Reshaping National Imaginations in the Midst of Civil Genocide: Denationalization in the Dominican Republic and Transnational Activism

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RESHAPING NATIONAL IMAGINATIONS IN THE MIDST OF CIVIL GENOCIDE:
DENATIONALIZATION IN THE DOMINICAN REPUBLIC
AND TRANSNATIONAL ACTIVISM

by

JAVIELA EVANGELISTA

A dissertation submitted to the Graduate Faculty in Anthropology in partial fulfillment of
the requirements for the degree of Doctor of Philosophy, The City University of New
York.

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Javiela Evangelista

This manuscript has been read and accepted for the Graduate Faculty in Anthropology in
satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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THE CITY UNIVERSITY OF NEW YORK
ABSTRACT

Reshaping National Imaginations in the Midst of Civil Genocide:
Denationalization in the Dominican Republic and Transnational Activism

by

Javiela Evangelista

Advisor: Leith Mullings

In the Dominican Republic, a 2013 Constitutional Tribunal ruling retroactively revoked the citizenship of over 200,000 Dominican nationals of Haitian descent, thus creating the fifth largest stateless population in the world and the largest in the Western Hemisphere.¹ Building upon ethnographic research in the Dominican Republic and New York, as well as literature on race, nation, international human rights law and transnational activism, my dissertation, Reshaping National Imaginations in the Midst of Civil Genocide: Denationalization in the Dominican Republic and Transnational Activism, argues that despite the Dominican government's claim to sovereignty and legitimate legislation, it has designed the civil genocide of Dominicans of Haitian descent with racially discriminatory bureaucratic processes of historical continuity, that simultaneously signal a dangerous turn towards the legalization of clandestine human rights violations. This dissertation lays bare the relevance of state power despite the recent push to portray deterrioralization as a result of globalized processes. This research also posits that the political, economic and social solidarity between activists organizing against statelessness in Dominican Republic and the Dominican diaspora in New York creates innovative

collaborative spaces for resistance and resilience, self-determination, demands for
Dominican and U.S. state accountability and ultimately alternative national imaginations.
At the time of publication, Reshaping National Imaginations: Denationalization in the
Dominican Republic and Transnational Activism offers the first book-length analysis of
the largest stateless population in the Western Hemisphere, in the 21st century. Given the
rise of several global social movements, including Black Lives Matter, the current election
year in the Dominican Republic and the United States and shifts in modes of dispossession,
this research puts forth a timely analysis of the increased denial of essential civil liberties,
such as the autonomy to exercise one's right to citizenship.

The Introduction provides a topical overview and a review of the methodology. A
literature review follows on race and nation, migration, and human rights. Part I,
"Racialization and Formalizing Power," argues that the historical intersectionality of
nationalism, racism and governmentality within state-sponsored knowledge production
projects and policy-making are foundational to the legalization of denationalization today.
Given the current headlines about the proliferation of displaced people on a global scale,
Part II, "Legalizing Denationalization," centers an urgent conversation on the making of
hierarchical taxonomies and conditions such as statelessness and illegality and the impact
of these constructions. Arguments for and against the 2013 ruling are also explored. Part
III, "Reshaping National Imaginations: Transnational Activism," provides an analysis of
how transnational activists in the Dominican diaspora in New York use various forms of
advocacy to oppose denationalization. It also analyzes how transnational activists draw
strength from parallels of abuses of state power as well as resistance and resilience, in the
United States and the Dominican Republic. How these activists situate the Dominican
government's exploitation of its own citizens in relation to its underdevelopment as a post-colonial nation within the framework of United States hegemony and global apartheid is also examined. I argue that by doing all of the above, transnational activists of the Dominican diaspora in the Dominican Republic and New York create collaborative spaces for resistance and resilience, self-determination; demands for Dominican state accountability; and, ultimately, alternative national imaginations.
Acknowledgements

I would like to acknowledge the members of Reconoci.do and Altagracia Jean-Joseph for their sacrifices and bravery. I would also like to acknowledge members of We Are All Dominican, Haitian Women for Haitian Refugees and Radyo Panou for demonstrating what solidarity is. I am grateful to my family, friends and academic advisors, in the U.S and in the Dominican Republic, for their support. This work is dedicated to all who fight for civil liberties. Altagracia Richardson, I continue to walk the road you paved as a social justice advocate. Thank you for being you. Any inaccuracies reflected are my own.
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# List of Abbreviations

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<th>Full Form</th>
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<tbody>
<tr>
<td>ACHR:</td>
<td>American Convention on Human Rights</td>
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<tr>
<td>AI:</td>
<td>Amnesty International</td>
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<tr>
<td>CBP:</td>
<td>United States Customs and Border Protection</td>
</tr>
<tr>
<td>CEA:</td>
<td>Consejo Estatal del Azúcar (State Sugar Council)</td>
</tr>
<tr>
<td>CEFASA:</td>
<td>Centro de Formación y Acción Social y Agraria (Center of Formation and Social Action and Agrarian)</td>
</tr>
<tr>
<td>CEFINOSA:</td>
<td>Consultores Económicos Financieros y Organizacionales (Economic, Financial and Organizational Consultants)</td>
</tr>
<tr>
<td>CESFRONT:</td>
<td>Cuerpo Especializado de Seguridad Fronteriza Terrestre (Land Border Security Special Forces Unit in Dominican Republic)</td>
</tr>
<tr>
<td>DAC:</td>
<td>Dominican Advocacy Coalition</td>
</tr>
<tr>
<td>FNP:</td>
<td>Fuerza Nacional Progresista (The National Progressive Force)</td>
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<tr>
<td>HRW:</td>
<td>Human Rights Watch</td>
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<tr>
<td>IACHR:</td>
<td>Inter-American Commission on Human Rights (Comisión Interamericana de Derechos Humanos)</td>
</tr>
<tr>
<td>JCE:</td>
<td>La Junta Central Electoral (Central Electoral Board)</td>
</tr>
<tr>
<td>JV:</td>
<td>Red de Movimiento Jacques Vieau (Jacque Vieau Movement)</td>
</tr>
<tr>
<td>Law 169-14:</td>
<td>Ley Special de Naturalización (Special Naturalization Law) 169-14</td>
</tr>
<tr>
<td>MOSCTHA:</td>
<td>El Movimiento Socio-Cultural de Trabajadores Haitianos (The Socio-Cultural Movement for Haitian Workers)</td>
</tr>
<tr>
<td>MUDHA:</td>
<td>Movimiento de Mujeres Dominico Haitiana (Movement of Dominican-Haitian Women)</td>
</tr>
<tr>
<td>OBMICA:</td>
<td>Observatorio del Migrantes en el Caribe (Observatory of Migrants in the Caribbean)</td>
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</table>
PLD: Partido de la Liberación Dominicana (Dominican Liberation Party)

PRSC: Partido Reformista Social Cristiano (Social Christian Reform Party)

SJRM: Servicio Jesuita A Refugiad@s y Migrantes (Jesuit Service for Refugees and Migrants)

TC 168/13: Tribunal Constitucional (Constitutional Tribunal Ruling) 168/13

UNHCR: United Nations Refugee Agency

WAAD: We Are All Dominican (Todos Somos Dominicano)
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Introduction

I have a right because I am Dominican. I have a right because I was born here. Where you are born, is where you are from.

- Epifanía Chals Lichardo, Member of Reconocido

In the Dominican Republic, in 2013, Constitutional Tribunal ruling 168/13 retroactively revoked the citizenship of over 200,000 Dominican nationals of Haitian descent, thus creating the fifth largest stateless population in the world and the largest in the Western Hemisphere.² The international legal definition of a stateless person, according to the United Nations High Commissioner for Refugees (UNHCR), is “a person who is not considered as a national by any State under the operation of its law.”³ In other words, a stateless person is without legally recognized nationality. Without nationality and often without essential paperwork, such as birth certificates and passports as a result, stateless people are habitually denied the right to vote, work, register marriage, own or inherit property, receive government health and educational benefits, or travel. While statelessness refers to the condition, denationalization refers to the state's action to remove citizenship. Statelessness and denationalization are used interchangeably in this dissertation as both terms are applicable in the Dominican Republic.

On a Sunday at Riverside Church in Harlem, I listened to Altagracia Jean-Joseph give a talk at a symposium titled "Life Interrupted: The Ongoing Struggle for Citizenship Rights in the Dominican Republic," organized by We Are All Dominican (WAAD), a group of New York-based students, educators, artists, and community activists, working to raise awareness about denationalization in the Dominican Republic. At the time, in her late-twenties, Altagracia was the mother of a pre-teen son, a law student and an advocate for citizenship rights with The Socio-Cultural Movement for Haitian Workers (MOSCTHA) in the Dominican Republic. Providing testimony of statelessness for Dominicans of Haitian descent in Dominican Republic, Altagracia stood firmly on the shoulders of Dr. Martin Luther King Jr., Nelson Mandela, Cesar Chavez and many other

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4 September 28, 2014.
speakers who have advocated for social justice at Riverside Church. A few days later, with potent words as usual, Altagracia told me:

I have been a witness to deportations at the border in the Dajabon... it was full of people who they say are Haitian due to their accent, but in fact they are, many of them are, Dominicans of Haitian descent. But without their documents or cédula they convert them into immigrants and automatically they are victims of deportations without anyone saying anything about the law prohibiting deportations until the Regularization Plan has been completed. So, right now, they are not only deporting immigrants, but the children of immigrants that have not been able to access or complete their paperwork. They do this knowing that they cannot come from there back here, because they do not have documentation to prove that they are Dominican.  

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Is this, then, a signal of the resurgence of statelessness as a vehicle of biased exclusion? According to the UNHCR, although "the number one cause of statelessness in the 1990's was the dissolution of the USSR and Yugoslavia…the main cause this decade is discrimination."\(^6\) But, the 2013 ruling cannot be considered resurgence, not in the Dominican Republic. The Constitutional Tribunal ruling 168/13 simply made legal the conversion of citizens into foreigners, a practice that had been longstanding and clandestine as Altagracia describes.

In 1991, twenty-two years before the ruling, the Inter-American Commission on Human Rights (IACHR) visited the Dominican Republic. During the visit, the IACHR observed Dominican authorities state that “if the individual is the child of persons with

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irregular immigration status, his or her migratory status is also irregular, even if he or she was born here.”7 Furthermore, in October of 2005, eight years before the ruling, the Dominican Republic was condemned by the IACHR on grounds of racial discrimination in the case of Yean and Bosico v. Dominican Republic. The case was initiated in 1997 when two Dominican girls, Dilcia Yean and Violeta Bosico, were denied birth certificates because of their Haitian descent.8 The denial of their birth certificates, which prevented them from going to school, was a violation of the Dominican Republic's constitution and Articles 20 and 24 of the American Convention on Human Rights.9 Efforts to exclude Dominicans of Haitian descent from Dominican citizenry are not new. Mass statelessness resulting from legitimized domestic law, marks a turn however.

"People only die once," Altagracia told me as we sat and had lunch. "After you die, you no longer feel. I am in this fight because I understand that from the first time they told me in 2007 that my last name was strange and that my Dominicaness was in doubt, I died civilly."10 Altagracia is highlighting the structural violence of statelessness, essentially the disparity between the potential ability to fulfill basic needs and their actual fulfillment.11 Due to the conversion of citizens into foreigners by the Dominican state, stateless

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7 Inter-American Commission on Human Rights (IACHR), "Situation of Human Rights in the Dominican Republic," 60.
8 Inter-American Commission on Human Rights (IACHR), "Situation of Human Rights in the Dominican Republic," 60.
Dominican nationals face detrimental disparities in access to healthcare, education, economic stability and political participation. Each time a Dominican national is faced with the inability to attend school, to vote, get a cell phone and to marry, because of their Haitian heritage, they die civilly again. Due to the extent of the structural violence inflicted on denationalized Dominicans of Haitian descent, the denial of paperwork and the revocation of citizenship has been termed a civil genocide.\textsuperscript{12}

Building upon ethnographic research in the Dominican Republic and New York, as well as literature on race, nation, international human rights law and transnational activism, my dissertation, \textit{Reshaping National Imaginations in the Midst of Civil Genocide: Denationalization in the Dominican Republic and Transnational Activism}, argues that despite the Dominican government's claim to sovereignty and legitimate legislation, it has designed the civil genocide of Dominicans of Haitian descent with racially discriminatory bureaucratic processes of historical continuity, that simultaneously signal a dangerous turn towards the legalization of clandestine human rights violations. This dissertation lays bare the relevance of state power despite the recent push to portray deterritorialization as a result of globalized processes. This research also posits that the political, economic and social solidarity between activists organizing against statelessness in Dominican Republic and the Dominican diaspora in New York creates innovative collaborative spaces for resistance, resilience and self-determination, as well as demands for Dominican and U.S. state accountability and ultimately alternative national imaginations. At the time of publication, \textit{Reshaping National Imaginations: Denationalization in the Dominican Republic and Transnational Activism},

\textsuperscript{12} In 2011, Juan Bolívar Díaz used the term before the ruling, further noting the long time practice in Dominican Republic. Juan Bolívar Díaz, "Genocidio Civil Inaceptable," \textit{Noticias SIN}. October 17, 2011.
Republic and Transnational Activism offers the first book-length analysis of the largest stateless population in the Western Hemisphere, in the 21st century. Given the rise of several global social movements, including Black Lives Matter, the current election year in the Dominican Republic and the United States and shifts in modes of dispossession, this research puts forth a timely analysis of increases in the loss of essential civil liberties, such as the autonomy to exercise one's right to citizenship.

Methodology

My mother was born in the Dominican Republic and moved to New York when she was eight years old. She grew up as a teenager during the height of the Civil Rights and Black Power Movements. As a result of her affirming experiences with her blackness, she raised me to identify proudly as an African-descendant woman. In contrast to the self-love that was cultivated at home, I felt the sting of negative associations with blackness held by members of my family or while at Dominican salons, where my natural hair was often tugged at and the subject of whispers. I wanted to understand this dichotomy and so have used my academic career toward this end. In many ways this dissertation has been a life long journey.

As an undergraduate student at Oberlin College, I attained a double major in African American and Latin American Studies. My undergraduate thesis and Andrew Mellon Mays research addressed race in Dominican communities. A semester studying abroad in universities in Santo Domingo with Council for International Education Exchange (CIEE) and Facultad Latino Americana de Ciencias Sociales (FLACSO), in 1999, helped me to document how racialization was lived and contested on the ground in the Dominican Republic. While there, I held an internship at the Casa por la Identidad de
la Mujer Afro, the nation's leading anti-racist and anti-sexist organization at that time. The experience was inspiring and formative. It also confirmed a need for the amplification of anti-racist resistance in the Dominican Republic as well as greater solidarity with such efforts from the Dominican diaspora.

At Columbia University, from 2002 to 2004, my master’s thesis provided a historical study of race in the Dominican Republic and greater understanding of current racialization in Dominican Republic. I continued my research as a doctoral student at the Graduate Center of the City University of New York where I have worked with groups in the Dominican Republic over the course of many years. In 2008, I conducted preliminary archival research in the National Archive of Santo Domingo. During this visit I also met with the members of several anti-racist non-profit organizations to outline the project. Between 2008 and 2015, I returned to Santo Domingo regularly.

On December 5, 2013, in opposition to the Constitutional Tribunal ruling 168/13 that revoked the citizenship of thousands of Dominicans of Haitian descent, I joined a group of students, professionals and artists volunteering their time in New York called We Are All Dominican / Todos Somos Dominicano (WAAD). It is with WAAD that I came to actualize the solidarity of the Dominican diaspora that I saw a need for throughout the years, as we presented legislation in Albany (which was passed) expressing New York State's condemnation of denationalization, drafted open letters to local officials seeking support and more. There is no WAAD office. The group meets at one another's homes, offices on university campuses or community centers. Teaching undergraduate courses with African American Studies departments within the City University of New York for the last 10 years has also expanded my knowledge of the Caribbean region, specifically
with regard to issues of race and equity. Ultimately, this work is the result of a personal and professional commitment to social justice for populations of African descent, including Dominicans of Haitian descent.

While protesting in front of the Dominican consulate and bearing witness at IACHR court hearings between 2013 and 2015 with WAAD, I worked closely with members of the Dominican diaspora in New York and the Dominican Republic who were combating statelessness in the Dominican Republic. In the Dominican Republic and New York, in 2014, I conducted participant observation, focus groups and 20 interviews. In New York, I conducted participant observation as a founding member of WAAD. In the Dominican Republic, I worked most closely with the organization Reconoci.do and conducted interviews and a focus group.

Reconoci.do is an independent national organization comprised of Dominicans of Haitian descent, all impacted by denationalization. The first and only organization of its kind in the Dominican Republic, it functions throughout various districts in the Dominican Republic where its members reside. Its goal is to secure the rights of Dominicans of Haitian descent and to move towards greater equality in Dominican society. The group organizes educational activities about human rights, provides advocacy and legal direction, and represents stateless Dominicans of Haitian descent in various global platforms, including during the hearings of the InterAmerican Court on Human Rights. Although there is a large national network, a principal meeting space for the central members of the group is Centro Bonó in Santo Domingo. Centro Bonó is a Jesuit organization that funds social justice initiatives, including Reconoci.do. I developed my research questions based on the concerns of members of Reconoci.do. Preliminary meetings with Ana Maria
Belique, a founding member of Reconoci.do early in 2014 directed the course of individual interviews (5 members) and the focus group (8 members) that I would conduct with Reconoci.do later that year.

My extended network in the Dominican Republic also included El Movimiento Socio-Cultural de Trabajadores Haitianos / The Socio-Cultural Movement for Haitian Workers (MOSCTHA), a non-profit that prioritizes legal advocacy. I also interviewed Altagracia Jean-Joseph a law student who worked for MOSCTHA, two of the lawyers for Juliana Deguis, Genaro Rincon, Manuel Pierre, the Director of MOSCTHA Joseph Cherubin and Caitlin Kelly, a legal advocate for the Kennedy Human Rights Center interning in the Dominican Republic. At Observatorio del Migrantes en el Caribe / Observatory of Migrants in the Caribbean (OBMICA) a human rights watch group that focuses on migrant rights, I interviewed Bridget Wooding, the director and Allison Petrozziello, the Coordinator of Programs and Investigation. I also met with Antonio Pol Emil and 4 members of Red de Movimiento Jacques Vieau /Jacques Vieau Movement (JV), a long-standing advocacy organization named after the Dominican of Haitian descent who helped fight against the United States influence. In 2014, I held individual meetings with central members of each organization. A product of collaborative research, the issues that are highlighted in this manuscript are concerns expressed mainly by those directly impacted by the discriminatory nature of Tribunal Constitutional ruling 168/13 and the failure of Law 169-14 (Chapter Four) with special attention dedicated to restricted civil liberties and the legalization of deportations (Chapter Four). Also shaping the research were questions about the role of the Dominican diaspora in influencing change (Chapter Five /Six).
While conducting collaborative ethnographic research, this dissertation was developed using the premise of “pracademics”, essentially the theory that those who research inequity should also contribute to changing it. Any work that affects change within a community should be grounded in the needs and expectations of the community. I researched in acknowledgement that the impositions of one’s own paradigms or perspectives may work against social equality and that agency as a premise should not be assumed or externally defined. At best, research projects should be collaborative from the very beginning of research design, to implementation and beyond. Rather than created in a library, research questions may be developed in collaboration with community members and activists. One can, for instance, develop a small group of collaborators to make up a committee or research team. Collaboration should not occur only during the review process, which may reveal problems and concerns too late in the process.

