come to a conclusion."

Clearly, he was briefed on the investigation itself, but not on the findings. So Mr. Dobbins' testimony appears to be entirely accurate, and if I were he, I would certainly take offense at any suggestion that it was not. We have not seen any testimony to that extent.

Now, the third issue that I want to bring up and that will be in the form of a question of the panelists is, if this \$5 million is withheld for training of the Haitian national police, who does it assist? It seems to me that the money being used to train the police is to avoid situations such as gave cause for this hearing today. We are attempting to professionalize them, in the words of the witnesses, to make sure that they are nonpartisan, that they are the type of police that we use and rely upon that provide our security in this country. If we withhold the funds, we don't achieve that objective.

Now, I've made two points as well as a question, and you can respond to the other points if you would like to. I'd like to ask -- start with Mr. Waxman because at one point, Mr. Waxman was interrupted before he could give an

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answer that I thought was pertinent. But Mr. Waxman, would you like to address that, representing the Department of Justice?

MR. WAXMAN: Thank you. I do -- I would like to answer your direct question, but also make the point and just I think illuminate for the committee the context in which Ambassador Dobbins, Director Perry and I went down to Haiti on the weekend of the 4th of July and the purpose for having the meeting, going to meet with President Aristide, and the incident in which Mr. Perry and I felt that there was a portion of a session that we had with the agents in the FBI command post that we would prefer that he not attend. And I just think there have been so many references to it, perhaps it would be helpful if I explain what happened.

REP. MORAN: Thank you. It was that answer that Mr. Burton interrupted, and I did want you to conclude that. Thank you.

MR. WAXMAN: In late June, the FBI was asked to go down on an urgent basis, and went down and was on the ground in Port-au-Prince to do the crime scene investigation within a day. By 5:30 the next morning, they had a full contingent set up to conduct an investigation in a country which at the time, I think by all consents, had no -- literally no means to do crime scenes investigations, had no effective police structure, et cetera, et cetera.

By late June 1995, the FBI had brought its investigation, which was organized in quite a methodical way, to the point where they felt it necessary and desirable to question certain members of the IPSF because other information that they had gotten during their investigation suggested that these 12 or 13 individuals may have information leading to conclusions about who committed this assassination.

They conducted a few of those interviews of the IPSF, but as a result of -- some of the conditions that cropped up in connection with those investigations, those examinations, caused agents on the ground to question whether or not they had the full support of the Haitian government in what they were doing and also whether or not they were going to be allowed to continue -- freely to continue their investigation. The director of the FBI communicated those concerns to the attorney general. The attorney general asked me if I would go down and meet with the agents to determine what the problems were and then meet with President Aristide in order to determine whether the FBI could conduct the kind of professional, non-political law enforcement investigation that it believed it had asked to do, and the only kind of investigation that the attorney general would support the use of her personnel in.

I met Bill Perry and Jim Dobbins on that flight down there. And on the flight down, we talked about the FBI's perceptions of some of the roadblocks that had been -- appeared to be being placed in its efforts to interview these IPSF officers.

Before -- when we got to Port-au-Prince, before we met with President Aristide, I -- Bill Perry and I went to the FBI command post to talk with the agents, get to know them -- it was my first trip to meet them in Haiti -- and to learn first-hand from them whether they had concerns about their personal safety, whether they had -- and specifically what concerns they had about the extent to which their investigation was being blocked or hampered or could be helped in any way, and also to find out from them, frankly, some fairly confidential information about the ongoing law enforcement investigation, the quality of their sources, the perceived safety of their sources, the absence of a witness protection program of any sort, and what we could do perhaps to get one generated.

For that discussion, I felt then and I feel now, and I know Director Perry agrees because we discussed it at the time, that it would be inappropriate, highly inappropriate, to have a senior member of another agency of the United States that does not have law enforcement responsibilities to participate in that kind of a discussion. And I asked Ambassador Dobbins if he wouldn't mind going to the embassy and letting us catch up with him after Bill and I had an opportunity to talk with the agents and the agents in charge down there. And we did that.

Following that meeting, which -- that discussion, which Ambassador Dobbins did not attend, the three of us and Ambassador Swing met with President Aristide and some of his advisers in Haiti. And I was the principal spokesman at that meeting, which is the only meeting I've had with President Aristide or anybody else in the Haitian government on this subject, and I laid out for him the concerns that the FBI -- the great desire of the attorney general that the FBI be allowed to continue its investigation to the point at which it could go no further, and to do so in a thorough and impartial manner, consistent with the way in which the FBI does investigations in the

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United States, recognizing that we have no compulsory process in Haiti, we have no witness protection process in Haiti, we have no means of obtaining search warrants, et cetera, et cetera.

And President Aristide was very, very supportive of that, and I explained to him that in the course of trying to conduct these interviews of IPSF officers, the agents were reporting that they had received communications from the Haitian government that, well, before the Bertanne investigation could go further, the FBI had to agree to investigate 20 other political assassinations that had occurred over the past few years, and also that in interviewing -- contacting and interviewing Haitian government employees -- and these IPSF officers are employees, that the FBI, since we were down there to assist the Haitian government, the FBI should arrange these interviews through the Haitian government and permit Haitian government officials to sit in on the interviews.

We explained to President Aristide, utterly unambiguously, that we -- because we were concerned about not only the perception, but the actuality of doing an impartial law enforcement investigation, while we recognized that we were there to assist the Haitian Ministry of Justice to do an investigation it could not do itself, we had to insist that when we wanted to contact Haitian government officials, we'd do so without prearrangement of the Haitian government, without even telling the Haitian government in advance who we were going to be interviewing, and without any Haitian government officials present. And also we respectfully declined to extend the FBI investigation to include 10 or 20 or 30 or 40 other murders. We explained that we had been requested to do one, we wanted to try and do a good job on one, and that's what we wanted to limit ourselves to.

I think it's fair to say that there was agreement by President Aristide with the conditions that we had laid out for him on the terms under which the FBI investigation would continue. And in fact, our agreement is memorialized in a letter that Ambassador Swing sent to President Aristide on July 11th, the following week, which if it's not part of the record, I would offer it to be part of the record if it would be of use to the committee.

That I hope lays the groundwork for both the meeting from which Ambassador Dobbins was excluded and the nature of the concerns we had that prompted my visit with President Aristide and the resolution of those issues.

REP. MORAN: Well, it certainly doesn't sound conspiratorial. It sounds understandable. Mr. Chairman, obviously I won't ask any other questions, but I wonder if we could just get a quick response that was elicited from the other members, if they have anything to add. They may not want to add anything or respond to the question that was asked with regard to the \$5 million. Apparently, there's an assent that the \$5 million is not going to achieve any of our mutual objectives if it's not used, and if it was used, in fact it would not be particularly to the benefit of President Aristide, but to the benefit of American policy to professionalize the police force. I assume that's consistent with --

REP.: Mr. Chairman, I certainly don't want to interrupt my colleague from Virginia other than to say that I have some more questions I'd like to ask, and I'd like for his questioning to be terminated relatively soon.

REP. MORAN: How about now?

MR. WAXMAN: I would just like to say, since I have the microphone, that I think from ISOTAP's perspective -- the Department of Justice is always concerned when ISOTAP goes in to do foreign country training that it be permitted to do so in a complete and impartial manner. We're actually quite proud of the police training that's gone on at the Haitian Police Academy to date. We would be very, very disappointed, to say the least, if we were not able to continue at a minimum the final two months of training, which will get the Haitian national police force up to the 5,000 level. I mean it would -- I don't see what interest would be served, frankly.

REP. GILMAN: Mr. Waxman, is the FBI prepared to return to complete their investigation if the obstacles are withdrawn?

MR. WAXMAN: Well, I -- let me -- I will be sure to reserve to Bill Perry the FBI answer, but let me -- if I can just explain, Mr. Chairman --

REP. GILMAN: I'm asking you, is the attorney general prepared to recommend that the FBI further conduct its investigation if the obstacles that you referred to are taken care of?

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MR. WAXMAN: The attorney general has recommended and has decided that, given the nature of the obstacles as they exist now, and I hope you'll permit me to explain what they are, at least as we perceive them, the best course for the continuation of the Bertanne investigation, and in particular for the FBI's involvement, is for the FBI to provide support to a continued investigation of the Bertanne investigation that is being conducted by the special investigations unit under the supervision of the United Nations SIVPOL.

What caused the FBI to conclude that we can't really go productively any further is that after our meeting with President Aristide, and there was an agreement that the FBI could contact anyone in the government it wanted without pre-notice and without any involvement of the Haitian government, a set of lawyers emerged purporting to represent the 13 individuals that the FBI wanted to interview. The lawyers indicated that they would be pleased to have their clients interviewed by the FBI, but only if there was a transcript of the interviews, if the lawyer -- the same lawyer was present for all of these interviews, the questions were submitted in advance, a number of conditions which -- and I'll let Mr. Perry speak to it -- the FBI felt were not consistent with the kind of professional investigation it wanted to conduct.

The lawyers all represented that they were private lawyers being paid to represent those private individuals and that they had no connection with and were not taking directions from the Haitian government.

REP.: Would the gentleman yield on that point?

MR. WAXMAN: We don't have any --

REP. BURTON: Would the gentleman yield on that point?

REP. GILMAN: Be pleased to yield.

REP. BURTON: It's my understanding that those legal fees were being paid by the Haitian government.

MR. WAXMAN: I have no --

REP. BURTON: And if that's the case, why would you say that they were independent of the Haitian government?

REP.: Does the gentleman have evidence to that nature? I mean, you know, I think that --

REP. GILMAN: Regular order. The gentleman has yielded to Mr. Burton first.

REP. BURTON: Yeah. Let me just ask Mr. Dobbins --

REP. GILMAN: And then we must go on with the -- REP. BURTON: Mr. Dobbins, did you ever see cable transmissions to the effect that those legal fees were being paid for by the Haitian government?

AMB. DOBBINS: I think they were. I think the -- REP. BURTON: I rest my case. For you to say that they were independent of the Haitian government, these 13 people were being defended by the Haitian government itself in these assassinations.

MR. WAXMAN: Well, I don't want to get into a quibble with the congressman. We drew a distinction when we met with President Aristide because it's a distinction that we honor in this country. In our criminal justice system, for example, the government pays for the defense of most defendants in this country, but they owe their --

REP. BURTON: Well, if I might interrupt real briefly --

REP. GILMAN: Mr. Burton, you will have an opportunity for a second round.

REP. BURTON: Well, but this is relevant at this particular point because he's just made the case that these cases that were being tried were independent of the government, but the government was paying the legal fees to defend these people who are accused of murder, political assassination. Now, my question is, why would the government be paying the legal fees of these people if they were not somewhat involved?

MR. WAXMAN: Mr. Chairman, can I finish answering your question first?

REP. GILMAN: Mr. Moran's time is expired. And Mr. Waxman, we're going to ask you if you'll put on the record for us, submit to the record the names of the attorneys who were involved at the time that you were making your -- having your discussions with Mr. Aristide.

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MR. WAXMAN: We would surely --

REP. GILMAN: And Mr. Bereuter is recognized.

MR. WAXMAN: We would surely do that. Can I just say, Mr. Chairman, I had not yet finished the answer to the question you asked me, but I'd pleased to at an appropriate time.

REP. GILMAN: Mr. Bereuter.

REP. DOUG BEREUTER (R-NE): Thank you, Mr. Chairman. I have a line of questioning, Mr. Dobbins, related to the death of Madame Daroche Bertin. If you could answer as concisely as you can, consistent with accuracy, I'd appreciate it.

The media reported and the State Department has confirmed that before Madame Bertin was killed, the U.S. military uncovered a plot to kill her. As a matter of fact, the committee now has obtained a letter dated March 22nd, six days before the killing in which Major General George Fisher informed Haiti's Defense -- Haiti's Justice minister about a credible plot to kill Madame Bertin. My first question: Did the embassy consider Interior Minister Bolbrend to be seriously implicated in the plot?