Projects valuing collaboration or community engagement are complex, due to the multiple responsibilities that are involved. The researcher may have multiple responsibilities to: 1) research subjects, 2) communities affected by work, 3) professional colleagues, 4) students and fieldwork members, 5) research sponsors and 6) society as a

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large. Researchers must be mindful of their multiple responsibilities and remember that although “potentially counter-hegemonic,” transnational and collaborative work is “by no means always resistant.” Pracademic and collaborative research methodology has ultimately demonstrated that although challenges may exist, divisions between theory and practice need not be present in responsible engaged and rigorous research.

In professional pursuits of knowledge, we are often constrained by limited notions that are embedded in our epistemology. Towards a corrective, this dissertation has been informed by *Coloniality, Subaltern Knowledges and Border Thinking: Local Histories/Global Designs* (2000) by Walter Mignolo. Mignolo argues that colonial or hegemonic paradigms must be de/reconstructed in order to amplify marginalized forms of agency. Mignolo's call for the consideration of subaltern knowledge and border thinking, his contention that knowledge is not always in the presumed center, but may exist in the margins/border/subaltern, has been formative here.

Mignolo argues that often within area studies there is an objectification of the ‘Third World’, as producer of cultures but not of knowledge. Similarly, although the United States has a colonial history it is not often referred to as post-colonial, where as

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North Americans often label “developing” nations and theories that emerge from them as post-colonial. In this light, acknowledging that power relations need be contextualized has been important for me as a graduate student and lecturer living and working in New York, while collaborating in the Dominican Republic.\textsuperscript{21} In "But What If I Should Need to Defecate in Your Neighborhood, Madame?": Empire, Redemption, and the 'Tradition of the Oppressed' in a Brazilian World Heritage Site," John Collins adds,

given the extent to which today's institutions, ethics, modes of interpretation, racial ideologies, and political economic structures emerged in relation to a colonial world, much of the physical and metaphorical landscape upon which we all tread is an imperial effect. But another imperial effect involves a blindness to one's entanglements that arises in relation to both 'epistemic murk' (Taussig 1992; see also Price 2006; Stoler 1992) and segmentations that fragment perceptions of what are in fact entwined geohistorical processes (Coronil 1996; Kaplan 1993; Smith 2003).\textsuperscript{22}

A part of this collaborative research has included transparent conversations about the various and unequal realities that we all face in collaboration, how the work may be impacted and, where possible, what considerations or changes in approach to the project may be useful in support of human rights and against racial discrimination.


This work serves as a response to the call for scholars to "first alter the intellectual terrain from which we as critics and theorists speak and listen," in order to provide a mode through which to navigate the spaces of post/beyond coloniality that Mignolo outlines. A mode of challenging coloniality and its continuities wherever they may exist, at times within, in order to delink and move forward with acts of love for oneself, one's people, decolonial love is centered within this dissertation. The New York Young Lords (NYYL) modeled decolonial love during their garbage offensive, church take over and by offering critiques of sexism within the organization. In 1969, frustrated with the filth in their neighborhoods, the NYYL collected garbage (and dumped it strategically) as a simultaneous critique of colonialism and capitalism and a demonstration of self-reliance. The NYYL questioned the logic of the system (coloniality) in order to open up a discursive space.

This research is grounded in decolonial love, a premise that self-awareness and reflexivity, self-reliance and self-care, and the centering of the testimonies of those who have been disenfranchised, may be used productively in opposition to the hierarchical (and ever changing) taxonomies of racialization. Furthermore, a central goal of this project is to denaturalize categorizations of people as "illegal," and rather illustrate

24 Frantz Fanon, Black Skin, White Masks (New York: Grove Press, 1952).
how citizenship is produced and patterned. Much like references to people as enslaved, rather than slaves, the idea is highlight a condition and the making of subjects instead of allowing a term to define them. In doing so, this research aims to amplify patterns and processes of racialization from the historical to the present that emerge from the stories of those who have been made stateless.

In consideration of public access to ethnographic information on the racialization of statelessness, and the potential risk posed to research participants and collaborators, this dissertation also acknowledges,

The familiar pitfalls by which ethnographic objectification becomes a kind of anthropological pornography - showing it just to show it, as it were- become infinitely more complicated here by the danger that ethnographic disclosure can quite literally become a kind of surveillance, effectively complicit with if not altogether in service of the state.

All interviewees except for two are well known in the public eye and opted to use their full names. For the two who wish to remain anonymous, a pseudonym is used. As a researcher, I have been cautious about what information would be appropriate for publication. The goal of the research is to safely amplify the concerns of those impacted in order to provide long-term possibilities for enacting change that may be relevant to their advocacy or policy change.

The research design is collaborative in order to provide the communities served with: (1) long lasting tools/skills for future work of their own, (2) documentation of community life, and (3) assistance with goals they identified at the beginning of the project. Towards this end, I have agreed to present and to leave the findings with the groups I have collaborated with for their own files and for them to deposit with trusted local archives. For example Reconoci.do is building their archives and recommended depositing with the Jesuit Service for Refugees and Migrants (or Servicio Jesuita A Refugiad@s y Migrantes, SJRM) who already have a strong archival collection in service of social justice.

Public access is central to the methodology of this dissertation and the mission of the American Anthropological Association (AAA). The AAA Code of Ethics states, “Among our goals are the dissemination of anthropological knowledge and its use to solve human problems.”\(^{30}\) In order to ensure access to the public, the research has considered how to make findings readable and also physically accessible to popular audiences.\(^{31}\) Building upon traditions in African American Studies, this research project aims to be both descriptive, by amplifying the concerns of Dominicans of Haitian descent, and corrective, by tending to omissions and misrepresentations of the Dominican diaspora, while also offering an oppositional critique.\(^{32}\) It aims to be prescriptive by going beyond a structural analysis of racism and instead actively working towards its eradication through

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\(^{30}\) American Anthropological Association, "Code of Ethics."


collaborative work that cultivates and maintains an intimate relationship with the African diaspora community and by publishing its findings in a variety of settings towards greater access.\textsuperscript{33}

Despite the long term consequences of statelessness in the Dominican Republic, the central role of transnational activism in combating this marginalization and the global relevance of the legalization of denationalization, to date there are no full length publications on denationalization in the Dominican Republic. Significant research needs to be done on Dominicans of Haitian descent and on how political and economic elites have used anti-Haitianismo to hide social and economic inequalities that affect all Dominicans, especially when there is both social unrest and economic challenges.\textsuperscript{34} It is my hope that this ethnographic research on Dominicans of Haitian descent and activists in Dominican Republic and in the United States will facilitate a better understanding of human rights, sovereignty and racialization in the context of transnational networks and global apartheid. There is a lot at stake: the entire Dominican society and the world at large are affected by political violence, not just individuals.\textsuperscript{35}

In Spanish, a contraction of \textit{para adelante}, \textit{palante}, loosely means, "move forward" in English. Often referred to as a slogan for the Young Lords, \textit{Palante} was the title of the Young Lords' newspaper, their radio show, and also their book, \textit{Palante: Young Lords}. However, the term signified much more than a slogan for the Young Lords and has greater meaning beyond "move forward." \textit{Palante} may also be understood as a rallying

\textsuperscript{33} Manning Marable, "Black Studies and the Racial Mountain,” 23.
\textsuperscript{34} Steven Gregory, \textit{The Devil Behind the Mirror: Globalization and Politics in the Dominican Republic}. Berkeley: University of California Press, 2014.
call to move beyond and to push the limitations of colonality and imperialism. Grounded in a forward moving decolonial love, this dissertation works to transcend and transgress old and new sites of racialization actively and collectively.\textsuperscript{36}

\textit{Chapter Outline}

The Introduction provides a topical overview and a review of the methodology. The next section offers a literature review of the following topics in the Dominican Republic: race and nation, migration, and human rights. In Part I "Racialization and Formalizing Power" Chapter One argues that the historical intersectionality of nationalism, racism and governmentality within state-sponsored knowledge production projects and policy, are foundational to the legalization of denationalization which has led to a civil genocide today. Chapter Two traces how, driven by globalization and capitalism, the Dominican state is currently furthering the disenfranchisement of Haitians and Dominicans of Haitian descent with tools of neo-liberalism and modernity. Given the current headlines about displaced people on a global scale, Part II "Legalizing Denationalization" presents an urgent conversation on the making of hierarchical taxonomies and conditions such as statelessness and illegality. Chapter Three outlines arguments for and against Constitutional Tribunal ruling 168/13. Chapter Four examines the tremendous and likely long-term impacts of statelessness on Dominicans of Haitian descent in the context of civil genocide. It also evaluates how, although marketed as a

\textsuperscript{36} bell hooks, "Moving from Pain to Power"; Frantz Fanon, \textit{Black Skin, White Masks}.
solution to TC 168/13, Law 169-14 was equally problematic and actually created further social divides. It also analyzes deportations and expulsions as efforts to discard of Dominicans of Haitian descent. Ultimately Part II aims to illustrate how this landmark legislation turns back the clock on civil rights and human rights in Dominican Republic and, as a result, for humanity at large.

Part III "Reshaping National Imaginations: Transnational Activism," provides an analysis of transnational activists who use various forms of advocacy in opposition to denationalization. Chapter Five offers an examination of contemporary transnational collaborative efforts within the Dominican diaspora, particularly between Dominicans in Dominican Republic and Dominicans in New York, as a means of challenging denationalization. It provides a case study of a group of students, artists and professionals from New York, We Are All Dominican (WAAD). Chapter Six analyzes how members of WAAD, draw strength from parallels between the experiences of disenfranchised communities in the United States, including African Americans and recent immigrants, and stateless Dominicans of Haitian descent in Dominican Republic. It also examines how WAAD situates the Dominican government's exploitation of its own citizens within the context of its underdevelopment as a post-colonial nation impacted by United States hegemony, exceptionalism and militarism in the context of global apartheid. I argue that by doing all of the above, transnational activists of the Dominican diaspora create collaborative spaces for resistance and resilience, self-determination; demands for Dominican state accountability and ultimately alternate national imaginations.
We say that the mother of the nation is Spain. No. If the mother of the nation is Spain, the father is Africa...the African presence is a determinant of how we laugh, how we bury our dead. We must remember our ancestors with that vision.  

-Dagoberto Tejeda Ortiz, Professor Emeritus of Dominican Folklore, Universidad Autónoma of Santo Domingo

The mainstream media in the United States provided considerable coverage when the deadline for the registration for Haitian migrants expired on June 17, 2015 and the Dominican government prepared for mass deportations with a public call for bids from private transit companies for the dozens of buses to transport deportees. While meeting over lunch, Ana María Belique, a Dominican activist of Haitian descent with Reconoci.do, a group of denationalized Dominicans working in opposition to denationalization, lamented that in the preceding months, the media had largely abandoned the political, social and cultural disenfranchisement of Dominicans of Haitian descent and Haitian

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37 Dagoberto Tejeda Ortiz, Interview by Javiela Evangelista. Universidad Autónoma de Santo Domingo, Santo Domingo, Dominican Republic, 23 January 2014.

migrants by the Dominican state. Media attention on denationalization only seemed to pour in on the eve of, or in the aftermath of, controversial acts or legal changes. In her late 20's Ana Maria has a strong presence. She worked for Centro Bonó as a researcher. She has not only lived through various impacts of denationalization, but studied it in great detail. As an advocate for others, she can also review as many cases as lawyers fighting denationalization in the Dominican Republic. In between tending to the cases of the denationalized, she is studying connections between philosophy and statelessness.

While the spotlight was on the deportations, members of the media questioned how we may begin to understand the marginalization of Haitian migrants and Dominicans of Haitians descent, and what these events reveal about how race is produced in the Dominican Republic. On June 17, 2015, I appeared as a guest on the Huffington Post Live segment "Dominican Republic to Deport Thousands of Haitians" and the host, Nancy Redd, opened with the statement, "many say this [the deportations] is the result of years of Dominican xenophobic laws and institutionalized racism." Most media outlets were largely in agreement that the Dominican state’s historical trajectory led to these current events. One approach to understanding this trajectory is the idea of racial formation: “the socio-historical process by which racial categories are created, inhabited, transformed, and destroyed," which illustrates the ways categories of race vary geographically and temporally.40

For instance, in the United States, during the colonial era, racial formations for African descendants were at times informed by the ideology of the one-drop rule.\textsuperscript{41} The one-drop rule determined that any Black ancestry or blood, even one drop, would deem one Black. Informed by eugenics, the one-drop rule aimed to form and protect ideals of white purity and also serve the capitalist interests of white male colonists. Under this premise, if a white male had a child with an enslaved woman, due to the mother's race, the child would be born Black. As a Black child, they could then be relegated to the labor pool, rather than incorporated into the white family and potentially entitled as heir. In the United States, the one-drop rule worked in concert with chattel slavery, where enslaved status was inherited with each generation.

In contrast, it has been argued that in Latin America and the Spanish-speaking Caribbean, racial categorizations have generally been more elusive and less easily defined.\textsuperscript{42} In fact, while the United States emphasized the idea that Blackness came from 'any' African ancestry, the Dominican Republic focused on mixture.\textsuperscript{43} Segments of the literature on race in the Dominican Republic have situated Dominican identity formation within the context of racial mixture, thus centering ambiguous racial formations and


reflecting a deracialized consciousness.\textsuperscript{44} Where as, others have identified this emphasis on race mixture as the negation of African-descent, negrophobia or anti-Haitianism.\textsuperscript{45}

In the Dominican Republic, anti-Haitianism, generally refers to discrimination against Haitians and those with dark skin, people perceived as Haitian, in many cases Dominicans of Haitian descent. In "Capital Changes: Haitian Migrants in Contemporary Dominican Republic" (2010), anthropologist Kirin Jayaram highlights that rather than an ideology, anti-Haitianism it should be acknowledged as a behavior that has negative consequences in practice. Jayaram argues that in \textit{Race and Politics in Dominican Republic} (2000), Ernesto Sagás defines anti-Haitianism as, "an ideological method of political control...directed not only toward Haiti and Haitians, but also toward Afro-Caribbean members of Dominican society, who tend to be poor, forming a subordinate class."\textsuperscript{46} To be fair, in \textit{Race and Politics in the Dominican Republic}, Sagás also illustrates how anti-Haitianism manifests as policy and in political actions that deny dark-skinned citizens and the poor their socio-cultural space and intimidates them from making demands or from


\textsuperscript{46} Ernesto Sagás, \textit{Race and Politics in the Dominican Republic}, 4.
otherwise participating in politics.\textsuperscript{47} Further emphasizing the active nature of anti-Haitianism, Jayaram defines it as, "A constellation of ideas and practices negatively affecting people (as a person or a group) from Haiti, their descendants, and those perceived as being or belonging to one of these groups, whether or not they actually belong, and specifically because of their ascribed membership. This differs throughout time and space."\textsuperscript{48}

Lauren Derby supports Jayaram's assertion that racial constructions, including anti-Haitianism, vary by time and space. For her, anti-Haitianism, is a racial and class-based prejudice, a rejection of the sub-stratum of Haitian cane cutters.\textsuperscript{49} Derby demonstrates how anti-Haitianism is stronger in the city of Santo Domingo than the border towns of Dominican Republic and Haiti, although anti-Haitianism is also a part of the social fabric there as well. She shows how the various discourses of anti-Haitianism in Dominican Republic run a continuum from a politicized nationalist demonology to cataloguing the lexicon of ethnic distinction.\textsuperscript{50} Ultimately for Derby, anti-Haitianism manifests as more than racism in varying degrees within Dominican society.\textsuperscript{51}

Despite the emphasis on the word Haitian in the term anti-Haitianism, this ideology and practice does not solely target Haitian people; Afro-Caribbean members of Dominican society and dark-skinned citizens are also subjected to anti-Haitianism, as well

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\item\textsuperscript{47} Ernesto Sagás, \textit{Race and Politics in the Dominican Republic}, 4.
\item\textsuperscript{48} Kiran Jayaram, "Capital Changes: Haitian Migrants in Contemporary Dominican Republic," \textit{Caribbean Quarterly} 56, No. 3 (September 2010): 34.
\item\textsuperscript{50} Lauren Derby, "Haitians, Magic, and Money," 493.
\item\textsuperscript{51} Lauren Derby, "Haitians, Magic, and Money," 493.
\end{itemize}
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as those perceived as being or belonging to one of these groups (Haitian or the descendant of Haitians), whether or not they actually belong.\textsuperscript{52} The ways in which the Dominican state has produced race, citizenship and illegality are central to the state's facilitation of denationalization, which has disproportionately impacted Dominicans of Haitian descent. In light of this, the dispossession of Dominicans of Haitian descent, the children of Haitian migrants, by Tribunal Constitutional ruling 168/13 is a testament of the persistence of anti-Haitianism and its emerging forms.

Returning to the \textit{Huffington Post Live} segment on the deportations summer 2015, in her opening statement, Nancy Redd argued "this latest controversy is only another chapter in the long and violent history of the two countries who share both a border and a culture."\textsuperscript{53} Redd 's opening posits that the racial conflict on the island that the Dominican Republic and Haiti share is the result of feuds between the two countries, a position also at the center of Michelle Wucker's \textit{Why the Cocks Fight: Dominicans Haitians and the Struggle for Hispaniola} (1999). In contrast to Wucker and Redd, in "Not a Cockfight: Rethinking Haitian-Dominican Relations" (2003) Samuel Martínez argues that there is a rich history of commonality and collaboration between Dominicans and Haitians that has not been given adequate attention. He argues that the lack of acknowledgment of positive associations is a misrepresentation.

In agreement with Martínez, who destabilizes long standing definitions of anti-Haitianism and ideals of conflicts as central to Dominican and Haitian relations, April Mayes, in \textit{The Mulatto Republic: Class, Race and Dominican National Identity}, illustrates

\textsuperscript{52} Ernesto Sagás, \textit{Race and Politics in the Dominican Republic}, 4; Kiran Jayaram, "Capital Changes: Haitian Migrants in Contemporary Dominican Republic," 34.
\textsuperscript{53} Nancy Redd, "Dominican Republic to Deport Thousands Of Haitians."
that at the state level not all historical conceptualizations of Dominican national identity have been anti-Black or anti-Haitian.\textsuperscript{54} This position stands in contrast with Sagás who locates anti-Blackness and anti-Haitianism at the inception of the nation. Rather than anti-Haitianism, Mayes’s primary framework of evaluation is hispanismo. For Mayes, hispanismo is a notion privileging "European ancestry and Hispanic cultural norms such as the Spanish language and Catholicism."\textsuperscript{55} Mayes decenters the negation of blackness in the independence era, and argues instead that elite groups were trying to construct (Hispanic-centered) whiteness. She states that it was at the end of the 19th century that elites groups, many non-Dominican, helped to regenerate ideals of anti-Haitianism. Towards this end, Mayes states,

\begin{quote}
Anthropologists such as David Howard and Kimberly Simmons, as well as political scientist Mark Sawyer and sociologist Ginetta Candelario, have shown that while Dominicans accept that they are a racially mixed people, they adhere to idealizations of Dominicanidad defined by its distance from blackness and its rejection of anything associated with Haiti and Haitians.\textsuperscript{56}
\end{quote}

Instead, Mayes argues:

\begin{quote}
while hispanicismo, the elevation of cultural norms and values associated with Spain and Spanish colonialism, was present in all currents of nationalist thought elaborated in the late nineteenth century, not all conceptualizations of Dominican national identity were anti-Black or anti-Haitian.\textsuperscript{57}
\end{quote}

\textsuperscript{55} April Mayes, \textit{Mulatto Republic}, 2.
\textsuperscript{56} April Mayes, \textit{Mulatto Republic}, 3.
\textsuperscript{57} April Mayes, \textit{Mulatto Republic}, 2.
In an interview with Roque Planas of *The Huffington Post- World Post*, Danilo Contreras, adds:

"nation and race in the Dominican Republic have been intertwined for many years. Oftentimes we get these kind of one-dimensional explanations, in which it’s either all about race or it’s all about nationalism. Anti-Haitianism is about race in some respects, but anti-Haitianism has not always been racialized. And it’s also a classic immigration problem."\(^{58}\)

A concern with Mayes' or Contreras' approach is that they do not address racial ambiguity or slippery semantics, ideals that have enabled some Latin American and Spanish-speaking Caribbean states as well as some elite groups to portray their racially- and ethnically-mixed states as racial democracies.\(^{59}\) Gilberto Freyre, a student of the anthropologist Franz Boas, put forth an argument that Brazilians live in a racial democracy, meaning that despite differences between them, they were a multicultural society that lived in harmony and without discrimination because of the decentralization of race.

The notion of a racial democracy in Brazil, or the Dominican Republic, is a myth however. Two-thirds of the Brazilians who live in poverty are African descendants and Afro-Brazilians are twice as likely to be illiterate as white Brazilians.\(^{60}\) Furthermore, like racial ambiguity, the ideal of racial democracy can function as a refusal to engage with, let

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\(^{58}\) Roque Planas, "'My Mother Told Me Never To Marry A Black Woman': How Race Works In The Dominican Republic" *The Huffington Post-World Post*, June 7, 2015.


alone acknowledge, African identity. In "Sensing Difference: Whiteness, National Identity, and Belonging in the Dominican Republic," (2014) anthropologist Yadira Hazel illustrates how the flexibility of ideals of racial ambiguity or racial democracy leave room for misinterpretation lending to racial discrimination in the Dominican Republic. Not just racial ambiguity but "both labeling practices- the racial binary pendulum swing and DR as a racial democracy - though distinct, worked in concert to affirm whiteness as superior and privileged."\(^6^1\)

The impact of racial ambiguity may be negative for society at large. In "The Tribulations of Blackness: Stages of Dominican Racial Identity" Silvio Torres-Saillant argues that given their non-biological understanding of race, on the whole, Dominicans have escaped serious atrophy because of the dealienating resilience of their open concept of race.\(^6^2\) He also advocates for the social utility of such openness.\(^6^3\) While racial ambiguity identification may serve as a form of protection or shield from racism and bigotry, as Torres Saillant states, using methods that efface blackness may also result in internalized racism and other forms of damage to the individual and society at large.\(^6^4\) Hazel situates her research as a process of navigating difference and belonging in the Dominican Republic that "uncovers the ambiguity and humanity, not hate, that lies in the center of Dominican identity."\(^6^5\)

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\(^{61}\) Yadira Hazel, "Sensing Difference," 81.
\(^{62}\) Silvio Torres- Saillant, “The Tribulations of Blackness,” 140.
\(^{63}\) Silvio Torres- Saillant, “The Tribulations of Blackness,” 140.
\(^{64}\) José Aníbal Cruz García, *El Inconsciente Racial Dominicana*; Sagás, Ernesto, *Race and Politics in the Dominican Republic*.
\(^{65}\) Yadira Hazel, "Sensing Difference," 79-91; Ginetta Candelario, *Black Behind the Ears*. 
Lauren Derby highlights the informal and customary nature of anti-Haitianism in everyday acts in Santo Domingo that are so common so as to appear as natural occurrences, despite their constructions as part of a larger national imaginary. In fact, according to Derby, "the term, Haitian, is now a floating label of misconduct, improper behavior, or lack of civility that one hears, for example, shouted by a motorist or a stray cyclist when he cuts abruptly in front of his path. The use of the label is perhaps the equivalent to 'fool' or 'crazy person' in English." The lack of acknowledgement and the devaluation of African descent and anti-Haitianism in the Dominican Republic manifests in everyday life including celebrations of national holidays, educational curriculum and media representations.

It is difficult to understand race or nation in the Dominican Republic without a concept of the other and more specifically the formation of the other. Much of the academic work on racialization in the Dominican Republic has centered on elite groups and the Dominican state. When the mulatto José Ramón López (1866-1922) published his 1894 essay on nutrition and race, the term race had become synonymous with nation.

Despite assumptions about the seemingly inherent or natural guise of nations or

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nationhood, a nation, "is an imagined political community - and imagined as both inherently limited and sovereign. It is imagined because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion."\textsuperscript{70} The notion of imagination is important in the context of race and nation in the Dominican Republic, because as will be illustrated, the state racializes and marginalizes Haitians and Dominicans in its formulation of a limited national imagination by way of policy and knowledge production. Anderson posits the construction of these imagined communities as modeled after "modulars" that emerged in Europe, Americas and other sites in the context of print capitalism.

In \textit{The Nation and It's Fragments} (1993) Chatterjee responds to the version of nationalism Anderson offered in \textit{Imagined Communities: Reflections on the Origin and Spread of Nationalism} and to the centralizing of European nations in discourse on nationalism. Chatterjee critiques the ideal that nationalism in Western Europe, in the Americas, and in Russia provided for all subsequent nationalisms a set of modular forms from which nationalist elites in Asia and Africa has chosen their preference.\textsuperscript{71} Ultimately, Chatterjee asks," If nationalisms in the rest of the world have to choose their imagined community from certain 'modular' forms already made available to them by Europe and the Americas, what do they have left to imagine?"\textsuperscript{72}

\textsuperscript{72} Partha Chatterjee, \textit{The Nation and its Fragments}, 5.
Chatterjee opens a dialogue of great importance for post-colonial Caribbean nations. Caribbean writers who have written in opposition to the notion that Caribbean nations attempted to mimic European or North American models of nation-building or nationalism while forming their post-colonial identities, would agree with Chatterjee's statement that instead of mimicry, the most powerful and creative results of the nationalist imagination in Asia and Africa are posited not on an identity, but rather on a *difference* with the 'modular' forms of the national society facilitated by the modern West.\(^{73}\) Thus highlighting the tremendous resistance that helped to formulate many Caribbean national identities. For Chatterjee, by dividing the world of social institutions and practices into two domains, the material and the spiritual, anti-colonial nationalism created its own domain of sovereignty within colonial society many years before it began to have political conflict with imperial power.\(^{74}\)

Ultimately, for Chatterjee, the material exists outside of economic centers, technology and the state-spaces where Western superiority has been valorized and is often emulated. The spiritual on the other hand is acknowledged as an inner space where cultural identification may be found. Due to the lack of acknowledgement of the resistance of Asian and African nationalisms within the realm of the spiritual, which ultimately worked toward sovereignty, Chatterjee contends that nationalism's autobiography is

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fundamentally flawed. Therefore, nationalism must be grounded historically and geographically.

Chatterjee argues that in the 1950's and 1960's nationalism was associated with successful anti-colonial efforts in Asia and Africa, but as states established themselves, nationalism was then associated with development and modernization where the emancipatory aspects of nationalism were undermined by secret deals, manipulations, and the cynical pursuit of private interests. However by 1970's, nationalism went from an association with liberation to one of oppression. Nationalism was an issue of ethnic politics, the reason why people in the Third World killed one another. Chatterjee states that "The new subjectivity that was constructed here was premised not on a conception of universal humanity but rather on particularity and difference: the identity of the 'national' community as against other communities." The impact of marginalization from the nation that Chatterjee describes is racialized in the Dominican Republic and it has had extreme consequences, including civil death and feelings of non-existence. Born in the Dominican Republic, Dominicans of Haitian descent are legally and socially Dominican and would like to be recognized as such. Towards such acknowledgement, Reconoci.do, a group of activists of Dominicans of Haitian descent whose citizenship has been jeopardized or revoked chose their name as a direct call for reconocimiento, which means recognition, by the Dominican state rather than exclusion based on racialization.

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78 Partha Chatterjee, *The Nation and its Fragments*, 75.
79 For more information about Reconoci.do see: http://reconoci.do
When considering the ways Haitians and Dominicans of Haitian descent, as well as their supporters, are ostracized by the Dominican state and also members of Dominican civil society, it is evident that "history is the course of nationhood- from where it derives its power." To achieve greater understanding of the racialization of Haitians and Dominicans of Haitian descent in Dominican Republic today, the relationship between race, the state and national identity must be explored. Such interrogation facilitates an analysis of how the Dominican state is invested not only in controlling the boundaries of blackness and Dominican identity, but in maintaining this existing ambiguity and state of precarity as a means of manipulating power.

*Migration*

I think it's the strategy of the government throughout this whole process. They are constantly referring to this as an immigration issue, when Dominican Haitians are not immigrants. It's a strategy to confuse people.

-Cassandra Theano, Legal Officer for The Open Society Foundations

The traffic is stop and go on route to the university, La Universidad Autónoma de Santo Domingo (La Was). The only passenger left in the carro publico (public car for hire), I am on my way to meet Dagoberto Tejeda Ortiz, Professor Emeritus of Dominican Folklore. The driver asks if I am a student at La Was. I answer no and explain that I am a student in New York, researching race and statelessness. He corrects me and says that

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there is no statelessness in the Dominican Republic. The problem, he says, is the country's inability to manage the influx of migrants from Haiti seeking resources. With a tone primed to teach me a lesson, but with tenderness that implies that I do not know better, he says, "Our country should not be demonized simply because we cannot sustain the needs of our neighbors." I tell him that the country's immigration policies are one issue, but what I am referring to is Tribunal Constitutional ruling 168-13 which took citizenship away from thousands of Dominicans. He tells me that the people the country cannot support are Haitian migrants, not Dominican. I tell him that the "they" that I am referring to are Dominican nationals, born here in Dominican Republic. He says, "Born in the Dominican Republic? Well then they are Dominican." I agree. With frustration in his voice, he says, "But no one is taking away their citizenship. The government is regulating migrants." I clarified that denationalization is not an issue of immigration policy. He agreed that if we are in fact talking about people born in Dominican Republic, it is not immigration policy, but rather a question of citizenship rights that they should be entitled to if they were born in the Dominican Republic, and then proceeded to talk about the "migrant problem."

June 17, 2015 marked the deadline for the registration of Dominican nationals who did not have proof of nationality and also the deadline for the Regularization Plan for migrants. Amongst other forms of uncertainty and misinformation, setting the same deadline for both Dominican nationals and Haitian migrants to regularize their status caused a great deal of confusion. The omission of the impact of statelessness on Dominican nationals by the media, furthered the blurring of categories. A New York Times headline stated, "Dominican Republic Set to Deport Haitian Migrants," while an Aljazeera America headline read, "Haitian migrants allege deportation, but DR disputes
None of the article titles reviewed noted at this time the denationalization of Dominican nationals. The Miami Herald reported "Deportations loom in Dominican Republic for Haitian migrants who failed to register" and CNN chimed in with the headline, "Tent cities sprouting in Haiti as migrants return from Dominican Republic." It was not only migrants, but Dominican nationals, and Dominican nationals were not "returning" to Haiti, as the CNN article implied. Born and raised in the Dominican Republic, many had never been to Haiti. Although concern over the treatment and rights of Haitian migrants is equally important, the omission of the impact of denationalization and the pending danger of deportation for Dominican nationals was alarming.

Ultimately, the proliferation of uncertainty and misinformation by the Dominican government limited a full understanding of the issues and proper advocacy locally and internationally. While the emphasis was on migrants, many nationals were not identified as in need of services and as a result unable to successfully complete vital paperwork. The uncertainty and misinformation about Dominicans of Haitian descent also fueled aggression against Dominicans of Haitian descent who were often depicted, by those unclear about the rights of Dominican nationals and the impact of Tribunal Constitutional ruling 168/13, as troublemakers bringing misdirected and negative attention to the Dominican Republic. The denationalization and racialization of Dominicans of Haitian descent.

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descent today must be understood as a separate legal struggle from that of their Haitian migrant family.

The marginalization of Dominican nationals builds upon the historical experiences of Haitians in the Dominican Republic, particularly as migrants and laborers, however when I asked Bridget Wooding, Director of the Observatory of Migrants in the Caribbean (OBMICA), a middle aged woman originally from England, about the connections between the treatment of Haitian migrant laborers and that of their Dominican children, she stated,

Evidently there is continuity in terms of de facto exclusion over several years, especially in the context of the batey (sugar cane plantations) - by keeping people in vulnerable situations, by denying documents, by moving them from one batey to another. Once people begin to claim their rights and display publically on the streets and use legal mechanisms of recourse, the Dominican authorities come up with an even greater legally encoded exclusion.86

Much like nationalism's autobiography, the biases within migration studies are evident as well.87 Ideas about migration have been influenced by the forms of migration that were most prevalent in Europe and the United States in the 19th and 20th centuries, generally urbanization and colonization.88 More specifically, the interdisciplinary fields of immigration and migration become an interest for anthropologists in the 1950's and 1960's,

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86 Bridget Wooding, Interview by Javiela Evangelista. OBMICA Office: Santo Domingo, Dominican Republic, 1 February 2014. For more information on OBMICA, see: http://www.obmica.org
87 Partha Chatterjee, The Nation and its Fragments, 6.
particularly the issue of rural-to-urban migration, most notably as processes in Africa and Latin America.\textsuperscript{89} Much of the early work on immigration and migration by anthropologists revolved around modernization theory, essentially how labor furthers modernization processes.\textsuperscript{90} These works centered the decisions of individuals to relocate away from poverty. In the 1970's, anthropologists, largely from Latin America, along with economists, distanced themselves from idea of individuals electing to leave their home area and posited in its place a macro-analysis of historicized processes of underdevelopment, which led to the emergence of dependency theory.\textsuperscript{91}

In the late 1970's, there was a transition of interest from dependency theory to world systems theory in migration studies. Under world systems theory, made popular by sociologist Immanuel Wallerstein, migration was contextualized within global market systems, positioning inequities as the internationalization of the proletariat. Analysis of world systems theory has emphasized transitions of surplus from the periphery (rural areas) to the core (urban areas). However Samuel Martínez challenges a central assumption of world systems theory by emphasizing the importance of migrants who circulate within the periphery. Periphery migrant patterns of rural to rural migration illuminate the labor cycles of most Haitian migrants. Internationally, periphery migrants rank amongst the poorest migrants, with the least access to resources.\textsuperscript{92}

\textsuperscript{91} Michael Kearney, "From the Invisible Hand to Invisible Feet," 547-565.
\textsuperscript{92} Samuel Martinez, \textit{Peripheral Migrants}. 
Most anthropologists studying immigration to the United States attribute the new patterns of immigration in the 1960's and 1970's to trade agreements between the United States and developing countries in the context of globalization.\(^9^3\) Highlighting processes across national boundaries, transnational theories of migration have centered diaspora, borders and feminist perspectives.\(^9^4\) Migration studies have been critiqued for the lack of emphasis on the particular challenges and contributions of women as the cornerstones of global migration processes.\(^9^5\) As a result, transnational studies that address migration and ties to the home location, as well as the outcomes of separation from home, challenge the firmness and permanence traditionally associated with immigration. Instead scholars studying migration have posited that the term transmigrant would be a more appropriate for those who live in two or more nation-states."\(^9^6\) It is important to note. Not all immigrants become transmigrants.

\(^9^3\) Marcelo M. Suárez-Orozco, "Right Moves? Immigration, globalization, utopia, and dystopia" In Nancy Foner (Ed.), American Arrivals: Anthropology engages the new immigration, 45-75 (Santa Fe, New Mexico: School of American Research Press, 2003), 53; Samuel Martínez, Peripheral Migrants.


\(^9^6\) Nina Glick Schiller and Georges Eugene Fouron, Georges Woke Up Laughing, 3.
The conditions of migration have often been economic and within new global contexts, this continues to be the case.\textsuperscript{97} Haitians traveling to the Dominican Republic have functioned not only as peripheral migrants, as mentioned earlier, but also circular migrants, migrants who leave home to work (often on sugar plantations, but increasingly in other sectors), return home, then go back to work that is away from home.\textsuperscript{98} In bateys, the area where sugar laborers live in the Dominican Republic, employers generally have a preference for day or seasonal migrant labor due to the flexibility that it affords them and the resultant opportunities to only spend capital in phases. This encourages a climate of instability that keeps migrants in vulnerable positions and in a circular trend of employment seeking.\textsuperscript{99}

The Dominican sugar industry did not develop until the late 19\textsuperscript{th} century; fairly late compared to its Caribbean neighbors. The labor of Black British and French migrants from other Caribbean islands played a role in reducing the number of Dominicans participating in the growing industry. The larger switch to sugar production was fostered by the U.S. Occupation of the Dominican Republic in 1916 and the commandeering of sugar production. Due to the Haitian and Dominican sponsored Bracero Program, in addition to voluntary migration, Haitians began to replace both Dominicans and Afro-

\begin{flushright}
\textsuperscript{98} Samuel Martínez, \textit{Peripheral Migrants}.
\textsuperscript{99} Samuel Martínez, \textit{Peripheral Migrants}.
\end{flushright}
Antillean workers in this industry.\textsuperscript{100}

Even when migrants move back and forth willingly, emigration is compulsory.\textsuperscript{101} Haitian migrants travel to the Dominican Republic for capital and they are generally encouraged to do so by the Dominican and Haitian state as well as U.S. governmental and corporate entities for profit. Labor migrations within a global capitalist economy demand an analysis of the mobility of labor, only understood through a critical theoretical consideration of labor and capital as mutually constituting poles of a single, though contradictory, social relation.\textsuperscript{102} Migration seems to imply a lack of permanence, a state of transition, meaning that migrants usually travel to and from their home base to the location of their labor.\textsuperscript{103} In contrast to the transient nature of migration, immigration is more related to permanence.