AMB. DOBBINS: They thought that the allegation was a very serious one that needed to be looked into. I think the answer is potentially yes.

REP. BEREUTER: And it was specifically a concern about the Interior Ministry -- minister?

AMB. DOBBINS: At that stage, as I recall, the only government official that was alleged to be implicated was the minister of the Interior.

REP. BEREUTER: Did President Aristide look into the Interior minister's, Mr. Bolbrend's, role in the foiled plot?

AMB. DOBBINS: He told us that he had looked into it and that he did not -- and that he believed that the charge was unsubstantiated.

REP. BEREUTER: And in fact, that is true, that on March 23rd, the day after Major General Fisher sent the letter, according to a chronology of events, President Aristide tells Major General Fisher and Ambassador William Swing that he has looked into Bolbrend's involvement in the Bertin plot and concluded that the Interior minister was not involved. The Justice minister, who was supposed to be investigating, apparently didn't know that the Malissi brothers were being held in a police station at the time. And so that day, Ambassador Swing cabled State, suggesting calls to Aristide from senior Washington officials to press for an inquiry.

Are you aware, Ambassador Dobbins, that Madame Bertin's husband has said that his murdered wife was never warned explicitly of the murder plot against her?

AMB. DOBBINS: Yes.

REP. BEREUTER: A fact that was recently confirmed before members of this committee's staff by a U.N. official who met with Madame Bertin several days before she was killed.

Did the embassy or the multinational force, Ambassador Dobbins, confirm with Mrs. Bertin directly that the Haitian officials had warned her of a plot to kill her?

AMB. DOBBINS: I believe that the force commander in consultation with the ambassador decided that it was the government of Haiti's responsibility to convey the warning, that they asked them to do so, were told that they would do so. I believe they were also told that they had done so.

And there's clearly a conflict there. Mrs. Bertin's husband and, I believe, another relative -- there were subsequent conversations between Bertin and the minister of Justice. No one else was present at them. I think there were two. The minister of Justice maintains he conveyed the warning. Mrs. Bertin's relatives, who were not present, but who talked to her afterwards, say that he didn't.

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REP. BEREUTER: If in fact a witness suggested to the U.S. military that in fact the Interior minister was implicated directly ordering the assassination of Madame Bertin, doesn't it seem strange and derelict in our responsibilities that we didn't convey that warning directly to Madame Bertin rather than going through the government, a high public official of which -- whom -- of whom it was said was the assassination impicator?

AMB. DOBBINS: I think in the aftermath of the incident, instructions were sent to make sure that any -- in similar situations, the warning was conveyed directly as well as through the government.

REP. BEREUTER: Now, did -- I think that's an understatement. Did any U.S. agency inquire whether the Interior minister or the Justice minister, who failed to fully warn Madame Bertin of the impending assassination, were involved in the conspiracy against -- the conspiracy to murder Madam Bertin?

Or maybe, have we investigated whether or not the Interior Ministry or the Justice minister, the Justice minister having failed to warn Mrs. Bertin of the impending assassination, whether or not they were implicated in the assassination plot?

MR. PERRY: The conspiracy to assassinate, the one that you've talked about, Congressman, before the Bertin investigation, was not an investigation which we conducted in the FBI. We actually conducted the investigation of the subsequent murder.

REP. BEREUTER: In fact, Mr. Perry, did you polygraph the people who were implicated in the assassination attempt?

MR. PERRY: There were polygraphs conducted, Congressman.

REP. BEREUTER: Do you consider that a lead, to polygraph --

MR. PERRY: Yes, sir.

REP. BEREUTER: And in fact, did you polygraph the Justice minister?

MR. PERRY: No, Congressman, we did not.

REP. BEREUTER: Did you polygraph the Interior minister?

MR. PERRY: No, Congressman, we did not.

REP. BEREUTER: Why not, when they were implicated by the letter and information coming to Major General Fisher, the commanding general of the multilateral force?

MR. PERRY: We had made attempts to interview the Justice minister or the minister of the Interior early on in the investigation, but we did not do that because of conditions that were set up by the government officials in Haiti regarding that interview.

We conducted interviews of the people that were incarcerated in that conspiracy plot to see if there was any connection with the -- if there was any connection with the subsequent murder of Bertin.

REP. BEREUTER: I should correct my statement. The letter to Major General Fisher implicated only the Interior Ministry, not the Justice minister. But if the Interior minister, Mr. Bolbrend's, role was an FBI lead in March, why wasn't this explained to Mr. Burton's subcommittee in October when he asked if there were any leads? Ambassador Dobbins?

AMB. DOBBINS: The fact that the -- the plot that the minister was allegedly involved in was a matter of public knowledge which had been commented on in the open by the State Department, among others, as I recall.

And there was no subsequent information other than what was in the public record that I was aware of that linked that to the actual murder.

REP. BEREUTER: But Ambassador Dobbins, on March 22nd, and then on March 23rd, cables were sent to the State Department about the letter that Major General Fisher had sent. And also that Swing suggested to State in

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March 23rd, that high level calls be made to Aristide by senior Washington officials to press for an inquiry. So you knew, it seems to me, by reading those cables.

AMB. DOBBINS: I guess, Congressman, let me say, the FBI was sent down there because the murder had taken place in the context of an already existing alleged plot which potentially involved the minister of the interior and which, within 24 hours of the FBI's dispatch, was a matter of public record, in other words that the minister of interior had potentially been involved in a plot to murder this woman a week before she was murdered, was then public knowledge.

Now my understanding and you'll -- (inaudible) -- is that the FBI's investigation did not turn up any information which linked the minister or that earlier plot to the actual plot which killed her. So I had no new information on that minister and his involvement, and indeed today. I didn't have any information that hadn't been put out to the press in March.

REP. BEREUTER: I do think that one result, whether or not Congress has been fully informed, it is clear that a woman is dead in Haiti because we didn't inform the proper people, including the lady, about the alleged assassination attempt (crosstalk.)