Official recruitment of Haitian labor in the Dominican Republic began in 1915 during the United States occupation.\textsuperscript{104} By the 1930's Haitian labor in bateys was the main source of labor for United States sugar companies and it would remain so until the 1986 fall of the Duvalier regime.\textsuperscript{105} Although the system changed after the Duvaliers, in the 1980's and 1990's, 90% of cane cutters in Dominican Republic were Haitian migrants.\textsuperscript{106}

\textsuperscript{100} Kiran Jayaram, "Capital Changes," 31-54.
\textsuperscript{101} Sidney Mintz, \textit{Sweetness and Power: The Place of Sugar in Modern History} (Viking Press, 1985).
\textsuperscript{102} Nicholas P. De Genova, "Migrant 'Illegality' and Deportability in Everyday Life," 423.
\textsuperscript{103} Nancy Foner, \textit{American Arrivals: Anthropology Engages the New Immigration} (Santa Fe, New Mexico: School of American Research Press, 2003).
\textsuperscript{104} Samuel Martínez, \textit{Peripheral Migrants}
\textsuperscript{105} Agustín González, et al., \textit{Condición Y Aportes de la Mano de Obra de Origen Haitiano a la Economía Dominicana}. A publication by Centro de Formación y Acción Social y Agraria (CEFASA) and Consultores Económicos Financieros y Organizacionales (CEFINOSA) (Santiago, República Dominicana: Editora de Premium, 2012); Samuel Martínez, \textit{Peripheral Migrants: Haitians and Dominican Republic Sugar Plantations}.
\textsuperscript{106} Samuel Martínez, \textit{Peripheral Migrants}, 7.
Bridget Wooding adds, "Of the various migrants to the Dominican Republic, Haitians have most contributed to the Dominican economy." When I asked Dagoberto Tejeda Ortiz his opinion on Dominican migratory policy, he said:

The Haitians that arrive to Dominican Republic to survive in the bateys, initially, who brings them? The Dominican state. The Dominican state who makes it so that it's practically clandestine, which makes it so they pay them lower salaries and makes it so they can't have rights as workers in the social sphere. This translates in the construction industry. At this moment, the majority of the construction not only in Santo Domingo, but throughout the country, is done by Haitian workers. They live in the same area of construction and they're paid a miserable wage. And this is a wrongdoing because many of them, when it is time for pay, they denounce their workers and say that they will send them to Haiti and that they are deportable, so they don't have to pay them. But this is also on an agricultural level on the various kinds of farms. The Haitian presence (is there) because they will work for less. And they are essentially exploited. This accelerates a campaign that at the same time benefits this idea that Haitians are taking away Dominican jobs, in order to confuse on a popular level one thing with the other. This is the use of a political instrument. Which weakens a possible foundational solution. Both the Haitian and Dominican governments, have accrued revenue as a result of the conditions of Haitian migrant labor, albeit in the context of a shared history of United

States occupations and dictatorships. Elected President of Haiti in 1957, François Duvalier became the head of a dictatorship that lasted until 1971, following a coup-de-etat in 1958. His son, Jean Claude Duvalier, who succeeded him, earned two million USD in cash each year in exchange for Haitian braceros, contractual agriculture migrant workers, until 1986.\textsuperscript{109} Until 1986, under the contracts of the Consejo Estatal del Azúcar (CEA), the voyages of Haitian sugar workers were paid for by sugar companies.\textsuperscript{110} Although the Dominican government continues to deport Haitians and their children in the Dominican Republic, "the creation of new nuclear families on Dominican territory was a natural consequence of the flow of Haitian migrants into Dominican Republic in the XIX and XX centuries," a flow that was facilitated by the governments of the Dominican Republic, Haiti and the United States.\textsuperscript{111}

Haitian migrant labor continued to provide a lucrative and illicit industry for Dominican Border Control and Police as well. Dominican officials often transferred detainees to the Consejo Estatal del Azúcar (CEA) for a fee. In \textit{Peripheral Migrants}, Martínez notes that in 1991, in some cases, documents were ripped up by employees of the state. In many cases, Dominicans of Haitian descent were taken against their will.\textsuperscript{112} Further illustrating the long-standing connections between the oppression of Haitian migrants and Dominicans of Haitian descent, Martínez records the following comments by a Dominican officer, "The cédula (national identification card) is Dominican, but you are Haitian."\textsuperscript{113} Although some migrants may have lived in the Dominican Republic for some

\begin{itemize}
\item \textsuperscript{109} Samuel Martínez, \textit{Peripheral Migrants}, 2.
\item \textsuperscript{110} Samuel Martínez, \textit{Peripheral Migrants}, 2.
\item \textsuperscript{111} IACHR, "Situation of Human Rights in the Dominican Republic," 57.
\item \textsuperscript{112} Samuel Martínez, \textit{Peripheral Migrants}, 9.
\item \textsuperscript{113} Samuel Martínez, \textit{Peripheral Migrants}, 10.
\end{itemize}
time, and have homes and family there, if they were undocumented and unaffiliated with a batey they could be detained and at times relocated to a CEA. They often had no choice as to which estate they were sent and armed guards at the sugar plantations further limited mobility.

On bateys there was generally a threat of physical violence. There were armed guards, but the guards were only retained until the first pay period. Companies assumed that anticipated pay would keep migrant laborers tied to the estate, much like debt accrued in sharecropping programs in the Southern United States at the turn of the 20th century. The wage system ensured compliance. Today, the work continues to be hard, made harder by inefficient and outdated equipment and facilities. Many laborers have suffered injuries to eyes and limbs at work. At the end of the harvest season laborers are free to go to lessen costs. Companies assume that there are always other laborers who will do the work. The replaceable nature of the work conditions Haitian migrant laborers to be less likely to advocate for long-term changes. Drawing on his 1985 to 1986 fieldwork, Martínez documented heightened oppression the last year of labor contracts with the Duvalier government and the CEA. Concerned that labor would be difficult to replace, given the end of the contract, there was an increase in the capture of Haitian laborers, particularly men to work in the plantations. Martínez notes that both economic interests and coercion drive Haitians to sugar cane plantations.

The repression of migrants serves capitalism, the economic system founded upon a drive to generate profit and accumulation of capital based upon creation and investment of

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surplus value from commodity production. Repression is exerted almost exclusively on undocumented immigrants, for whom the consequences are high, rather than on those who recruit and hire them. Thus the state illustrates its bias, but also shows its inconsistencies and ambiguities because harsh policing is not incompatible with tolerance for the illegality of migrant workers who contribute to various economic sectors tremendously.

Given the conditions in urban centers, and the greater employment opportunities, when compared to isolated rural areas, it may appear to be illogical that peripheral migrants would travel to rural areas and in a cyclical manner as circular migrants. However, Martínez argues that the motivations of short-term circular migrants may be different than longer-term migrants. By way of example, for many peripheral and circular migrants, it makes most sense to maintain their original home base, which may include family and/or property, while one or more members of the household circulate for labor.

The conditions of migrant labor in the Dominican Republic often foster dependency for Haitian migrants. In isolated rural areas maintaining communication ties may be difficult, therefore migrants often circulate in order to maintain critical ties. There is also generally less legal protection and limited access to governmental services for peripheral circular migrants. They are more susceptible to arbitrary arrest and deportations. Consistent advocacy is difficult given the patterns of migratory circulation and change of

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address and also in the periphery there is generally less visibility to journalists and media circuits.119

With global capitalism today, migration patterns are changing. From the 1970 to the 1990s there was a movement away from sugar production.120 There was increased emphasis on agricultural goods, but cane cutting became more mechanized. Furthermore, in the 1980's, the sugar industry was impacted by the reduction of trade barriers, cuts in public employment, tax exemptions for export processing zones, labor laws, environmental protection, the International Monetary Fund and World Bank. Until the mid-1990's, sugar was the primary source of capital for the country, today tourism is the largest industry in the Dominican Republic.121 The price of sugar has been impacted by the rapid increase in artificial sweetener production, which has lowered prices. Kanbo International, the Chinese producer of artificial sweetener sucralose, announced plans to push into the North and South American food and beverage market, with the creation of the largest sucralose facility in China. As alternatives to natural sugar flood the global market, prices for real sugar fall.122

Furthermore, the Dominican government's long standing competition in the world market without preferential options and in competition with United States and European markets and economies, has also taken a toll on the value of sugar in the Dominican economy. The value of the United States dollar typically follows an inverse relationship with commodities. When the dollar strengthens against other strong currencies, the prices

119 Samuel Martinez, Peripheral Migrants, 28.
120 Kiran Jayaram, "Capital Changes," 31-54.
121 Samuel Martinez, Peripheral Migrants.
of commodities, such as sugar, generally drop. When the dollar weakens, commodities generally move higher. Most commodities are freely traded in international markets and prices are quoted in United States dollars. In the current context as Bridget Wooding told me, "Dominican authorities have not done enough to make regular migration a possibility, the current migration laws and its rules make it even more difficult for Haitians to migrate in a regular fashion. Until there is a more just and equitable way for regular migration and until trafficking and corruption in the border is addressed, we are likely to continue to see the slightly anarchic way in which migration happens."

United States based sugar companies have also benefitted from low wages, unpaid benefits, non-unionized labor, extra hours of labor, no day of rest and the relocation of migrants to places where they may not have access to other resources. Considering labor, capital, and land, a fourth element of exploitation must be added: the low cost of the labor force to the state, or to the corporations who deal with it, insofar as it is sourced from foreigners, supported by a framework of xenophobia and structural racism. Once the productive capacity of adults has been used, they are made to return to their place of origin at an imperceptible cost. Dominican grandstanding in the international community about state or state-backed initiatives to improve the life conditions in the bateyes ignores the additional benefits derived from the use of undocumented, precarious Haitian labor. Thus, whilst maintaining that their civil inexistence is a reality against which it can do

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123 John Ficenic, "Forget Gold, the Sugar Price Collapse is Far More Dramatic and Here's Why."
125 James Ferguson, Migration in the Caribbean.
little, the state is sharply aware of the fact that it will never have to provide these individuals with social security, pensions, or retirement.\textsuperscript{127}

Rather than labeling migrants with irregular status as illegal, the contexts, conditions and processes that create illegality must be examined.\textsuperscript{128} In order to address the conditions that have created the status of illegal, contemporary debates must be placed within historical context. It is a challenge to delineate the historical specificity of contemporary migrations as they have come to be located in the legal (political) economies of particular nation-states. However, by reflecting on the effects of sociological, historical contexts in research, critical anthropological perspectives not complicit with the naturalization of migrant 'illegality' may be elaborated.\textsuperscript{129} Accordingly, it is important to note how the Dominican government has played a central role in fostering and creating the illegality of Haitian migrants in the Dominican Republic, and now the denationalization of their children. Essentially the Dominican government has created the current context of illegality not only for migrants but also Dominican nationals. As De Genova argues, "it is insufficient to examine the 'illegality' of undocumented migration only in terms of its consequences" therefore it is essential to produce "historically informed accounts of the socio-political processes of 'illegalization' themselves, which can be characterized as the legal production of migrant 'illegality.'"\textsuperscript{130} Despite playing a central role in creating these conditions, the Dominican government now wants Haitian migrants and their children to pay for it.

\textsuperscript{127} Natalia Lippmann Mazzaglia and Pedro F. Marcelino, "Migratory Policy as an Exclusionary Tool," 170.
\textsuperscript{128} Nicholas P. De Genova, "Migrant 'Illegality' and Deportability in Everyday Life," 419-447.
\textsuperscript{129} Nicholas P. De Genova, "Migrant 'Illegality' and Deportability in Everyday Life," 423.
\textsuperscript{130} Nicholas P. De Genova, "Migrant 'Illegality' and Deportability in Everyday Life," 419.
In immigration literature on the Dominican Republic, there is a wider debate about whether or not the conditions of Haitian migrant laborers in the Dominican Republic may be comparable to the conditions of slavery. Samuel Martínez argues that the conditions of Haitian migrant labor are not comparable to conditions of slavery. Instead, Martínez aims to illustrate, contrary to many popular and academic descriptions of Haitian migration, the agency in Haitian migration by highlighting that in most cases, Haitian migration was voluntary despite the abovementioned risks. Martínez argues that 69%, or 24 of the 35 people interviewed on the plantation where he worked, entered the country expecting to work on a sugar plantation. In other words, Martínez argues that Haitian migrants do not arrive to work in the Dominican Republic based on misinformation. His argument is validated by the return of Haitian migrants each year despite awareness of the conditions. Martínez argues that migrants permit the companies and the state to exert control over them and therefore, comparisons to slavery are inaccurate. Martínez's position is in stark contrast to that of Maurice Lemoine in *Bitter Sugar: Slaves Today in the Caribbean*.

Maurice Lemoine, a journalist who covered Haitian labor, reported on the sugar cane harvest from December 1978 to June 1979, within the Bracero Programs established on November 14, 1966 between Dominican Republic and Haiti. From his ethnographic work with the Dominican State Sugar Council, Lemoine highlights the story of a migrant laborer, Estime Modestin, to illustrate the deplorable conditions under which 15,000 Haitian day laborers were recruited and worked after the U.S. occupation of 1965.

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132 Martínez also cautions that sanctions against the Dominican Republic may lead to the deportation of Haitian migrants.
Lemoine discusses the funds Jean Claude Duvalier received for placing workers under contract and also features the terrorizing of the Ton Ton Macoute, the volunteer militia trained to defend the Duvaliers.\textsuperscript{134}

Lemoine's work has been critiqued as "sensationalized journalistic foray."\textsuperscript{135} In response to Lemoine, Allen Wells states:

If half of what one reads in \textit{Bitter Sugar} is true, then Lemoine's characterization of the workers as 'today's slaves' accurately assesses the conditions of Haitians toiling in the Dominican sugar bateys. As he freely admits in the preface, Lemoine wrote this seething attack on Haitian and Dominican authorities in great anger. Because Lemoine's mudslinging style leaves nothing to the imagination and because he makes little effort to support his contentions, readers are left to ponder the veracity of this bizarre story. This disturbing polemic cries out for an international human rights investigation of Haitian cane workers in the Dominican Republic.\textsuperscript{136}

Murphy joins Wells in critiquing Lemoine for misrepresentation of migrant labor in Dominican Republic and for using the term slavery in reference to Haitian migrants. In agreement with Wells, Murphy states,

Along with misrepresentations to the reader about the typical demographic characteristics of the migrant workers, and their reasons for migrating, and mixed messages about the ideologies of long-time Haitian undocumented worker residents on the plantations and of Dominicans of all social classes, a most glaring error of

\begin{itemize}
\item \textsuperscript{134} Maurice Lemoine, \textit{Bitter Sugar}.
\item \textsuperscript{136} Allen Wells, "The Terrible Green Monster: Recent Literature on Sugar, Coffee, and Coerced Labor in the Caribbean," 200.
\end{itemize}
analysis exists in the basic message and the subtitle of the book: 'Slaves Today in the Caribbean'... Lemoine misrepresents both the label slavery and the reality of labor utilization practices on the plantations. Both the label and the reality are ripped from their historical, socioeconomic and political contexts... destitute Haitians voluntarily sign on every year to work in the Dominican cane fields, and many even pay bribes in order to be recruited; the majority of workers are returnees; they are paid a wage but only when they work; and they are returned to their home country when their services are no longer needed.\textsuperscript{137}

Martínez and Wells' argument that comparisons to slavery deflect from the agency of migrants is important, as are any efforts to acknowledge the ways in which Haitian migrants are actively making and framing themselves. There are tremendous imbalances in the production of knowledge which Martínez, Wells and Murphy aim to correct.

In the context of Dominicans of Haitian descent today, there have been similar debates about whether or not the use of the term slavery (or even pinpointing racial discrimination) is appropriate for discussions of stateless in Dominican Republic in the 21st century.\textsuperscript{138} In the spirit of agency that Martínez posits, the following commentary about Dominicans of Haitian descent, the children of Haitian migrants, is from Rosa Iris Diendomi Alvarez of Reconoci.do, who said it during a focus group meeting during which we discussed the aftermath of the ruling. A Dominican of Haitian descent, Rosa Iris 30 years old, the mother of a young son and lawyer.

\textsuperscript{137} Martin Murphy, University of Notre Dame Book Review of \textit{Bitter Sugar: Slaves Today in the Caribbean} by Maurice Lemoine (Translated from French by Andrea Johnston) (Chicago: Banner, 1985), 855.

Dominicans of Haitian descent have come out from below. We are bettering ourselves and contributing to this country. But not everyone appreciates this. And those who have the control, the power, seek to enslave us in a modern way. That's how I feel when I see that a Dominican woman of Haitian descent gives birth, and even if the woman has her birth certificate or ID card, her child is given a pink certificate, which is for foreigners. That's how I see it each time we can't go to college or we can't get a job- it's a system of modern slavery that closes off our opportunities for advancement and you have to 'do what I want, how I want it and I'll pay you when I want.'

Rosa Iris Diendomi Alvarez of Reconoci.do, Santo Domingo (Photograph 2)

Source: Author's Photograph

Given imbalances in the production of knowledge historically and in the present, there are times when metaphorical or signifying references may be necessary and as Louis Gates demonstrates in *The Signifying Monkey: A Theory of Afro American Literary Criticism*, there are a range of ways to articulate the immaterial. Literature that focuses on the technicalities of terms alone, misses this and risks further silencing those like Rosa Iris who may use metaphors or comparison to express what is otherwise unexplainable.\(^{140}\) Also there may be different values or frameworks at play. For example, historically, new annual accomplishments were important in Greek theatre, where as for African theatre there was value and honor in seeing continuity in a performance, not necessarily new productions.\(^{141}\) If one mode is used to evaluate the other, the other would fail. Therefore, in consideration of comparisons to slavery in reference to Dominicans of Haitian descent today, its important to listen to the testimonies of Dominicans of Haitian descent and to contextualize their testimonies within their experiences, framework and values.\(^{142}\)

Martínez argues that comparisons to slavery for migrants are inaccurate because there is generally voluntary involvement in the process. When considering the statelessness of Dominicans of Haitian descent, there is no issue of voluntary participation, as the state is negating their rights without their permission. However, for migrants what might also be considered is what does the choice of phrase, such as slavery, reveal about the condition of


\(^{142}\) Emile Durkheim made significant contributions to evaluations of semiotics, the study of meaning making, which leads to a greater understanding of human action. Durkheim argues that ideas are organized in our heads by association (for example, my love is like a red rose) and in contrast to one another.
those impacted? There seems to be an issue of approach or strategy. When meeting with Reverend Osagyefo Sekou, pastor and social justice activist often based in St. Louis, he asked me:

How can we can look at these materials conditions and draw from non-material forces to make sense of what does not make sense otherwise? Albert Camus may help us to think through this. In Ferguson, we ain't won, but through our music, our dance, our art, we evoke a non-material force of winning through love. This is not material, but just as important and it needs to be communicated and acknowledged.

Another value to Lemoine's argument is that it allows the tracing of continuities in oppressions and also new forms. In a recent report, Amnesty International uses the analogy of slavery to reference to the conditions of Dominicans of Haitian descent in the context of statelessness, as well. The report documents the story of Marisol, who was "forced to work as a slave." Marisol was not registered at birth, because her parents had no formal identification. When her parents died, Marisol became a domestic worker in Santo Domingo at the age of 10. The family promised to send her to school, but they beat her and forced her to work 15 hours a day instead. Marisol could not apply for the naturalization plan as, by the time she had heard about it, it had already expired. The family she works for as a cleaner was threatening to fire her, fearful of the consequences of employing an undocumented person. Furthermore, with no identity papers, Marisol

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143 Samuel Martínez also cautions against sanctions against the Dominican Republic, which may lead to the deportation of Haitian migrants. He encourages the consideration of the consequences or implications of certain arguments against these injustices.

144 Osagyefo Sekou, Interview by Javiela Evangelista. Skype, 1 December 2014.

cannot register her children.\textsuperscript{146}

Dominican policies toward Haitian migrant laborers provide further understanding of how the state, and many members of Dominican society, have positioned Haitians to be used as laborers to the benefit of the Dominican state and society at large, while denying their greater integration and that of their children. My ethnographic research revealed historical social ordering and value assignment within governmental policies, political discourse and media representations, which are based in anti-Haitianism and which continue to thrive today, albeit in new forms. These values have contributed to the contemporary legalization of anti-Haitianism.

Finally, it may be helpful for Dominicans to see themselves as migrants too in the context of global apartheid. Most Dominican migrants aim for the United States of America, but many also travel to Puerto Rico, which is also marked by significant migration to the United States. In Puerto Rico, many Dominicans hope to find work and money to fund a journey to the United States or to send home. Some 100,000 to 300,000 undocumented Dominican migrants are estimated to be living in Puerto Rico.\textsuperscript{147} Smaller numbers live on many other islands and mainland territories and an even greater number live in New York. Like Haitians who cross the border to the Dominican Republic, as migrants and immigrants, Dominicans are not immune from exploitation and stereotyping outside of the Dominican Republic. Many Dominicans aspire for a better life by braving a journey to a new country, as will be discussed in Part III about the Dominican diaspora in New York.

\textsuperscript{146} Amnesty International, "'Ghost Citizens' in the Dominican Republic."
\textsuperscript{147} James Ferguson, \textit{Migration in the Caribbean: Haiti, the Dominican Republic and Beyond}. 

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**Human Rights**

In 2014, 59.5 million people (8.3 million more than the year prior) were in a state of forced displacement due to "persecution, conflict, generalized violence or human rights violations."\(^{148}\) In fact, in reference to displaced people, the United Nations High Commissioner for Refugees (UNHCR) documents, "if they were to be a nation, they would be the 24th largest in the world."\(^{149}\) Of the significant number of displaced people, 10 million are stateless.\(^{150}\) At this juncture, on a global scale, the state of displaced people, and the conditions that have made them such, warrants attention.

Countries in the European Union are experiencing the greatest influx of migrants and refugees since World War II.\(^{151}\) In fact, in 2015 alone, 1,015,078 migrants and refugees arrived in European Union countries by sea and at the time of publication, there were 180,588 migrant and refugee arrivals in 2016.\(^{152}\) This tremendous voyage and leap of faith often comes at the cost of lives. In September 2015, the discovery of the body of three year old Alan Kurdi along the shore in Turkey brought greater attention to the level of peril and terror faced by many migrant and refugee families, not only in crossing but, throughout the often multi-step process of migration.\(^{153}\) At the time of publication, 1,261

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\(^{149}\) UNHCR, "World at War Global Trends: Forced Displacement."  
\(^{150}\) UNHCR, "World at War Global Trends: Forced Displacement."  
migrants and refugees have been reported dead or missing in 2016 alone.\textsuperscript{154} There is great concern that the children of migrants in Europe will be stateless when born in a country that does not recognize them. Although millions are currently stateless in Europe, what is being termed the "migrant crisis" in Europe today pales in comparison to levels of statelessness in the post-WWII era.\textsuperscript{155}

Post-World War mass statelessness was so severe that the emergence of mass statelessness is generally framed in that context.\textsuperscript{156} For example, stateless people were produced by the Soviet decree of mass denationalization in 1921, as well as through legislation that denied German Jews of their nationality under the 11th Ordinance, which resulted from the Reich Citizenship Law and Czech legislation that denationalized people of German origin in the 1930's and 1940's.\textsuperscript{157} Moreover, Nazi Germany and its annexed countries, such as Poland, denaturalized millions of persons identified with the Jewish People, homosexuality, the Roma, liberalism and physical disabilities or what was called a 'life unworthy of life'. Once denaturalized, they could be expelled and exterminated without external intervention into the state's domestic policies and practices.\textsuperscript{158}

In \textit{The Origins of Totalitarianism} (1951), Hannah Arendt, made stateless for several years, examines the Third Reich's denaturalization of persons identified as having

\textsuperscript{154} UNHCR, "Refugees/Migrants Emergency Response - Mediterranean Report."
\textsuperscript{155} Robert Siegel, "Europe's Refugee Crisis Pales In Comparison To World War II Aftermath."
\textsuperscript{157} Ezio Biglieri and G. Prati, \textit{Encyclopedia of Public International Law}, 490.
a Jewish bloodline, which led their compulsory removal.\textsuperscript{159} Arendt offered a tremendous contribution by highlighting not only the legal, but the existential, conundrum that statelessness creates.

In response to the grave human rights violations during the world wars and as a result of the work of Arendt and others during this era, what Ellen Messer calls "the first generation of human rights" emphasized the political and economic rights of persons.\textsuperscript{160} Ultimately, post World War II, human rights "were intended to operate where the protections of citizenship failed or did not reach" and commitment to human rights served as a marker of progress and modernity for many nations.\textsuperscript{161} Since 1948, the United Nations (UN) has worked to foster a global unit based in human rights and as stated in the UN Universal Declaration of Human Rights, a "common standard of achievement for all peoples and nations."\textsuperscript{162} In the 1958 UN Universal Declaration of Human Rights, Article 15 claims that "everyone has the right to a nationality" and that "no one shall be arbitrarily deprived of his nationality."\textsuperscript{163} Due to recommendations from the United Nations General Assembly, state conferences followed in 1959 and 1961, and The Convention on the Reduction of Future Statelessness was adopted on August 30, 1961.\textsuperscript{164} As a result of the discriminatory nature of mass statelessness during the war, international human rights law targeting discrimination also followed the war. In the UN Universal Declaration of Human

\textsuperscript{159} Hannah Arendt, \textit{The Portable Hannah Arendt} (Edited by Peter Baehr) (New York: Penguin Press, 2000).
\textsuperscript{162} Ellen Messer, "Anthropology and Human Rights," 221.
\textsuperscript{163} Ezio Biglieri and G. Prati, \textit{Encyclopedia of Public International Law}, 492.
\textsuperscript{164} Ezio Biglieri and G. Prati, \textit{Encyclopedia of Public International Law}, 492.
Rights, Article 9 prohibits the "deprivation of nationality on racial, ethnic, religious or political grounds" and it also qualifies that a state in contract "shall not deprive a person of its nationality if such deprivation would render him stateless." The Convention entered force in December 13, 1975.

The second generation of human rights, prompted by post-socialist and welfare states in the 1990's, focused more on socioeconomic and cultural rights with an emphasis on issues such as health, fair employment and special rights of children and women. In fact, the fall of the Soviet Union in 1991 still has grave consequences for many in Latvia and Estonia, currently the fourth and tenth countries with the greatest number of stateless people, respectively. In Latvia and Estonia, many people with expired Soviet passports have not been able to establish nationality and remain stateless. During this era, many post-Soviet states seeking international legitimacy grasped onto human rights rhetoric.

Although international human rights law can be an extremely powerful and effective tool for protecting rights and ensuring democratic processes, there are some concerns about human rights practice, utility, and process. The implementation of international human rights policy has been critiqued as an external intervention that may

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167 Ellen Messer, "Anthropology and Human Rights," 221-249.
foster dependency or compromise state officials left to negotiate local issues.\textsuperscript{170} Due to competition for benefits in an unequal global economy, the misuse or evasion of international human rights policy by state officials and local elites, and even anti-racist organizations may follow.\textsuperscript{171} As international human rights law is developed and monitored by those in the international community, there are debates about increased dependency on international entities. Likewise there are cautions that despite good intent, transnational activists or international organizations may prescribe goals to local organizations that do not sufficiently address local issues or that cause local groups to compete for resources.\textsuperscript{172} Members of the transnational indigenous peoples’ movement often set up strategies that force local groups to compete and define priorities that do not address issues central to local groups.\textsuperscript{173} Within the discourse of multiculturalism, the term that was initially intended to provide representation and address equity may be manipulated and misrepresented by various actors. Virginia Tilley addresses international actors, where as Charles Hale highlights the extension of this manipulation in the hands of

\begin{itemize}
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state, local elite and even indigenous groups that need fit into narrow and unfitting categories in order to receive benefits.

State goals (i.e., increased tourism and corporate expansion) often clash with the goals of indigenous activists seeking rights (i.e., education reform, land tenure). Some indigenous groups have claimed that international and national legal instruments are ultimately invalid; these groups feel they do not have to be granted rights that they have always possessed. Indeed, numerous indigenous groups have also lobbied for self-determination in the form of statehood or an autonomous nation, based on the assumption that indigenous peoples’ cultures and languages may disappear through integration and assimilation by the dominant culture. State responses to discussions of national inclusion often reveal legality and ambiguity that in the end serve the economic interests of the state rather than the people.

International communities have historically facilitated colonization and early human rights initiatives that were highly stereotypical, thus the conflict of international dependency and mediation should be a topic of consideration. Acknowledging the possibility of improvement, modern international human rights law, despite its flaws has evolved and addresses the needs of indigenous peoples in many cases. The historical trajectory of international human rights, and use of it to "better" populations, has been critiqued. Racial and cultural discrimination as well as economic exploitation have by no

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means been overcome by international human rights law and need to be reexamined and reconsidered.

The lack of state compliance with human rights, as well as the question of the sustained implementation of said rights (given the limited enforcement of international human rights law) is a concern. International oversight of state abuses, particularly related to racism, is a response.\textsuperscript{177} The rights of local groups are often under attack by the state officials who should be protecting them, as Marc Miller points out.\textsuperscript{178} On the other hand, international human rights law may have an adverse effect on state officials. To get at the crux of the issue, Brian Hocking, in \textit{Localizing Foreign Policy: Non-central Governments and Multilayered Diplomacy} (1993), describes a series of case studies in which he examined the local effects of international law on state officials.\textsuperscript{179} In contrast to Miller, Hocking considers the difficult position of officials who find themselves bending in the direction of international policy, while also attempting to negotiate local issues.\textsuperscript{180}

\textsuperscript{177} Michael Banton, \textit{International Action Against Racial Discrimination} (Oxford: Claredon, 1996).
\textsuperscript{179} Brian Hocking, 1993.
\textsuperscript{180} According Suzana Sawyer, government actors are also often integral to the implementation of neoliberal policies, but in the end they are relegated to "fiscal manager(s) for transnational capital" that serve corporate and international neoliberal agendas of increased privatization and deregulation as encouraged by structural adjustment programs of the World Bank (9). Neoliberal maneuvers and oppositional tactics can be mutually constitutive, although unevenly. Within these new relationships there may be the opening of new spaces and forms of contestation as well to be discussed in Part III.
In the 1980's, a shift to cultural property discourse within international human rights law, where museum, archive and even anthropologist entitlement to cultural property were questioned, marked an important turn for many groups. On the other hand, the misuse of cultural property rights by a variety of actors has been heavily debated. Cultural property rights may also become the focus of some international human rights accords to the detriment of economic and political platforms that are central concerns within indigenous communities for example. Heritage Studies has increasingly become a platform to address many of the concerns within cultural property rights studies.

Lila Abu Lughod and Saba Mahmood challenge transnational activists addressing human rights, to consider why they may ask certain questions of local communities. In "Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others," Abu Lughod states that people in other nations do not tell Western women that wearing jeans to the opera is oppressive and inappropriate. Lughod makes a call for the consideration of the role of economic, military, and imperial power within transnational activism. In The Politics of Piety: Islamic Revival and the Feminist Subject (2005), Saba Mahmood echoes a similar sentiment. Mahmood credits


transnational work on women’s agency for shifting previous images of Arab and Muslim women as passive, taking particular note of the contributions of the Subaltern Studies Project. However, she critiques this emphasis on agency as one that is externally imposed and therefore inherently limited.\(^\text{185}\)

Alicia Garza, one of the Co-Founders of the Black Lives Matter Movement explains why the assertion that All Lives Matter, rather than Black Lives Matter can be problematic,

The basis of 'All Lives Matter,' specifically when deployed in response to the assertion that black lives matter, is deeply flawed. Of course, theoretically all lives should matter. But that’s not the context we live in. For example, every day, many of us walk by people without homes who are literally living on the streets. Black families are seven times more likely to be homeless than white families. The majority of people in prisons and jails in this country are black. One in 13 black people are barred from voting and influencing the decisions that impact their lives. When we address the disparities facing black people, we get a lot closer to a true democracy where all lives matter.\(^\text{186}\)

The popular expression All Lives Matter simultaneously homogenizes and decenters groups marginalized by racialization. In *Third World Women and the Politics of Feminism*, Chandra Mohanty takes issue with the homogenization of women and the centering of


Western women and perspectives. Mohanty advocates for transnational activists to politically and locally situate their analysis in order to avoid misrepresentative ideals. Ultimately, transnational activists interested in collaborations against human rights violations across borders and even at home, should, however be reflective and transparent about how they are positioned (given differential modes of power for example) within collaborative work, and as a result, work towards greater equity, not only against human rights violations, but also within research, activism and human rights discourse.

\footnote{Chandra Mohanty, \textit{Third World Women and the Politics of Feminism}.}
PART I: Racialization and Formalizing Power
Chapter One: Historicity

They have bought all of the intellectuals and you see that what is there are justifications and there is a conspiracy of silence. No intellectual can be silent (around the law). As an intellectual, if you are committed to yourself, to the people, you need to speak the truth.188

- Dagoberto Tejeda Ortiz, Professor Emeritus of Dominican Folklore at the Universidad Autónoma of Santo Domingo

It was a hot day. I remember because I biked from Brooklyn. The church was full. There was barely an empty seat. "I am not afraid to say that the Dominican government is wrong," exclaimed Marino Zapete at Riverside Church in reference to the denationalization of Dominicans of Haitian descent.189 The crowd gave a huge applause. One of the highest paid journalists in Dominican Republic at the time, Zapete had been a voice for social justice for many years. A few months after his presentation at Riverside church, along with his co-host Edith Febles, Zapete announced that December 11, 2015 would be their last day on the air for their program El Despertador (The Alarm). The channel reported that the show would be cut due to financial reasons, however Zapete clarified that the show was taken off of the air because his journalism, "does not fit what

188 Dagoberto Tejeda Ortiz, Interview by Javiela Evangelista. Universidad Autónoma de Santo Domingo, Santo Domingo, Dominican Republic, 23 January 2014.
the market is buying. The market wants to buy a journalism that does not involve commitment (to social justice)" and as a result "we have been removed by power."\textsuperscript{190}

As the result of their advocacy for Dominicans of Haitian descent, several Dominican journalists in the Dominican Republic have been harassed and received death threats. While we waited for his press conference to begin at the SEIU 1199 office outside of Times Square during his visit to New York, journalist Juan Bolivar Diaz shared with me, "I have had many death threats because I speak the truth. But I am not afraid. As long as I can speak, I will speak the truth, regardless of the consequences."\textsuperscript{191} When the son of Nobel Laureate novelist Mario Vargas Llosa, and the head of the United Nations High Commission for Refugees (UNHCR) in the Dominican Republic, Gonzalo Vargas Llosa, denounced denationalization and compared it to the stripping of the citizenship of Jews in Nazi Germany, his father's books were burned publically.\textsuperscript{192} A movement also started, supported by 60 organizations, to name him persona non-grata.\textsuperscript{193} Persona non-grata literally means a person who is not appreciated and generally refers to a foreign person who is then prohibited by the country's government from staying in or going into the country. Furthermore, during a 2015 press conference where Jose Miguel Vivanco, Human Rights Watch (HRW) Director for Latin America, was to share his observations about human rights abuses against Dominicans of Haitian descent, there was interference

\textsuperscript{191} Juan Bolívar Díaz, Interview by Javiela Evangelista. SEIU 1199 Office: New York, New York. 13 May 2014b.
\textsuperscript{192} Diario Libre, "Declaran en Santiago Persona 'Non Grata' a Hijo de Vargas Llosa," Noviembre 13, 2013.
\textsuperscript{193} Diario Libre, "Declaran en Santiago Persona 'Non Grata' a Hijo de Vargas Llosa."
from media. Upon Vivanco's departure from the country, he was held and unable to leave from Las Américas Airport of Santo Domingo. Vivanco reported, "Once I arrived at the airport and went to the controls, a person from Immigration took my passport, I was told that there was a problem, that they have superior orders to check because your name is on a list of persons with a travel ban." Vivanco added, "I obtained help from the great journalist Juan Bolívar Diaz to get someone on line to resolve the situation. Around 7 am I had my passport. But the lesson was already taught. It was an abuse of power."

Juan Bolivar Diaz, Santo Domingo (Photograph 3)

Source: Author's Photograph

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196 Dominican Today, "Human Rights Watch Slams Dominican Republic Reporters' ‘Ambush.”
The censorship of Zapete, Vivanco and Bolivar Díaz is just the latest of many such abuses of power. They come, too, after a long history of, efforts by the Dominican state to mold knowledge production around race and nation in the Dominican Republic. To retrace this history of how racialized state power has been formalized in Dominican Republic, the first half of this chapter examines the manufacture of racialized national imaginations by the Dominican state, specifically in the years around the United States Occupation from 1916 to 1924 and during the dictatorship of Rafael Molina Trujillo from 1930 to 1961. The second portion of this chapter documents the lasting impact of these knowledge building projects, but also their continuity in state policy under the twenty-four year reign of Joaquin Balaguer (1960-1962, 1966-1978, and 1986-1996). The culmination of those efforts has been a set of practices and institutions that thrive in the Dominican Republic today, the emphasis of Chapter Two.

_U.S. Gold Fields_

The United States government used international policies and intervention to contribute to racialization in the Dominican Republic, the effects of which continues to have an impact on Dominicans of Haitian descent today. North American writer, Wilshire S. Courtney was commissioned by James Gordon Bennett, Sr., the editor of _The New York Herald_ and an advocate of United States annexation of the Dominican Republic, to write a book in support of annexation.\(^{197}\) His book, _The Gold Fields of Santo Domingo_ (1860) portrays Dominicans as passive and unable to care for their own land and, as a result, in need of economic and political intervention. Beginning with the book’s title, Courtney

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\(^{197}\) Ginetta E.B. Candelario, _Black Behind the Ears_, 51.
frames the Dominican Republic as a land with tremendous resources to be exploited. United States annexation of the Dominican Republic did not take place because the U.S. government's focus turned to the Civil War the year after publication. Courtney's book was followed on December 16, 1862 however, by a bill introduced to abolish slavery in the District of Columbia, which passed with an amendment to allocate financial assistance for the colonization of former enslaved people wanting to leave the United States. Among other things, the bill increased the potential clientele for the colony conceived by Cazneau and Fabens formed in New York the American West India Company in 1861 to encourage migration to the Dominican Republic. The company's prospectus announced the ownership of extensive lands near the capital city of Santo Domingo, a fertile area by the Osama River deemed ideal "for the introduction of a large number of agricultural homeless laborers from the United States for whom the United States government feels a responsible interest and who would find there a most desirable home." Even before the simultaneous United States occupation of the Dominican Republic and Haiti, European and North American officials such as Generals Cazneau and Fabens benefitted economically from racial divides that marginalized African Americans in the United States and sent them to the Dominican Republic.