AMB. DOBBINS: Mr. Congressman, that may be true, but it depends on whether you believe the minister of justice or Madame Bertin's relatives. Or whether Madame Bertin told her relatives.

REP. BEREUTER: Well, what about --

AMB. DOBBINS: It may be true, I'm not disputing that it may be true. And because it may be true it's not going to happen that way again.

REP. BEREUTER: Of course it's not just the relatives. You have a contract, well, we have a man who gives the details of the person who was the trigger man hired by the interior minister to make the assassination, that came to the attention of Major General Fisher. And he relayed that properly. And Ambassador Swing seems to have properly conveyed that information to the State Department and made suggestions about what should happen thereafter.

AMB. DOBBINS: And all of that happened.

REP. BEREUTER: But the target for the assassination we notified through the government of Haiti, of all things.

I cannot pursue cable traffic any further, Mr. Chairman, without violating classification, Mr. Chairman, so I yield my time.

REP. GILMAN: Thank you, Mr. Bereuter. Mr. Gajdenson.

REP. GAJDENSON: Thank you, Mr. Chairman. Let me just say that I appreciate the work that some of my colleagues on the other side and this side are doing to try to make sure that the process towards improving the democracy in Haiti moves forward. And clearly any government, or government officials involved in political murders threatens a democracy. But, you know, I think, I'm somewhat stunned at times, you know, and I remember what happened in the debate in Congress when the democracy in Chile was removed by a general, the number of people that died and disappeared. And that was kind of defended as the process towards ending communism in Chile and moving towards democracy. I wouldn't do that here. But I do think that it's important to look at this record and understand a couple of things. And I sometimes get a sense from some of my colleagues on the other side, not Mr. Bereuter, but some of my other colleagues on the other side, that they're frustrated that there was actually an election in Haiti. Am I correct, this is the first, Haiti's been free from about 1800, became independent in the early 1800s, is that correct?

MR. 1804, I think.

REP. GAJDENSON: And how many times have there been a free election where the same individual didn't just get reelected, reappointed, has it ever happened before?

AMB. DOBBINS: 1990.

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REP. GAJDENSON: 1990. And so now we've had another election, and prior to that, from 1800 it never happened.

MR. : Don't believe so.

REP. GAJDENSON: So we had Mr. Aristide get elected in what you consider basically a fair election.

AMB. DOBBINS: Right.

REP. GAJDENSON: And you believe that this election was basically a fair election? AMB. DOBBINS: It wasn't perfect. But it was free and as fair --

REP. GAJDENSON: Elections here aren't perfect either. There's now an investigation into whether the speaker of the House used his resources from a non-profit to aid his political process. So no elections are perfect.

Let me ask you this, the other question then becomes it seems to me, is do we ensure a greater likelihood of a better process in the future by terminating the police training funds and ending the program. Or do we improve the likelihood of a better election in the future by continuing the police training funds.

AMB. DOBBINS: I think we need to continue the funds. But I think we need to continue them based on an understanding by the government of Haiti of what they're going to be used for. And I think in my testimony and Bob Gelbard's, we made clear that that understanding has to be fairly clear and fairly carefully drawn. And it certainly excludes harboring criminals in that police department before we support it.

REP. GAJDENSON: And do you think you can get that agreement?

AMB. DOBBINS: I hope so. I think we've made a good deal of progress in this direction over the last year. I think we can continue to do so.

REP. GAJDENSON: And the other thing I look for here is alternatives to the current path. I mean, if we're going to establish democracy over the long haul here, it seems to me the most important thing in this process, obviously, is to make sure that political assassinations end, that there's a political process where people who get elected and finish their term then stand down. I thought this was actually a significant step this time because the past president could have made the argument he didn't get his whole term because he was removed, and could have tried to argue for a longer period. He didn't do that, at our, I'm sure, request.

Are there other things that we can do to try to ensure that democratic institutions are built in Haiti? I understand the need to focus on those who've been killed, whether it was in Haiti or Chile or Cuba or anyplace else. We're against political assassinations. I think that's a bipartisan desire. What are the things we can do to make sure that democratic institutions are furthered? We took a step forward here, because of the courage of the president of the United States, that shouldn't be diminished. What can we do more?

AMB. DOBBINS: Maybe my colleagues want to add something. I mean, I think by this intervention and by the assistance we provided we've given Haiti a chance to turn a corner, make a difference and change its society. We can't do more than that. We can continue to do that. But that's all we can do. And it's going to be their decisions whether they take that opportunity. AMB. GELBARD: If I could add to that, Congressman. As I said earlier on various occasions in the course of this hearing, historically there are no democratic institutions in Haiti. We are working really from the ground up. We have only been training the police for one year. The idea of establishing an apolitical, objectively selected, carefully selected police force is innovative in Haiti. There is no justice sector, per se. I believe that the core of any democracy is really the justice sector. Democratic, community oriented police, judiciary, penal institutions, and the kind of legal framework that allows for those entities to operate in it. It gives the people confidence that they can operate in it.

We are just beginning to work with the Haitian people and the Haitian government to try to make these things a reality. So are other countries and other multilateral institutions. Time is obviously required. But, and this goes back to what I was hoping to answer to Congressman Moran's question, Haiti is a neighbor of the United States, literally. It borders on the United States territorial sea. We need to be able to have democratic, prosperous neighbors. To do that we need to be engaged over the long haul. We need to be able to assure that they have the kinds of democratic, political, social, economic institutions that allow that country to prosper. It's in our interests in every way possible. So we need to stay engaged.

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REP. GILMAN: Mr. Leach.

REP. LEACH: I just want to return to one old point and raise a new one. Now there is a distinction raised at a particular meeting that the ambassador was apparently excluded from because he didn't need to know, it was his term. Frankly, in American law enforcement, there is a lot of confidentiality that is always the case. And it's a very important precept. Now in law enforcement in another country where you're brought in as another party it's a very different circumstance. And I raise this because I'm sitting here and listening to the testimony. And it appears to me that the case that the panel in tandem, in a sense, is kind of making, is that the United States ambassador, representing the Department of State, was excluded from certain knowledge that I assume would be very relevant to his job performance.