While in the Dominican Republic in the mid-19th century, U.S. officials further reinforced racial hierarchies on the island by labeling Dominicans white, and Haitians as African descendants. This trend may also be observed in David Dixon Porter's visit to the Dominican Republic in 1844 on behalf of the United States government for a


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territorial expansion project. In his correspondence, Porter notes the "civility" of Dominicans and reinforced notions of difference by associating them with whiteness in opposition to Haitians. Furthermore, identifying Dominicans as non-Black, Secretary of State John C. Calhoun pushed for the recognition of the Dominican Republic by the United States, France and Spain in order to prevent "the further spread of negro influence in the West Indies." This racial conception of Dominican Republic must be contextualized in light of the U.S.'s fear that more Black nations would materialize as the U.S. observed revolts in Africa including Liberia and Algeria, Brazil and various parts of the Caribbean and the southern United States. Much of the discriminatory imagery of Haitian migrants and Dominicans of Haitian descent today, draws from such xenophobic concerns about Black or Haitian invasions and take overs. The Haitian Occupation of 1822 to 1844 from which the Dominican Republic gained its independence is at the center of these imageries. When I asked Bridget Wooding about the impact of the Haitian Occupation, she said, between 1822 and 1844 Haiti held sway over the whole island, something for which the Dominican Republic has never forgiven Haiti although the circumstances under which that happened are much disputed depending on whether you're reading Haitian or Dominican history books. That history has still got to be mediated in ways in which both countries can better understand it.

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202 Ernesto Sagás, Race and Politics in the Dominican Republic.
The United States' racial constructions of the Dominican Republic have varied depending on what was to be gained, among other things. In the years preceding the United States occupation of the Dominican Republic, the United States government and corporate entities manipulated the Dominican Republic's ambiguous racial and ethnic composition to fit the political and ideological standing desired.\textsuperscript{204} In the United States, public opinion sectors such as New York’s \textit{Evening Post} which published an article on September 2, 1854 in opposition to United States plans in the Dominican Republic, argued that, "the Dominican leaders were all either negroes or mulattoes and that the pure white population of the Dominican Republic was almost a negative quantity" which raised concerns about empowering a government "based on negro or mulatto supremacy."\textsuperscript{205} A few years later in support of Dominican President Santana, in opposition to Buenaventura Báez, General William L. Cazneau wrote,

\begin{quote}
'the Cabinet, Congress and the Courts are filled by white men' in contrast to the manner of a Báez whose party 'aims at placing the supreme control in the hands of negroes'. He in fact insisted that the return of Báez would lead to the annexation of the country to Haiti and the empowerment of 'blacks from the class most bitterly opposed to American interests'.\textsuperscript{206}
\end{quote}

In this case, Dominican Buenaventura Báez is portrayed as the racialized other who aims to empower Blacks, particularly Haitians.

\begin{footnotes}
\textsuperscript{204} Yadira Hazel, "Sensing Difference," 80.
\textsuperscript{206} Silvio Torres-Saillant and Ramona Hernandez, \textit{The New Americans}, 17.
\end{footnotes}
After years of economic exploitation and racially-biased hegemonic rule, the United States occupied the Dominican Republic in 1916. The year before the occupation, President Woodrow Wilson was adamant that U.S. citizens be appointed to all high posts in the Dominican government's cabinet. During the eight-year occupation, which ended in 1924, in addition to strategic changes to assist in the development of U.S. based companies, much like Cazneau and Fabens' America West India Company, the overall Dominican national economy was altered to benefit the United States’ government and corporations.

United States corporate modernization efforts superseded the development of Dominican national businesses. Traditional agriculture and cattle-raising was replaced by United States run sugar plantations. These modernized sugar plantations were technologically advanced, labor intensive and lucrative for the U.S. government and corporations, while furthering Dominican economic dependence on foreign markets. One of many policies implemented in favor of United States economic interests, the Tariff Act of 1919, allowed North American products to enter the Dominican Republic duty free. Labor conditions on the United States-run sugar plantations were deplorable. Among several violations, little if any clean drinking water on some plantations.

Simultaneously, the Dominican Republic's political structure was altered by the United States government. In fact, during the United States occupation, the Dominican

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Congress was suspended, the Dominican Supreme Court was stripped of its authority and the U.S. military governor was granted power to rule by decree.211 The United States government and military also censored Dominican culture and ideals. Pro-United States information was incorporated into Dominican educational curricula.212 The United States government placed baseball camps in the Dominican Republic to train Dominican youth. These Dominican trainees have traditionally earned significantly less than the salaries of United States trainees.213 The Dominican national sport of cockfighting was more or less replaced by American baseball.214

During the 1916 United States occupation of the Dominican Republic, driven by the jingo-like nationalism, many North Americans brought with them a denigrating attitude of superiority.215 Most enlisted men had little education. Neither officers nor enlisted men knew much about Dominican culture, and only a few could speak Spanish. U.S. officials and soldiers arrived unprepared and with hierarchical ideals. U.S. soldiers also brought an ingrained anti-black racism. The racialization of Dominicans and Haitians that preceded the United States occupation intensified as United States forces became increasingly militarized. Military Governor Harry Knapp noted that the Dominican people "are almost all touched with the tarbrush." 216 The marines brought with them patterns of white superiority and black subservience, as visitors noted that Dominicans

212 Silvio Torres-Saillant and Ramona Hernandez, *The New Americans*.
were at times recognized as spigs and niggers. When a writer accused marine officers of using the terms spig and spik, Governor Knapp came to their defense, questioned whether officers would do so, and denied that such language was hurtful to Dominicans.\textsuperscript{217}

The historical racialization of Dominicans and Haitians may be understood as a central component of the political and economic intervention of the United States government. Sumner Welles, who would go on to be President Franklin D. Roosevelt's Foreign Policy Adviser and later Under-Secretary of State, authored \textit{Naboth's Vineyard: The Dominican Republic (1844-1924) Volume One and Two} (1966, original edition published 1928). In this text, Welles provides an outline of United States economic, political and social strategies in the Dominican Republic. U.S. racialized perceptions of Haitians are vivid. The American Commissioner in Santo Domingo, Benjamin E Green wrote a letter to U.S. Secretary of State, John M. Clayton discussing the "possibility of acquiring the Samaná Province for the United States in exchange for 'giving notice to the Haitians that they must cease to molest this people.'\textsuperscript{218} Green insisted further that Haitian aggression had given "force and universality to the feeling in favor of whites in the Dominican Republic."\textsuperscript{219} With access to the entire island of Hispaniola, the U.S. government actively furthered divides between the two nations by integrating the same racist rhetoric that defined the Jim Crow era in the United States into the national fabric of the Dominican Republic.\textsuperscript{220}

\begin{thebibliography}{99}
\bibitem{calder2012impact} Bruce J. Calder, \textit{The Impact of Intervention}, 124.
\bibitem{welles2012naboths} Sumner Welles, \textit{Naboth's Vineyard}, 103-104.
\bibitem{dupuy1997haiti} Alex Dupuy, \textit{Haiti in the New World Order: The Limits of the Democratic Revolution} (Oxford: Westview Press, 1997); David Nicholls, \textit{From Dessalines to Duvalier: Race},
\end{thebibliography}
While U.S. intervention marginalized blackness in the Dominican Republic, hispanicismo increased. Hispanicismo is defined by April Mayes as "the elevation of cultural norms and values associated with Spain and Spanish colonialism." Essentially, the Dominican elite formed tight bonds with a Spanish tradition, in opposition to United States hegemony and militarism. Although potentially counter-hegemonic in reference to the U.S., hispanicismo omits African identification. Identifying with the Spanish was, for many Dominican elites, also a means of further distancing themselves from and effacing their African identity. As U.S. imperialism increased, Dominican intellectuals opposed the Nordic tradition that many assumed the United States represented. Evident in their nostalgia of the greatness of the Spanish and Portuguese empires, these critics did not oppose imperialism per se, they objected to the North American version. The one-race or racial democracy concept was formed and advocated in opposition to United States based constructs and policies. The inclination of Latin American intellectuals to see dichotomous value systems in the United States and the Spanish-speaking countries of the hemisphere fostered the practice of defining their region as one large unit in contradistinction to Northern traditions. In the context of hispanicismo and the Spanish

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222 April Mayes, *Mulatto Republic*.
223 Silvio Torres-Saillant, “The Tribulations of Blackness,” 137.
224 Silvio Torres-Saillant, “The Tribulations of Blackness,” 137.
226 Silvio Torres-Saillant, “The Tribulations of Blackness,” 137.
American War of 1898, United States imperialism helped to give relevance to the exclusionary one-race concept of a racial democracy in Dominican Republic as well.

Militarization was also central component of the United States' profitable racialization process in the Dominican Republic. During the United States Occupation of the Dominican Republic, the Dominican military was dissolved and the Dominican population disarmed. In its place, the Dominican National Guard (La Guardia Nacional Dominicana) was instated and trained by United States soldiers. The Dominican National Guard comprised of Dominican men, was trained to serve United States interests and quell anti-United States dissent.\textsuperscript{227} As a trainee and eventually Lieutenant with the Dominican National Guard, Rafael Trujillo Molina emerged as dictator of the Dominican Republic for the next thirty-one years during which time racial discrimination becomes a state-sponsored policy. The U.S. occupation in the Dominican Republic, gave rise to Rafael Trujillo as the Dominican face of a U.S. empire that was expanding throughout Latin America and the Caribbean at a rapid rate.\textsuperscript{228} Even now, under the History section of the current website for the Dominican National Army or Ejército Nacional Dominicano, the Trujillo administration which used the army as an instrument of tremendous racial repression, is acknowledged for molding the current police state,

During the administration of General Rafael L. Trujillo Molina, the Dominican Army would take the modern connotation of the army we know today, with its three distinct components and materials that would lend to enormous progress, plus a large share of responsibility for control of the country and sustaining the

\textsuperscript{227} Frank Moya Pons, \textit{The Dominican Republic}, 72.
\textsuperscript{228} Todd Miller, \textit{Border Patrol Nation}, 138; Glenn Hendricks, \textit{The Dominican Diaspora}, 15.
regime.\textsuperscript{229} The result of on-going political, economic and military collaboration with the United States government, Trujillo's empowerment continues to have an impact on racialization in Dominican society.

\textit{Genocide and Architecture}

I asked Ana Maria Belique of Reconoci.do if I could speak with some of the members of the group about their experiences with statelessness. She suggested I speak with Elena Lorac. Elena and I arranged to meet at Ana Maria Belique's house a few days later. In her early 20's a Dominican of Haitian descent impacted by denationalization, Elena worked at Centro Bonó a Jesuit organization that organizes and funds social justice causes. She spoke clearly and passionately about her continued oppression and the various levels of paralysis it created. A central concern of hers was the denial of the cédula de identidad, or national identity card, to Dominican nationals of Haitian descent based on assumptions that they were Haitian or foreigners.

A cédula is the main form of personal identification for Dominicans aged eighteen and above. It is a requirement for meaningful participation in mainstream Dominican society, as it is necessary to obtain legal employment, to open a bank account, to register for social security, and myriad other rudimentary tasks.\textsuperscript{230} After eating Ana's rice and chicken and doing hair treatments and braids for one another, we talked. Elena shared the

\textsuperscript{229} Ejercito Nacional Dominicano, Historia, Abril 13, 2013.
relevance of a cédula in the Dominican Republic and why it was such a violation to be
denied one,

Without a cédula you can’t do anything. In Dominican Republic, you need your
license or your ID to be able to work, move, get insurance, a bank account - to do
any transaction. If you don’t have it you are no one. I am dead civilly (muerta
civilmente). I can't do anything. I can't even have a cellular phone. The only way is
if someone else buys it in their name, so that I can communicate. And still I can’t
do anything. If I want to change the chip and I can't connect with the person
because they live far, then I can't do it. Imagine how I feel. I am in my own
country and of age to have my cédula and I can’t.

When we met, the deadline to apply for a new cédula was approaching in a few weeks.
The Dominican government required all Dominicans to apply for a new cédula that was
supposed to be updated and more modern.

Many Dominicans of Haitian descent had not been able to update their cédula, due
to continued racialized negation of their rights by the state. The Junta Central Electoral
(JCE), the government agency responsible for issuing cédulas, was established in 1923 as
a precursor to the United States withdrawal from the Dominican Republic in 1924. The
JCE was meant to ensure democratic elections after the withdrawal and as such, it also
served as a symbol of Dominican sovereignty. The cédula was developed a few years later,
and first issued in 1932 during the dictatorship of Rafael Molina Trujillo.231 Under the
Trujillo regime, all citizens had to apply for a cédula, which they were required to keep in

their possession and to present at polling stations for obligatory voting. The cédula outlived Trujillo and continues to be the mandatory national personal identification card and the basis for the Dominican electoral system today.

Given the multilayered approach to anti-Haitian nationalism under Trujillo, an analysis of his regime enables an evaluation of the historical intersectionality of denationalization and various factors that continue to marginalize Dominicans of Haitian descent and Haitians in the Dominican Republic: state policy, specifically related to the military, labor, migration and deportations; knowledge production and United States intervention. In opposition to nationalist arguments that the Trujillo dictatorship serves as an anomaly—an extreme example of anti-Haitianism that is not typical of Dominican states—the main modes and the aim of oppression during the dictatorship have continued to thrive, under new guises such the legalization of denationalization. It is important to historicize the practices of the state, as opposed to the ideals it projects. Furthermore, ethnographies of bureaucracies may assist with the interpretation of the discrepancies between the Weberian view of the fair and neutral state and the real ways in which the state functions.

During the Trujillo era, efforts toward effacing blackness culminated in what Yadira Hazel defines as four power seeking projects: removal of Haitians from the nation,

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234 According to April Mayes in the *Mulatto Republic: Class, Race and Dominican National Identity* (2014), anti-Haitianism did not end with the Trujillo era and it did not begin during the dictatorship either. Trujillo simply drew from long-held oppositional beliefs towards Haitians and solidified what became state sponsored anti-Haitian nationalism.
immigration, settlement of non-Black bodies, and displacement of Black identity for Dominicans. Trujillo's power-seeking projects elevated anti-Haitianism to the level of state sponsorship and policy. A culminating marker of his equation of the Dominican nation and himself, Trujillo changed the name of the capital city from Santo Domingo to Ciudad Trujillo. A central part of the new relationship Trujillo crafted between Dominican society and Dominican nationalism, reflective of his own life, was the marginalization of Black identity and ultimately the aim to obliterate it. Trujillo facilitated an ethnic cleansing and knowledge production that severed Haitians, Dominicans of Haitian descent and blackness from the Dominican nation through bureaucratic processes, publications and media, genocide and expulsion.

After eight years of domination by the United States, Trujillo took advantage of the Dominican search for a sense of national identity and cohesion. A former member of La Guardia Nacional, established by the United States government during the occupation, during his regime Trujillo used military force to promote fear and to create and enforce the boundaries of what it means to be Dominican. Highlighting the intersection between the production of knowledge, the military and state policy as modes of the historical racialization of Haitians and their descendants in Dominican Republic, he aimed to convince the Dominican masses that the military force of the dictatorship was necessary to protect the Dominican nation from Haitian infiltration. Trujillo presented his dictatorship as representative of all that is Dominican, in clear opposition to the United States and Haiti. He obscured what it meant to be Dominican by presenting himself as a symbol of the nation and of progress. This tactic came alive in the dictator’s use of merengue. In

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236 Yadira Hazel, "Sensing Difference," 82.
years prior to Trujillo's rise, merengue was disliked by many of the Dominican elite because of its popularity amongst the poor and the use of instruments from Africa. In celebration of the end of the United States occupation however, the Dominican elite began to close their events and dances with merengue. As music that is indigenous to the Dominican Republic, merengue provided the opportunity to celebrate national entities. Unlike other aspects of Dominican society that had been changed by the occupation, merengue remained explicitly Dominican, not American.  

Acknowledged by the Dominican elite at such a critical junction in the formulation of a national identity, merengue was proclaimed the national music by Trujillo. During his dictatorship, Trujillo developed his own personal big band to perform merengue music. While the country dances to Trujillo’s merengue beat, under the guise of national solidarity, he limited foreign investment and prohibited the airplay of merengue that did not emerge from his band or that failed to praise his dictatorship. Essentially Trujillo continued the hegemonic censorship of the masses that occurred during the United States occupation.

With the United States occupation over, Trujillo promoted the fear of Haitian “contamination” to further establish the “purity” and whiteness of Dominican national identity, and encourage acknowledgement of him as the savior of what he deemed to be Dominican purity- again centralizing himself and his self-perceived whiteness. Trujillo viewed himself as white and denied his Black ancestry, particularly the Haitian heritage.

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on his grandmother's side of the family. He was known to bleach and powder his skin in order to emulate whiteness and aimed to mold the nation as a reflection of his vision of himself. Towards this end, Trujillo made it state policy that all cédulas, the national identification cards at the center of denationalization today, use the term Indio to categorize all Dominicans. For Trujillo, it was more noble to have an Indian as a predecessor than an African slave. Dominican mulattos started to consider themselves Indio in reference to their claimed Indian ancestry. Thereby, mulattos, who made up the majority of the Dominican population at the time, essentially disappeared, to be replaced by the Dominican Indio. By standardizing national identity as Indio, Trujillo established the symbolic meaning system to define, legitimize, and reproduce it across generations. The intersectional use of policy and knowledge production racialized Dominicans in opposition to Haitians, which ultimately racialized Haitians and their descendants.

Under the Dominicanization of the Border Plan initiated in 1937, Trujillo not only used policy and knowledge production to marginalize Blackness from Dominican identity, he drew on these same strategies, along with military enforcement, to implement policies to remove black bodies from the Dominican Republic as a means of forming a whitened nation. Trujillo positioned Haitians as representative of African heritage on the island, when in fact the island’s entire population (or upwards of 90% depending on the

240 Todd Miller, "Wait-What are Border Patrol Agents Doing in the Dominican Republic?", 137.
calculation) was comprised of African descendants.\textsuperscript{245} Here there is the clear intersection between the production of knowledge, the military and state policy as a mode of historically racializing Haitians and their descendants in the Dominican Republic. This Dominicanization of the Border plan in 1937 was not the first effort to formalize a border between the Dominican Republic and Haiti, however.

In 1697 the Treaty of Ryswick established the western side of Hispañola as French and the eastern as Spanish.\textsuperscript{246} In 1777 the Treaty of Aranguez established a border, however it became non-valid after the Treaty of Basel in 1795, when Spain ceded the entire island.\textsuperscript{247} The Dominican frontier effectively became a border as a result of the Dominican-American Convention of 1907. The treaty brought the state into the daily lives of border residents for the first time.\textsuperscript{248} As authorities sought to siphon off the proceeds of Haitian-Dominican contraband, the treaty restructured frontier trade relations between the two countries. Race came to be marked not by skin color, but by an unstable set of symbolic associations linking Haitian vodoun (or vodou), fertility and value itself.\textsuperscript{249} The combined process of commodification and nation building reify difference, endowing people and their products with social power.\textsuperscript{250} Under the treaty the United States government continued to contribute to processes of racialization in the Dominican Republic. The Dominicanization of the Border Plan was set in motion with the Trujillo-
Vincent Agreement in 1936, which established the current border.\textsuperscript{251} Despite previous treaties, the Trujillo-Vincent Agreement was the first mutually agreed upon political border between the two countries.

The border of the Dominican Republic and Haiti has played a central role in the formation of state power in the Dominican Republic. The border has a privileged role in the Dominican Republic defining its national identity in relation to Haiti, and as the site where power relations on the island have been measured through the centuries.\textsuperscript{252} A central part of the 1937 Dominicanization of the Border entailed changes to curriculum, architecture and city names along the border in order to centralize Dominican culture and marginalize Haitian culture. Thus the national imagination was reshaped through the material restructuring of the area.

During this period, there was an intense Catholic educational campaign to marginalize Blackness from the Dominican national identity. At strategic sites in rural areas along the border, dozens of new churches and chapels were constructed and maintained by the government. Between 1936 and 1960, the number of schools in the border provinces increased from fewer than seventy to more than 250, giving the frontier zone almost the highest ratio of schools to area and population in the entire country.\textsuperscript{253} Compulsory education laws were more stringently enforced and teacher recruitment was more carefully supervised in the borderlands than in the other regions of the country. Curriculum development emphasized Dominican patriotism and culture. The government

\textsuperscript{252} Lauren Derby, "Haitians, Magic, and Money," 491.
\textsuperscript{253} John P. Augelli, “Nationalization of Dominican Borderlands,” 19-35.
also provided free books, lunch, and, in some cases, free clothing for students. Programs for adult education, aimed at illiteracy, followed similar protocol.

This was not unlike what happened in Western societies during the era of the French Revolution, when education was seen as a mode of introducing order. Citizens were molded to learn rational social life in a desperate attempt to regulate the deregulated. Ultimately, the notion of education stood for the right and duty of the state to form (the German concept of Bildung) its citizens and direct their conduct.\(^{254}\) Education stood for the concept and the practice of a managed society.\(^{255}\) Influenced by Enlightenment ideals, education was seen as a means to produce a new kind of human being.\(^{256}\) Thus confirming Chatterjee's insistence on the importance of the use of textbooks in forming nationalist history.\(^{257}\) The majority of Dominican intellectuals preferred to pursue their education in Europe at the turn-of-the-century, a time when Western thinkers were advancing blatantly racist theories of culture and human society. National school curricula in the Dominican Republic closely followed European models. Essentially, "the voices that sought to explain Dominican life tended to embrace conceptual paradigms prevalent in the West."\(^{258}\)

While developing the Dominican side of the border and establishing a physical boundary that was designed to marginalize Blackness, millions of dollars were spent on public construction projects, including hospitals, schools, political headquarters, military barracks, housing projects, and parks. Built in the “Hispanic” architecture style of concrete, homes of natural materials, many belonging to Haitian migrants, were

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\(^{256}\) Zygmunt Bauman, *Legislators and Interpreters*, 60.

\(^{257}\) Partha Chatterjee, *The Nation and Its Fragments*, 100.

\(^{258}\) Silvio Torres-Saillant, “The Tribulations of Blackness,” 138.
The new frontier units and adjacent provinces were christened with names such as Independencia (Independence), Libertador (Liberator), and Benefactor. Hundreds of public buildings and dozens of settlements were named after Dominican patriots, famous battles, and other symbols of national meaning. The Dominicanization of the Border also increased militarization. The frontier had a strong military and police presence.

Violence often accompanies the imposition of borders. In 1937, at the border of the Dominican Republic and Haiti, Trujillo ordered the killing of at least 12,000 and possibly over 20,000 Haitians (and Dominicans). Many Dominicans are killed, especially those with dark skin as well as anyone in opposition to his dictatorship. As Todd Miller notes, "like most borders in the world, the borderline between Haiti and the Dominican Republic was not simply drawn by friendly geographers," it has also been constructed by way of genocide.

When I asked Bridget Wooding, Director of OBMICA about important historical events that may help one understand the denationalization of Dominicans of Haitian descent today, she cited the 1937 massacre,

The 1937 massacre is the beginnings of this whole policy of 'needed but unwanted.' While we need Haitian migrant labor because Dominicans are not so keen on working in the cane fields, we can see that it's to our economic advantage, we really don't want Haitians creeping in all over the country. While we want the labor in the bateys, we'll give people a wake up call as to what we are

\[260\] Todd Miller, Border Patrol Nation, 140.
\[261\] Richard Turits, Foundations of Despotism; David Howard, Coloring the Nation.
\[262\] Todd Miller, Border Patrol Nation, 138.
capable of doing, if that freedom of movement is extended any further, which was the dictatorship's line on all of this. 263

Racialization in the context of the genocide is a territorial basis of aggression. Yet violence is not a manifestation of power. Power is defined in terms of consensual and concerted societal action, whereas violence is an assertion of physical or emotional strength that reflects impotent or waning authority. Violence is framed as preemptive defense of the racialized nation. A state that substitutes violence for power, illustrates its weakness. Oftentimes the divisions emphasized and produced serve as justification for violence. Furthermore, violence is not just physical, there is also emotional violence that can continue to live on in memory and in societies.

During the genocide of 1937, it had been reported that Trujillo's soldiers used the pronunciation of parsley, perejil in Spanish to determine if one was Spanish or Haitian. If they could not roll their r as a native Spanish speaker it was assumed that they were Haitian. In *Border Patrol Nation: Dispatches from the Front Lines of Homeland* Todd Miller describes a scene from Edwidge Danticat's *The Farming of Bones*, during the parsley massacre, when one of the main characters, Amabelle could not pronounce the word when asked by a soldier. The Dominican soldiers stuffed parsley in her mouth and the crowd attacked. As Amabelle laid limp, the "air vibrated with a twenty-one gun salute."264 Miller goes on to note that, "People stomped their feet, applauded and hurled rocks at the crumpled injured bodies of Haitians strewn throughout the plaza while the

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263 Bridget Wooding, Interview by Javiela Evangelista. OBMICA Office: Santo Domingo, Dominican Republic, 1 February 2014.
264 Todd Miller, *Border Patrol Nation*, 140.
Dominican national anthem thundered. In these border areas, it's as if only the twenty-one gun salute matters, not the broken bodies and shattered bones.\(^{265}\)

At Seton Hall University, ironically on the two year anniversary of Tribunal Constitutional ruling 168/13, Ex-President Fernández gave a speech at the World Leaders Forum. At front entrance of the building hosting the Forum, I observed Dominican flags waving back and forth, almost like shields blocking weaponry. Fernández supporters harmonized, but really mostly screamed the Dominican national anthem at us,

> Brave Quisqueyans, let's raise our song with vivid emotion! From the world to the face of the earth, show our unconquered glorious banner. Hail the nation who strong and intrepid, into war launched itself set to die! When in a warring challenge to the death, it's chains of slavery still it cut off!\(^{266}\)

A reporter for *The Setonian* documented, "The chanting of “Haitian lives matter!” contrasted greatly with the singing of the Dominican Republic national anthem in an unexpected event that occurred on the University Green at the end of the World Leaders Forum event on Sept. 23.\(^{267}\) Fernandez supporters used the national anthem to drown out the resonance of those on the other side of the grass who chanted "Haitian Lives Matter" in support of Haitian migrants and Dominicans of Haitian descent. It seemed the

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\(^{265}\) Todd Miller, *Border Patrol Nation*, 140.

\(^{266}\) ¡Quisqueyanos valientes, alcemos nuestro canto con viva emoción! Y del mundo a la faz ostentemos nuestro invicto glorioso pendón. ¡Salve el pueblo que intrépido y fuerte, a la guerra a morir se lanzó! ¡Cuando en bélico reto de muerte, sus cadenas de esclavo rompió!

Quisqueya is the name given to the island of Española (which houses both Dominican Republic and Haiti) by the indigenous Taino's according to Alan Cambeira in *Quisqueya la Bella: The Dominican Republic in Historical and Cultural Perspective*. (London: M.E. Sharpe), 1997.

Fernandez supporters believed the higher the octave of anthem, the less relevant the grievances for Dominican and Haitian lives displaced and lost. Like Miller noted, nationalism whether in the form of a 21 gun salute or anthem, often aims to cancel out and ultimately override racialization.

Limiting the movement of black bodies was another strategy of racialization that continues today and one of the four power-seeking projects to rid the country of blackness by the Trujillo regime that Yadira Hazel identifies. The Dominicanization of the Border Plan essentially entailed the wholesale expulsion, often by force, of thousands of Haitians in 1937 and later. All immigration from Haiti, except for seasonal laborers, was prevented by strict policing of the border and by discriminatory immigration policies that discouraged legal entry.

While Trujillo claims that the Dominicanization of the Border Plan which marginalized Haitians and Dominicans of Haitian descent aimed to protect the purity of the Dominican nation, the Dominican state encouraged the immigration and settlement of other immigrants, mainly Europeans and Japanese.\(^\text{268}\) For Trujillo, purity of the Dominican nation rests on its Spanish colonial and European legacy. He aimed to create a light complexion population who support his dictatorship and to Europeanize the Dominican racial composition.

The parallels between Trujillo and Hitler have been written about on several occasions: the style of moustache, form of dress, the dictatorial presence at parades and a willingness to commit genocide.\(^\text{269}\) Parallels may also be drawn between the current

\(^{268}\) Todd Miller, *Border Patrol Nation*.

denationalization of Dominicans of Haitian descent and the ethnic cleansing of Nazi Germany. During an interview with The Washington Post, Cassandre Theano, a legal officer at the New York-based Open Society Foundations, states that "the comparisons between the Dominican government's actions and the denationalization of Jews in Nazi Germany are justified," because the "denial of citizenship was one of the first acts perpetrated against Jews in Nazi Germany." 270 The article concludes, "In other words, 78 years later, these are the fruits of Trujillo's bloody campaign to sow anti-Haitian sentiment in the Dominican Republic."

The Central Electoral Board and Joaquín Balaguer

The Central Electoral Board or La Junta Central Electoral (JCE) is an institution that demonstrates the long-term impact of the U.S. occupation in the Dominican Republic. Established on April 12, 1923, under United States imperial rule and supervision, the JCE is a private entity that still today manages Dominican election processes. 272 The removal of the U.S. troops was tied to the holding of elections, which was the case again during the occupation four decades later. The U.S. military sponsored reforms and the U.S. government helped to oversee the naming of a provisional president and the enactment of new electoral laws, including the establishment of a separate electoral oversight agency, the Junta Central Electoral (JCE) or Central Electoral Board. Provisions were also made

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for proportional representation to ensure minority representation in the legislature.\textsuperscript{273}

The JCE was established as a "precondition" the year before the end of the occupation, to ensure democratic processes and it continues to manage the civil registry (registro civil).\textsuperscript{274} Although an autonomous entity with private financial controls, it works closely with the Dominican government. In fact the JCE acknowledges itself as a "constitutionally mandated body (Art. 92)."\textsuperscript{275} Today the JCE remains charged with the supervision and regularization of electoral processes. The JCE advertises its role as ensuring "popular participation" and "the effective exercise of citizenship in our nation." Its slogan: "Guarantee of Identity and Democracy" or "Garantía de Identidad y Democracia."\textsuperscript{276}

Provided that Sumner Welles, the author \textit{Naboth's Vineyard: The Dominican Republic (1844-1924)}, was the United States official responsible for the establishment of the JCE and the withdraw of the troops at the end of the occupation, it is not surprising that in partnership with the Dominican government, the JCE is currently the subject of tremendous alarm as the driving force behind denationalization. During the very first JCE supervised election, the electoral law of 1923 forbad the country's police and military from voting. Under U.S. supervision, Horacio Vásquez won the March 1924 elections and in words that resonate today, the losing candidate Francisco J. Peynado alleged that 'the complex web [la tupida malla] of irregularities prevented a large number of my sympathizers from exercising the right to vote.'\textsuperscript{277} Yet, the Central Electoral Board had

\textsuperscript{273} Jonathan Hartlyn, \textit{The Struggle for Democratic Politics in the Dominican Republic}, 38.

\textsuperscript{274} Eric Paul Roorda, \textit{Historical Dictionary of the Dominican Republic}, 161.

\textsuperscript{275} Junta Central Electoral. Official website.

\textsuperscript{276} Junta Central Electoral. Official website.

\textsuperscript{277} Jonathan Hartlyn, \textit{The Struggle for Democratic Politics in the Dominican Republic}, 38.
been advertised as an effort to put the power back in the hands of Dominicans and to transition to democracy. Furthermore, from its origins, until very recently, the JCE lacked the independent authority to prevent it from being ignored or taken over by authoritarian governments. After the inauguration of Vásquez and the naming of a coalition cabinet in July 1924, all U.S. marines withdrew.

Trujillo also used the JCE to his advantage. The second election supervised by the JCE took place in May 1930 after Rafael Trujillo took power in February of that year. Determined to win at any cost, Trujillo-guided supporters attacked the JCE office, and for the rest of his dictatorship, the JCE would function at his service by staging elections either of the dictator himself or for one of his puppet presidents.

The United States returned to the Dominican Republic in 1965 under the guise of democratic assurance, however the U.S. government removed Juan Bosch who had been democratically elected in 1962. Juan Bosch opposed the United States but supported dictator Rafael Trujillo. The JCE was the instrument of the United States-facilitated election of 1966, which ended the military occupation (called Operation Power Pack) and brought Joaquín Balaguer, one of Trujillo's affiliates, to power. During Balaguer's twelve years in office, the JCE managed the tainted polls that kept him in power until 1978. In 1965 and 1966, under Joaquín Balaguer, the Dominican Republic received more U.S. aid than any other Latin American country and throughout the 1960's, more per capita than

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countries including South Korea.\textsuperscript{283} During the 1978 election, when Balaguer tried to stop the count of votes much like Trujillo did, U.S. president Jimmy Carter, convinced Balaguer to let the JCE to count the votes without interference, which led to his defeat by Antonio Guzmán, the candidate of the Partido Revolucionario Dominicano (PRD).\textsuperscript{284} Joaquín Balaguer returned to the presidency in 1986 and continued to manipulate the JCE in the widely discredited elections of 1990 and 1994.\textsuperscript{285}

For over two decades, Balaguer had great opportunities to accumulate mnemonic capital and he furthered the marginalization of Blackness by the Dominican state.\textsuperscript{286} He used clientele tactics, such as charity drives and paternalist rituals involving food and gifts and national holidays to gain support and dependency.\textsuperscript{287} Balaguer's method of control was to manipulate representations of his political enemies as unpatriotic, dangerous, inexperienced or Communist; he also contributed to ideals of Dominicanness (Dominicaness) based on Hispanophilia.\textsuperscript{288} Balaguer argued that "an intact Spanish culture lived in Santo Domingo and that the Dominican Republic will continue to be forever and ever a nation with its own flag, a nation addicted to Iberian culture, unlike Afro-French Haiti."\textsuperscript{289} This political cosmology of anti-Haitian sentiment may be found in his works \textit{The Upside Down Island: Haiti and the Dominican Destiny} (1984) and \textit{The Guardian of the Frontier: Life and Accomplishments of Antonio Duverge} (1994) as well as in his speeches. He idealized Spanish colonial figures like Nicolás de Ovando, defined as

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286 Ana S.Q. Liberato, \textit{Joaquín Balaguer, Memory, and Diaspora}, 54 & 56.
287 Ana S.Q. Liberato, \textit{Joaquín Balaguer, Memory, and Diaspora}, 60.
a great civilizing force. He was also invested in stabilizing Dominican nationalism by instilling pride in Spanish Catholic ancestry and anti-black sentiment, thus creating profound differentiations.

Today, Joaquín Balaguer's discriminatory views and the Central Electoral Board's biased perspectives continue to have an influence. In *Joaquín Balaguer, Memory, and Diaspora: The Lasting Political Legacies of an American Protégé* Ana Liberato analyzes a 2012 exhibit at the JCE headquarters in honor of historical figures demonstrating a "noble philosophy." The exhibit recognized contributions to national development and democracy by Joaquín Balaguer, Juan Bosch, José Francisco Peña Gómez, and Manuel Aurelio Tavárez Justo for helping "forge the democratic environment of the last fifty years." By using a democratizing framework to frame Balaguer's role in Dominican history, the JCE homogenized the political leaders. It also reinforced a positive, consolidated democratic development that suggests a singular and consensual path of democracy.

In order to keep alive the memory of the 1937 genocide, Edward Paulino and other members of organization Border of Lights conduct an annual trip to the border of Dominican Republic where they conduct several activities of commemoration and remembrance. At a talk at Riverside Church, on February 16, 2014, historian Edward Paulino told the audience, "The state has tried to erase this from our memory, but we go

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293 Ana S.Q. Liberato, *Joaquín Balaguer, Memory, and Diaspora*, 16.
every year to remember, to honor. It is a powerful experience for me." Paulino shared how the impact of the genocide has endured in ways that are tangible and in ways that are not. Remembering is an important act of resistance and resilience because the violent imposition is often diminished or concealed in order for territorial democracy to perform its legitimizing functions. Remembering works in opposition to the politics of forgetting, the idea that the brutality and violence must be obliterated from memory.

Statelessness in Dominican Republic, Edward Paulino, New York (Photograph 4)

Source: Author's Photograph

Denationalization and the suppression of progressive voices in journalism serve as a vehicle for the Dominican state to continue to produce racialized knowledge of what it means to be a modern state, of what it means to be Dominican. At the border, as frontier Dominicans became part of the nation as citizens, the Haitian community came to be

294 To learn more about Border of Lights and the annual trip in remembrance of the genocide, visit: http://www.borderoflights.org
295 Todd Miller, Border Patrol Nation, 139.
labeled as foreigners threatening the body politic and as a result, official anti-Haitianism in the Dominican Republic, the reigning national dogma since the massacre, changed the meaning of the border, seeking to make what was previously a permeable frontier into "an immutable scar" and thereby introducing hierarchy into a previously horizontal paradigm of difference. This scar continues to grow today; yet referring to footpaths along the border made by Dominicans and Haitians, Lauren Derby notes, "These walkways silently attest to the popular denial of the official border, marking in space the arteries of a common Haitian Dominican culture that transgresses the national divide imagined by elites in respective capitals." 

296 Lauren Derby, "Haitians, Magic, and Money," 489 & 491.  
Chapter Two: Modernity

Expanding Borders, Limiting Freedom

In 2004, Robert Bonner, the Commissioner of the United States Customs and Border Protection (CBP) stated that the United States is "extending our zone of security, where we can do so, beyond our physical borders- so that American borders are the last line of defense, not the first line of defense." Since the post-9/11 war on terror, there has been an increase in the militarization of borders, especially in areas where the United States has exercised influence. By extending the limits of the United States border, the United States government presumes it may stop migrant or immigrant attempts to enter the U.S before reaching the shores of the U.S. In fact, the 2004 United States 9/11 Commission Report states, "9/11 has taught us that terrorism against American interests 'over there' should be regarded just as we regard terrorism against Americans 'over here.' In this same sense the American homeland is the planet." Border defense is envisioned as a significant part of border control and, ultimately, as a global mission. The United States CBP has trained Iraqis on border control and they were also involved in World Cup security efforts in South Africa. In fact, since October 2002, more than 15,000 foreign participants in more than 100 countries have taken part in CBP training sessions.