And, in being excluded, there is a distinction between "need to know" and a considered decision to refuse or to be ordered to refuse to learn, and that distinction is a very large one.

There is an issue here, for example, that Mr. Bereuter has raised, that is extremely profound, and that relates to a warning that might have gone to an individual citizen that might have saved her life. Presumably, if the Department of State had had certain information: a) about a particular incident, but b) about a pattern of operation within a government, they might have well gone directly to the individual, instead of to the government. And so, I think it's a direct relationship kind of circumstance, and so one of the questions is, as we're training people to do police functions, do we need to train the Department of State about who to warn and how to warn in particular circumstances. And that's a very interesting question, and something I think the department ought to think through, because there are situations like Haiti all around the world, and what are the responsibilities of the Department of State in warning individuals from which intelligence or police information flows through.

And I only raise this because now and again in foreign policy, and in all life, there are circumstances where people choose not to know in order not to be accountable. And I'm sitting here wondering if that's part of the case here, or whether the government itself chose for the individuals that they shouldn't learn, because it would put them in a more delicate position, and I have to tell you, as someone who comes from the Department of State, that I was brought up in an era where the United States Ambassador was to be the principal representative of all the United States government, the Department of Justice abroad, as well as the Department of State abroad. And I am really perplexed at this notion that Ambassador Dobbins can appear to the United States Congress and say, "I was not briefed because I was excluded from a briefing." I find that preposterous, and I would hope both the Justice Department and the State Department would think both of those two issues more seriously through.

MR. WAXMAN: Could I --

REP. LEACH: Very briefly, because --

MR. WAXMAN: I didn't know whether you wanted a response or not.

REP. LEACH: Yes, please.

MR. WAXMAN: A lot of what you said is, I think, really right on target, and addresses some of the concerns and ambiguities that existed in this situation. Let me just say first, Congressman, the incident of warning Madam Bertin was something that occurred prior to any FBI or Justice Department involvement, so we can't really speak to that. I don't want the committee to infer from my statement that Mr. Perry and I asked Mr. Dobbins to, please, not participate in our meeting with -- when we went down there to meet with the station people, to a broader statement that the FBI thought it was operating in an environment in Haiti where it should not share any information with the ambassador or the deputy chief of mission or other relevant personnel in the embassy. That was not at all the case.

It is true that -- and you will certainly appreciate from your prior experience -- that the FBI does not have intelligence-gathering or dissemination functions abroad, except in extremely narrow circumstances, and they don't apply here. They were sent down to do a law enforcement investigation, and to conduct one in an environment very different than in the US, of course, because they didn't have the assistance of prosecutors and courts, et cetera, and also didn't speak the language and didn't have any contacts. And in order to enlist the support of

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embassy personnel, the US military there and other agencies that were down there, the FBI agents did provide regular briefings to embassy personnel and other US government personnel on the course of the investigation.

That fact is not, in any way, I suggest, inconsistent with the concerns I had about Ambassador Dobbins from Washington coming and sitting and listening to the particular questions I wanted to ask my --

REP. LEACH: Is it inconsistent with Ambassador Dobbin's testimony to the subcommittee?

MR. WAXMAN: Well --

REP. LEACH: I mean, he has suggested that neither he nor anyone that he knew of was briefed. You are suggesting that the embassy was continually briefed, which means the State Department was continually briefed, which means that he must have known.

MR. WAXMAN: Well, I -- on the ultimate --

REP. LEACH: Something more than was revealed in a query before a subcommittee.

MR. WAXMAN: I will tell -- on the ultimate issue of how much information Ambassador Dobbins personally had, I have no information to relate to the committee, other than I've read the cables that your staff has seen, and Mr. Dobbins and I have had a limited number of communications ourselves --

REP. LEACH: Fair enough. Let me -- MR. WAXMAN: -- but, let me just -- if I may just finish, it is fair to say that there were frequent communications and exchanges of information in Port-au-Prince which were not in any way mirrored in Washington, because there was no law enforcement need to do so. I don't want to give the committee the misleading impression that there was a free exchange of information, because there was, and remains, certain information in the FBI's law enforcement investigation that would be, in its view, very improper to relate, even on the (brown?).

REP. LEACH: My time is really very limited.

MR. WAXMAN: I'm sorry. I see I've taken most of it.

REP. LEACH: Let me just return to my second question, very briefly, and let me say, as someone who frankly believes our policy has been more successful than unsuccessful in Haiti, in that things have gone better than they might well have gone, and that that is the larger issue that we have to deal with. But I think it's important that we also ask a comment from the other side's perspective, and I'd like to particularly ask this of Mr. Perry.

I have before me a press release from the consul to the government of Haiti, in which the following statements are made: that the consul noted a long-standing vendetta and smear campaign carried out against the accused Haitian officials by certain State Department and CIA personnel. The consul also noted that much of the old information against them, which was passed on to the FBI came from the same persons who gave the CIA false information about President Aristide. The consul also said that the FBI, in briefing Haitian investigators two weeks ago on their results, emphasized repeatedly that the accusations were only that, bare allegations that the FBI had no supporting evidence, that the FBI did not know whether the accusers had an ax to grind or were lying, that the FBI told the Haitian government that if these accusers might be lying, if they were, then the accused were wholly innocent people.

My question to you is, is the consul to the government of Haiti correct? For example, is all of this simply a vendetta and smear campaign carried out against the accused Haitian officials by certain State Department and CIA personnel -- is that valid, in your judgement, Mr. Perry?

MR. PERRY: No, sir. I believe we were pursuing an investigation and had information and were looking to interview and conduct further investigation towards individuals within the government of Haiti.

REP. LEACH: And so this characterization in total, do you think this is a fair characterization, this press release from the consul, or is it a -- this characterization about what the FBI told the Haitian investigators two weeks ago, was that a valid characterization of what the FBI told Haitian officials?

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MR. PERRY: I'm not exactly clear on -- or, I'm not familiar with that, but it -- we were proceeding along and we had not completed our investigation and we were still pursuing the investigation. There's still work to be done, and that's what we turned over and told them that, in terms of a law enforcement entity proceeding on the investigative path.

REP. LEACH: Well, I appreciate that. I will just tell you, as someone who is sitting here and trying to bring all these facts together -- I mean, I personally think that this administration has a credible case that they've had a policy that has worked better than many of us suspected it might. On the other hand, it appears in this particular instance that there is somehow a let-down of the guard, that didn't work well. And I think this Congress has every reason to be concerned, and so somehow we've got to tie all of that together in a judgemental way. And I -- you know, I think we're all left in a little bit of a quandry.

Thank you.

REP. GILMAN: Thank you, Mr. Leach.

We'll proceed with the second round of questions.

Mr. Perry, did the FBI's findings link the Bertin killing to other killings?

MR. PERRY: There was linkage between the Bertin killing and other killings, however, the FBI just investigated the Bertin killing.

REP. GILMAN: Was that linkage reported to the State Department or to our embassy in Haiti?

MR. PERRY: Yes, it was.

REP. GILMAN: And, Ambassador Dobbins, when was that report made?

AMB. DOBBINS: I believe sometime in June -- no, sometime in July, I believe, Congressman.

REP. GILMAN: Um-hmm. (In acknowledgement.) And Mr. Dobbins, were you familiar with that report, of the linkage of the Bertin killing to other killings?

AMB. DOBBINS: I had seen, I assume I'd probably seen all of the reports that came from the Embassy. So I'm sure the one that's referred to is among those that I've seen.

I alluded in my testimony, my own volunteered testimony, to the fact that there had been 20 cases that fell into this category. So the fact that this was a broader phenomenon is not something that we sought to disguise. Quite the contrary. We sought to allude to it and to indicate that it needed attention. We insisted that this special investigative unit be set up, not just for the Bertin case, but for the whole range of cases that fell into this category. Now, in terms of possible evidence linking them in a physical evidentiary sense, I had seen State Department reports which were not corroborated here. I had sought briefings here, I had not gotten it. I had not gotten the full information. I was asked, the question that was given to me was, has the FBI found anything. And my answer to that was that they haven't briefed me. Certainly --

REP. GILMAN: Mr. Ambassador Dobbins, did you make a specific request to the attorney general for such a briefing?

AMB. DOBBINS: I made requests to the White House to arrange interagency briefings so that the relevant agencies could sit down and be updated on the case.

REP. GILMAN: Mr. Waxman, were you familiar --

AMB. DOBBINS: Mr. Chairman, could I just finish?

REP. GILMAN: Let me just pursue this for a moment. Mr. Waxman, were you familiar with those requests?

MR. WAXMAN: The only request that I am familiar with, the only direct request for a briefing on the FBI findings was communicated to me by either Ambassador Dobbins or Mr. Clark (sp) of the National Security Council staff sometime in mid-October, and which was at a time in which we were prepared to recommend that it be transferred. And pursuant to that request we arranged a classified briefing for Mr. Dobbins and for Mr. Clark (sp) of the NSC

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staff, within a few days. That occurred at the end of October. Prior to that I do not recall any requests being made of me for a substantive briefing of Mr. Dobbins or anybody else in Washington on the merits of the Bertin investigation.

AMB. DOBBINS: Could I complete my answer? REP. GILMAN: Mr. Dobbins, when did you make your request to the White House for such a briefing?

AMB. DOBBINS: I made the requests, I believe, on several occasions in the period from say April or May through September --

REP. GILMAN: And did --

AMB. DOBBINS: Let me, can I --

REP. GILMAN: And did the White House respond to your request.

AMB. DOBBINS: Yes. I was told, I can't remember the exact words, but the upshot of it was that they would prefer not to, that they regard this as sensitive law enforcement information, and since the investigation is still continuing they would prefer not to brief it more widely.

REP. GILMAN: Now Mr. Dobbins, do you recall whether the Embassy regarded the Haitian government's preconditions for interviewing 13 Haitian officials by the FBI as legitimate or merely designed to frustrate the FBI's investigation?

MR. DOBBINS: I --

REP. GILMAN: I'm asking you to recall the cable traffic with regard to those.

MR. DOBBINS: I don't recall. I mean, I think that our general assessment -- we were told that the Haitian Constitution required this. Now, the case was a somewhat unique one. It's the only time I know of a foreign law enforcement agency operating in Haiti. We were never able to find any reference in the law or constitution which required it.

The argument that since these people were not, the investigation wasn't being conducted under Haitian law, and so since they didn't have the protection of Haitian law they should have some protection, was not entirely invalid. But it also wasn't entirely persuasive. We reluctantly accepted this condition as a basis for continuing, and we've given you the correspondence which sets this out.

REP. GILMAN: Did the Embassy report to you that this was a major sticking point in our relationship?

AMB. DOBBINS: No. They reported it as a major obstacle to getting the investigation continuing. And that's why we went down there to break it loose. I don't recall it being reported otherwise. But your staff is nodding no, maybe there's a cable in there, so I can --

REP. GILMAN: Mr. Payne. REP. PAYNE: On the meeting that you said that was held there it was indicated that you were not briefed. From what I'm, and I'm trying to put this together, the investigation was ongoing, therefore, correct me if I'm not correct, therefore there were no conclusions. I mean, this is a continuing evolving -- do you have the answers today? I mean, do you know conclusively that you could have someone indicted and convicted today? Maybe the FBI person.

MR. PERRY: It is not conclusive with regard to an indictment and a conviction, no it's not.

REP. PAYNE: Therefore all of this time spent on whether it was briefed or not briefed about conclusions seemed to be just a real waste of a lot of time, because it's a continuing evolving, I mean, the investigation is continuing, correct?

MR. PERRY: That's correct.

REP. PAYNE: Now, it was talked about difficulty in ascertaining information. Is there any comparable agency in Haiti that would interface with the FBI that could do the types of things that you do and have the kind of skills and equipment and know-how that could make for a simple, easy investigation.

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MR. PERRY: I'm not very familiar with the situation in terms of the police force in Haiti as to their capabilities or otherwise.

REP. PAYNE: Do they have any investigative agencies at all?

MR. PERRY: Yes sir.

REP. PAYNE: They have detectives and people that try to follow up the same way that the FBI would do here?

MR. PERRY: Well the --

REP. PAYNE: The same level?

MR. PERRY: Well, the special investigative unit was formed to do that, I believe.

REP. PAYNE: Oh, but it wasn't there previously?

MR. PERRY: No it was not. And I'm not familiar enough with the police department there.

AMB. GELBARD: If I could just add, Congressman, the special investigations unit was just set up. And it was set up specifically at the request of the United States government so that they would indeed have a capability to investigate crimes of this nature. Prior to that there was not real investigative capability.

REP. PAYNE: I guess if you went to any other place that you'd run into, more or less you'd run into difficulty. If you went to part of the Soviet Union to go investigate some alleged assassination without having the infrastructure that, the similar situations that are there in Haiti, you would probably find the same frustrations in trying to put things together, right?

MR. PERRY: Yes sir, you would want such an infrastructure.

REP. PAYNE: As a matter of fact, would you be surprised if it was an easy investigation?

MR. PERRY: That's tough to reply to.

REP. PAYNE: I mean, everyone seems so surprised.

MR. PERRY: You never can tell sometimes how an investigation will go.

REP. PAYNE: Yeah, the thing that's surprising is everyone's so surprised that it's a difficult investigation. And that's what I'm kind of surprised that everyone's surprised.

In your investigation, have you investigated any of the activities of the alleged victim and her family and activities that they may have been allegedly involved with?

MR. PERRY: Yes, congressman, we did look at that. We looked at motivation such as that.

REP. PAYNE: And there has been some rumor that there may have been in the family of this person, that in other words it didn't necessarily and specifically have to be a political -- that the person happened to be a candidate -- but that you don't necessarily have to conclude that the killing had to do with political motivation.

MR. PERRY: You don't have to. We looked at many motivations. And we explored those motivations.

REP. PAYNE: Were there any truth to any of the other rumors?

MR. PERRY: We have not established the murder of Bertin in any motivation.

REP. PAYNE: No I just, like I said, it was alleged, it was said that we, the taxpayers money should not be spent if someone in a government is creating, you know, situations that are wrong I guess we should say, and I agree. But, as it's been indicated, that unfortunately, you know, US taxpayers' dollars have been spent poorly, in my opinion, in a number of places. You take Zaire, for example, where our government supported the murderous Mobutu for decades, I mean, hundreds of millions of dollars. And some of the atrocities that we've seen in other places. I think it's all wrong.

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But I see such an inordinate amount of interest in a place that has had 24 alleged political killings in a year, where the previous year there were 1,500, and everyone is talking about how bad things are going. I'm still trying to figure out what the whole purpose of this hearing's about. But maybe we could find that out as it continues.

I don't have any questions.

REP. GILMAN: The gentleman's time has expired.

Mr. Burton?

REP. BURTON: Thank you, Mr. Chairman.

Listening to further testimony, it sounded like to me that it went all the way up the chain of command to the White House and the White House said that they didn't want a lot of this information disseminated to the State Department or to the embassy. And if that's the case, you know, you start wondering why they wanted to keep a lid on all of that.

WITNESS: I don't believe that was the case.

REP. BURTON: I'm not sure that squares with some of the information we have.

On July the 3rd, it's my understanding, Ambassador Dobbins, Mr. Perry and Mr. Waxman went to see Mr. Aristide to talk to him about some of the hurdles they had to get over to get on with the investigation.

It seems inconceivable to me that the members at that meeting would not know what was going on. I just don't understand how you could be at a meeting when you're talking about the impediments to an investigation -- the ambassador is there, the FBI is there, the Justice Department is there -- and everybody doesn't know what's going on, because you got to be talking about it.

WITNESS: Mr. --

REP. BURTON: Let me finish my train of thought here. So that's one thing that concerns me. Second, I can't go into this -- I can't go into this -- Dobbins' (slugged?). That means it went right to you.

MR. DOBBINS: It went to me. You don't want to hear the reasons why it's on there. It will take too long.

REP. BURTON: I'm not going to go into it. But the point is, there are numerous cases with these transmissions coming from Washington to you, referring to the investigation, going into the details of the investigation -- went to you. There's no question about it.

And I'm going to go down to the safe and I'm going to get them out and I'm going to read each one of them. But there's no question that you had to have information about this, you know, about what was going on.

And let's go back to the statement that you made before my committee. I'm going to read to you what was said.

I said, "You mentioned, Mr. Ambassador, that the FBI was assisting in investigating some of these alleged political assassinations, including the killing of Ms. Bertin."

"Yes," you said. "She was gunned down in the middle of Port-A- Prince, Main Street, as I understand it." That was my question. You said, "Right."

I said, "Because of the traffic jam, have they found anything" -- I said -- because of the traffic jam -- she was caught there -- "have they found anything about that yet?" "Have they found anything about that yet?"

And you said, "The FBI has not briefed me, or as far as I know, anyone else in the administration on their findings."

You had information. You chose not to give it to the committee, and so you kind of side-stepped that question and said the FBI hadn't briefed you. The fact of the matter is, you were at the meeting on July the 23rd with the president, with the FBI, with the Justice Department, you had numerous transmissions coming to you, and you're the ambassador down there.

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And for you not to know what was going on, just questions credulity. I don't know how anybody could say you didn't know.

Now, the other thing that I want to point out --

MR. DOBBINS: I'm sorry. Mr. Chairman, I really insist on the --

REP. BURTON: I'll let you --

MR. DOBBINS: -- ability to answer that question.

REP. BURTON: I'll let you respond in just a second.

On March the 30th, on another issue, the State Department press guide states the USG did have information regarding a plot to assassinate Ms. Bertin. The information was shared with the government of Haiti -- this is from the State Department -- Ms. Bertin was informed about the threat. The State Department said that. And an active investigation with the participation of the MNF was underway.

I don't understand why she wasn't told by the State Department. Mr. Bereuter pursued that. It makes absolutely no sense to me. The only person that was supposed to tell her she might be an assassination target, was the government that might want to assassinate her.

And the last thing that stretches my understanding of this, beyond the limits of human understanding, is that after the assassination takes place, the people who were under investigation -- many of whom you couldn't get a polygraph from because they wouldn't take it -- the government wouldn't let you have it -- they're represented by a government attorney, who I understand, helped coach them before the FBI. We have transmissions that show that they were actually trying to coach those people when they were being questioned.

Now I don't understand all this. Maybe somebody can explain it to me. But it sure seems like to me that the government --

WITNESS: (Off mike).

REP. BURTON: -- you're not on the panel.

It seems to me that there's an attempt here to keep a lid on this thing. And there was an attempt when you appeared before our subcommittee to keep a lid on it. And that's something that we cannot tolerate in the Congress of the United States, before my subcommittee, our full committee, or any committee.

And as I've said before, I think it's very -- it's a sorry state of affairs when, I, as a subcommittee chairman, or the chairman of the full committee, has to start thinking about swearing in every government official to make sure we get the straight scoop, so that if there is any attempt to cover up something, we can take positive action. I just thinks it's disgraceful.

Now, if you want to respond.

REP. GILMAN: The gentleman's time has expired.

The gentleman is out of order.

AUDIENCE MEMBER: As a matter of personal privilege --

REP. GILMAN: The gentleman is out of order, and if you continue I may have to ask you to be removed from the hearings.

AUDIENCE MEMBER: I would like to testify and explain why --

REP. GILMAN: What is the gentleman's name?

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AUDIENCE MEMBER: My name is Burton Wise (sp). I'm counsel for the government of Haiti. I've conducted a murder investigation for them. And I --

REP. GILMAN: If you will make a request to the committee for a further hearing to appear as a witness, we'll consider it.

AUDIENCE MEMBER: I'll be happy to do that.

REP. GILMAN: Mr. Goss?

MR. DOBBINS: Mr. Chairman, excuse me, please, I really --

REP. PORTER GOSS (R-FL): Thank you very much, Mr. Chairman.

MR. DOBBINS: I really feel like --

REP. GILMAN: The gentleman's time has expired.

MR. DOBBINS: -- I should be given the opportunity --

REP. GILMAN: Mr. Goss?

REP. PORTER GOSS (R-FL): Mr. Chairman, I ask unanimous consent that Major General Fisher's letter of March 22nd on the Bertin killing be included in the record.

REP. GILMAN: Without objection.

Mr. Goss?

REP. GOSS: Mr. Chairman, I also have many, many questions.

I would have to say that I came to this hearing with a great number, and more questions have been raised that have been answered. And I know we're going to have opportunity to pursue these.

I want to know more about White House involvement in this. I want to know more about our investment. Our colleague from New Jersey wants to know why we're having this hearing. I would suggest that \$3 billion or so of American taxpayer's dollars invested in building democracy in a friendly neighboring country, is an area of legitimate oversight.

I am very concerned that things are not going as well as they should've been. And perhaps we have not had an entirely accurate scenario given to us in oversight.

But I am more concerned right now about getting straight answers on some things that bother me very much. I've heard too much inconsistency here today.

I had some legitimate questions about whether the new man Solistine (sp) -- or however he pronounces his name -- whether or not we've got a problem there or not. I think that's a very serious question for us.

I think the question I asked about the SIU is very serious, particularly in light of the testimony that we have from Mr. Waxman and Mr. Perry, that those are the people we will be cooperating with. If we are cooperating with perpetrators, we've got a problem on our hands. And I think we would get acknowledgment of that.

And, finally, because our time is short, Mr. Chairman -- and you've been extremely generous -- I will just tell the witnesses -- those who will be coming forward to other committees and working in closed (session?) -- that I do have further questions.

But I would like to ask Ambassador Dobbins if he could submit for the record, for this committee, evidence of communications that he had -- either by telephone or in writing, or in any other way -- on requests for FBI briefings or interagency briefings of what was going on with the Bertin investigation by the FBI -- particularly with the White House -- and any response he got from the White House.

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Because I notice that part of the activity that's happening with Haiti these days is lobbyist driven. And I also notice that many of the dollars to support those lobbyists are taxpayers dollars, and that bothers me as well. And I think it's a legitimate area of concern for another hearing.

Thank you, Mr. Chairman.

REP. GILMAN: We'll keep the record open for that request.

Mr. Dobbins, I cut you off before. If you'll be very brief in your response. We have to go to the floor for a vote.

MR. DOBBINS: Okay. I'm sorry, Mr. Chairman.

I just wanted to say that the distinction has been made, I think, between my participation in discussions with the FBI about overcoming impediments -- which I certainly participated in heavily -- and my participation in discussions about findings.

I was asked on October 12th about findings. I actually volunteered information about how we were overcoming impediments in my testimony. On the question of findings, I did not believe based on secondhand information, I was in a position to give the committee any useful information.

So maybe I made an artificial distinction that wasn't intended in the question. But I thought he was asking about substantive findings, and I didn't believe I was in a position to share them.

REP. GILMAN: Thank you. We'll keep the record open for any additional questions that members may have. And I'll ask our panelists if they would be kind enough to respond to any additional questions.

They're been a number of troublesome questions raised here at the hearing this committee will have to pursue in the coming weeks.

The committee stands adjourned.

END

Classification

Language: ENGLISH

Subject: US REPUBLICAN PARTY (90%); LAW SCHOOLS (90%); LEGISLATIVE BODIES (90%); US DEMOCRATIC PARTY (78%); US STATE GOVERNMENT (78%); LAW COURTS & TRIBUNALS (77%); LAWYERS (77%); US FEDERAL GOVERNMENT (77%); WITNESSES (77%); JUDGES (77%); GRADUATE & PROFESSIONAL SCHOOLS (75%); SUPREME COURTS (72%); COLLEGE & UNIVERSITY PROFESSORS (70%); COMMERCE DEPARTMENTS (55%)

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