298 Todd Miller, "Wait- What are Border Patrol Agents Doing in the Dominican Republic?" 4.
299 Todd Miller, "Wait- What are Border Patrol Agents Doing in the Dominican Republic?" 2.
300 Todd Miller, "Wait- What are Border Patrol Agents Doing in the Dominican Republic?" 3.
Borders may be viewed as territorial limits defining political entities, states, in particular and legal subjects. Whereas boundaries may mostly be social constructs that establish symbolic differences between class, gender or race, for example, and create identities of national, ethnic, or cultural communities.\textsuperscript{301} Evaluating the construction of borders and boundaries alongside one another, enables a more nuanced understanding of the racialization of immigrants, migrants and, ultimately, citizenship. Denationalization, creates new boundaries on citizenship, crafting territorial borders by way of deportation, barred re-entry and other strategies.

The Land Border Security Special Forces Unit in Dominican Republic, or Cuerpo Especializado de Seguridad Fronteriza Terrestre (CESFRONT), was established in 2006, after 'U.S. experts' reported that there was "a series of weaknesses that will lead to all kinds of illicit activities" on the Haitian-Dominican border.\textsuperscript{302} These experts also noted insufficient Dominican army facilities and in many cases, the bad condition of the facilities including the lack of training, weapons, and vehicles as well as low wages and poor nutrition. Their report was never presented publically, but it was shared with the press. The U.S. team recommended the deployment of helicopters in the region and the creation of a Border Guard.\textsuperscript{303} A month after this report, Dominican President Leonel Fernández issues a presidential decree creating CESFRONT.\textsuperscript{304} By 2009, CESFRONT

\textsuperscript{301} Didier Fassin, "Policing Borders, Producing Boundaries," 214.
\textsuperscript{303} Todd Miller, \textit{Border Patrol Nation}, 141-142.
\textsuperscript{304} Todd Miller, \textit{Border Patrol Nation}, 141-142.
was funded and trained by the United States government.\textsuperscript{305} When Todd Miller asked CESFRONT commander at the Santo Domingo Headquarters, Colonel Orlando Suarez, if there was a connection between United States border control and the Dominican border control, in reference to the latter, Suarez replied, "Of course, they have an office in U.S. Embassy."\textsuperscript{306}

There is an international economic market for border control.\textsuperscript{307} The global market for all homeland security and emergency management will reach $544 billion annually by 2018, according to recent estimates.\textsuperscript{308} Businesses and governments alike can reap significant economic profit from the making and expansion of border control. Once again, the greatest increases in United States activity are where there are economic and political interests. As discussed in Chapter One, when evaluating United States governmental and corporate interest in the Dominican Republic historically, this trend is evident as well. Border control is the manifestation of a vision of global geopolitics where human beings in need are corralled, their free movement criminalized and their labor taken advantage of.\textsuperscript{309}

\textsuperscript{305} Todd Miller, \textit{Border Patrol Nation}, 136; Todd Miller, "Wait-What are Border Patrol Agents Doing in the Dominican Republic?, 3. \\
\textsuperscript{306} Todd Miller, "Wait-What are Border Patrol Agents Doing in the Dominican Republic?, 3. \\
\textsuperscript{307} Didier Fassin, "Policing Borders, Producing Boundaries," 215. \\
\textsuperscript{308} Todd Miller, "Wait-What are Border Patrol Agents Doing in the Dominican Republic?, 2. \\
\textsuperscript{309} Todd Miller, "Wait-What are Border Patrol Agents Doing in the Dominican Republic?, 4.
Statelessness in the Dominican Republic has been in the making for some time. The 1865 constitution of the Dominican Republic notes in Article 5 that "Dominicans are: 1) All those who were born or will be born in the territory of the Republic, regardless of their parents." From the 1929 constitution until the 2010 constitution, Dominican citizenship was considered as the right of "All persons born in the territory of the Republic with the exception of the legitimate children of foreigners resident in the country in diplomatic representation or in transit." In other words, Dominican citizenship has been based in birthright or jus soli, the right of all persons born in the Dominican Republic between 1929 and 2010 to have citizenship.

The Inter-American Commission on Human Rights reported that since visits to the Dominican Republic in the 1960's the Dominican government has highlighted the presence of Dominican citizens of Haitian descent as problematic and warranting state intervention. Indicative of this position, in 1969 Manuel de Jesús Estrada, one of the directors of the Office of the Director General of Immigration, sent a notice to President Joaquín Balaguer:

This serious problem the country is facing because of the many Haitian nationals, who have passively invaded our territory in massive numbers, is compounded by the fact that they are having children with Dominican women, children who, because they were born here, are Dominicans. Their numbers are an alarming

310 IACHR, "Situation of Human Rights in the Dominican Republic," 70.  
311 IACHR, "Situation of Human Rights in the Dominican Republic," 70.  
312 IACHR, "Situation of Human Rights in the Dominican Republic."
magnification of the invasion that ultimately poses a real threat to our nationality. With the passage of time, the enormous nucleus of Haitians (estimated to be some 250,000 at the present time) will increase in number for the reasons previously explained, and the day is not far off when they will number one million. If this situation is not somehow stopped in time, it will -I repeat- pose a real threat to our nationality and to the very security of the country and the State.\textsuperscript{313}

The state's emphasis on a passive invasion places the onus on Dominicans of Haitian descent, rather than acknowledging the state's facilitation and encouragement of Haitian migration to the country under CEA contracts and other measures (to be discussed in Chapter Five). The IACHR notes that the establishment of the children of Haitian migrants in the country is a natural consequence, essentially, of the Dominican state's migratory policies and the clandestine acquisition of Haitian migrant labor.\textsuperscript{314}

In 1976, a few years after Manuel de Jesús Estrada sent the memorandum, the Secretary of the Armed Force Major General Juan Rene Beauchamp Javier also sent a letter to President Joaquín Balaguer advocating for a law under which migrant workers could be classified as 'foreigners in transit.\textsuperscript{315} The recommendation applied to migrant workers, not all foreigners. Thus, clearly targeting Haitian migrant workers who comprise the majority of the migrant population in the Dominican Republic by a far margin. Even if it applied to all foreigners, Haitian migrants are implied as they comprise the majority of foreigners in the Dominican Republic, "according to recent research, the official foreign

\textsuperscript{313} IACHR, "Situation of Human Rights in the Dominican Republic," 59.
\textsuperscript{314} IACHR, "Situation of Human Rights in the Dominican Republic," 57.
\textsuperscript{315} IACHR, "Situation of Human Rights in the Dominican Republic," 59.
population figures for the Dominican Republic was 524,632 in 2012, out of which
458,233 were Haitian—mostly with irregular status—and 66,399 were of ‘other
nationalities.’”

In 1991, twenty-two years before the passing of Tribunal Constitutional ruling
168/13, when the IACHR visited the Dominican Republic, IACHR delegates noted the
denial of paperwork to Dominicans of Haitian descent. The IACHR notes that during their
visit, in violation of the Dominican constitution which guaranteed jus soli, citizenship by
birthright, Dominican authorities maintained that "if the individual is the child of persons
with irregular immigration status, his or her migratory status is also irregular even if he or
she was born here.”317 The IACHR observed a dual violation of rights: 1) the revocation of
jus soli, birthright, and the 2) intent to pass on the exclusionary status of migrant parents
to Dominicans of Haitians descent.

Many Dominicans of Haitian descent have been denied nationality upon birth in
hospitals and at the civil registry in the Dominican Republic, even when it was their
constitutional right. It is evident in early IACHR reports, that Dominicans of Haitian
descent have been denied paperwork for many years. This discriminatory de facto system
of negating paperwork became officially authorized in the Dominican Republic in 2004,
with the passage of Migration Law 285-04 which replaced a law in effect since 1939 and
expanded the category of “foreigners in transit,” previously in reference to those visiting
for a maximum of 10 days, to include non-residents, such as undocumented Haitian

316 Natalia Lippmann Mazzaglia and Pedro F. Marcelino, "Migratory Policy as an
Exclusionary Tool," 169.
migrants no matter how long they had been living in the country. With this legal backing, migration authorities and the Junta Central Electoral (JCE) refused Dominican-born children of Haitian immigrants certified copies of their birth certificates with greater consistency and force.

In October 2005, the Dominican Republic was condemned by the Inter-American Court of Human Rights in the case Yean and Bosico v. Dominican Republic for denying birth certificates to two Dominican girls of Haitian descent in 1997 which left them stateless. The denial of their birth certificates was a violation of the Dominican Republic's constitution and Articles 20 and 24 of the American Convention on Human Rights. Without a birth certificate cédula cannot be acquired and without a cédula, a child cannot go to school, have access to healthcare or obtain many other essential civil liberties.

On March 29, 2007, the Dominican Central Electoral Council (JCE) issued Circular 017 which officially instructed its employees to deny paperwork to children born to undocumented immigrants. Circular 017 violated Article 8.5 of the Dominican Constitution, Articles 6, 31 and 89 of Law 659 concerning acts of the state and Article 6 of the Electoral Law 275-97. As noted previously, when Juliana Deguis requested her cédula, her birth certificate was retained in the process. She was refused receipt of her

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320 Amnesty International, "Dominican Republic Withdrawal Top Regional Human Rights Court Would Put Rights at Risk."
cédula due of the "Haitian" sound of her last name.\textsuperscript{323} When she made a claim in opposition to this violation, the Dominican court ruled against her and ultimately thousands of others whose paperwork had been unjustly denied.

Next, in 2010, the Dominican constitution was changed to eliminate birthright citizenship. As previously mentioned, prior to 2010, under jus soli, those born in the Dominican Republic were entitled to citizenship by birthright. After January 1, 2010, Dominican nationality would no longer be provided to children born to undocumented immigrant parents. This change was the Dominican government's sovereign right. However, Article 18.2 of the 2010 Constitution recognizes the nationality of those who were Dominican nationals \textit{prior} to 2010.\textsuperscript{324} Post-2010, having at least one Dominican parent or jus sanguinis (birth right by blood) would be required to secure the citizenship of the child as birthright citizenship was removed with the 2010 constitution. It is the retroactivity that violates Dominican domestic law and international law. The same year, after the earthquake in Haiti, the legal marginalization of Haitians and Dominicans of Haitian descent increased. Immediately following the earthquake, the Dominican Republic responded positively, by providing a significant amount of assistance to Haitians in need. However, not long after the earthquake, the Dominican government changed its constitution out of fear of an influx of Haitian immigrants who would migrate into the

\textsuperscript{323} Allyn Gaestel, "Stateless in the Dominican Republic."
Dominican Republic. Furthermore, once news about the cholera epidemic in Haiti disseminated, the Dominican government rapidly closed its border to Haitians.

Although the children of one Dominican parent should be recognized as Dominican citizens post-2010 according to jus sanguinis in the 2010 constitution, women and children of Haitian descent, or those identified as such were disproportionately dispossessed. In an interview with Allison J. Petrozziello Coordinator of Investigations and Programs for the Observatory of Migrants in the Caribbean or Observatorio del Migrantes en el Caribe (OBMICA), she explained that several advocacy organizations in the Dominican Republic have observed that in violation of the constitutional rights of the child and their family, countless children who should be entitled to rights as dictated by jus sanguinis because they have at least one Dominican parent are having their citizenship negated. Allison Petrozziello is a white woman in her thirties who has lived in the Dominican Republic for many years. She works on issues of gender for OBMICA and also facilitates the study abroad program with students from Fordham University who visit Dominican Republic to address inequality with members of OBMICA.

According to Petrozziello, this unlawful marginalization generally occurs when the mother is a foreigner or assumed to be (often stereotypically based in phenotype, language or name), and the father Dominican. If the mother is determined to be a foreigner, the child is given a pink slip which places the child in a foreign registry, essentially denying them citizenship that they should be entitled to under jus sanguinis when one parent, in

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325 Daly Guilamo, "Dominican Funnies, Not So Funny," 63.
326 Daly Guilamo, "Dominican Funnies, Not So Funny," 63.
328 Two of the interns from the program briefly planned with me for a forum on human rights at Lehman College.
In this case the father, is Dominican. In a country where abortion is illegal and sexual and reproductive health services are limited, the pink slip process is another mode of gender discrimination that intersects with gender bias, xenophobia, racism and international human rights violations. Rosa Iris Diendomi Alvarez of Reconoci.do told me earlier "when I see that a Dominican woman of Haitian descent give birth, and even if the woman has her birth certificate or ID card, her child is given a pink certificate, which is for foreigners," it is comparable to modern slavery. Yet this series of changes to the above mentioned legal and social processes were just the stepping stones to the landmark Constitutional Tribunal ruling 168/13.

Although Constitutional Tribunal ruling 168/13 was issued on September 23, 2013 during the Presidency of Danilo Medina, as just discussed, significant legal reform toward Tribunal Constitutional ruling 168/13 had already been initiated during the Presidency of Leonel Fernández, particularly during his second term in office, from 2004 to 2012. Ten years before Constitutional Tribunal ruling 168/13 Fernández began to restrict the rights of migrants, and, as noted, such restrictions were later extended to citizens.

Although Fernández is not the current president of the Dominican Republic, he is still pulling strings. Under the presidency of Danilo Medina, Fernández’s wife, Margarita Cedeño de Fernández, was elected vice president in May 2012. When Fernández was invited by the School of Diplomacy and International Relations at Seton Hall University in New Jersey to speak in the Chancellor’s Suite as part of the World

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Leaders Forum, I observed a protestors label Fernández "the architect of denationalization" in the Dominican Republic because the laws implemented during his presidency set the stage for mass dispossession under Tribunal Constitutional ruling 168/13. In terms of Fernández's continued influence under Danilo Medina, Bridget Wooding adds,

More of the same, but with a nasty sharp edge to it because it shows where the ultra-nationalist really are coming from and what their end game is. And it shows the apparent weakness of the Medina government because it did not adequately predict the impact the sentence (ruling) would have. They chose the dead hand of the previous president (Fernández) which seems to be moving marionettes in terms of what's going on.  

*Rise with Progress*

So those are the advances that we've had in our country, where the law that should protect the things that should be done to benefit the population, is instead excluding and mistreating hard-working people who have given everything for the functioning of the society.  

- Altagracia Jean-Joseph, Citizenship Rights Activist and Lawyer

As we walked through rows of books at the 2008 Féria Internacional de Libros (International Book Fair), my long-time friend Alicia said "it's even newer than the one in New York City," in reference to the new subway train in Santo Domingo, Dominican

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333 Bridget Wooding, Interview by Javiela Evangelista. OBMICA Office: Santo Domingo, Dominican Republic, 1 February 2014.
Republic. The Teatro Nacional metro stop across the street from the fair was where one of the largest subway unveilings took place. We got on the train, and she was right, it was brand new. There was the smell of fresh plastic and lots of bright lights. We took pictures, but rode only a few stops because it did not extend far out of the center of the city (especially at that point in its development). We could tell that many people had come on for the novelty of a ride. Just like us, they took a short journey without a particular destination.

Leonel Fernández, innovator of the Dominican subway plan and President of Dominican Republic from 1996 to 2000 and from 2004 to 2012, has been credited with bolstering the Dominican economy, as well as modernizing the nation. This theme of progress and modernity was emphasized in his 2008 campaign which carried the slogan: “Súbete al Progreso” (Rise with the Progress) and included the unveiling of the nation’s first subway transportation system. Symptomatic of a recent history of neo-liberalism, the reorganization of the relationship between the state and the market according to the logic of capitalism, in the Dominican Republic, during Fernández’s presidency, there was an increase in privatization, and an increase in poverty rates and reliance on the informal sector. While we met in her office, Bridget Wooding argued,

The Dominican government especially under Fernández had this vision that they could go from a Third World country to a First World country without "passing through go and paying 100 pounds." The trappings of modernity seemed to be

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important. So New York has a metro, we should have a metro, despite the fact that all of the studies showed that it would never be economically viable.\textsuperscript{336}

Fernández's presidency may be best understood as a culmination of processes, largely of economic and political reform, aimed at modernizing the country.\textsuperscript{337}

During Fernández' first term, from 1996 to 2000, he aimed for institutional and economic reform. He moved away from neo-patrimonialism and engaged the population with nationalist discourse.\textsuperscript{338} He also privatized entities such as the national electric company which opened other public companies to private investment and encouraged investment by foreign companies and Dominican immigrants abroad. In turn came a three

\textsuperscript{336} Bridget Wooding, Interview by Javiela Evangelista. OBMICA Office: Santo Domingo, Dominican Republic, 1 February 2014.

\textsuperscript{337} From the 1940's to the 1980's in the Dominican Republic, import substitution (ISI) was the government's vehicle for economic progress. ISI was based on the protection of certain local industries and the expansion of internal markets, fostering state intervention in the economy through the creation of barriers to protect local products and an indirect salary to ensure the reproduction of the labor force. Most notoriously under President Balaguer, Law No. 299 for the Protection and Incentive of Manufacturing, export directed agricultural industries such as sugar cane were at the center of ISI. Balaguer protected firms and granted cheap labor to corporations by not providing welfare options or subsidies. This shift in labor resulted in the rise in the middle class. By the 1970s, given global increases in oil prices, many countries in the Americas experienced economic crisis and as a result, reliance on ISI declined in the Dominican Republic. On the other hand, the 1980's gave rise to neo-liberalism. Although in place since the 1960's, the free trade zone industry rose in the Dominican Republic in the 1980's because of the 1) devaluation of Dominican currency conducted in 1983 as a part of the stabilization policy agreement signed with the International Monetary Fund (IMF), and also due to 2) the launching of the Caribbean Basin Initiative (CBI) by the Reagan administration, which promoted imports to the United States from the Caribbean Basin countries. Given openings in migratory processes for various reasons, including the Caribbean Basin Initiative, migrant remittances also became one of the main sources of foreign revenue. Structural adjustment policies led to a dramatic increase in informal exchange. In 1999, President Balaguer announced an initiative to broaden the country’s economic base by attracting high-technology firms to the Dominican Republic. Balaguer's investment in the public good and infrastructure including roads and memorials in part in response to IMF and structural adjustment, won him great popular appeal.

\textsuperscript{338} José Itzigsohn, \textit{Developing Poverty}. 
During Fernandez's second term, the term when he unveiled the subway system, he gained in popularity for bolstering the Dominican economy. In 2009, the poverty rate fell in the Dominican Republic, from 34% to 3%.\textsuperscript{340} In 2010 there were no signs of stress in the banking system and Fernández increased pay in the public sector in 2011.\textsuperscript{341} Bridget Wooding reflected on what the economic prosperity of the Fernández presidency meant and continues to mean for most Dominicans on an everyday basis,

Over the last 50 years or so there have been few countries that have reached Dominican Republic's economic record, but at the same time the gaps between the rich and poor have grown wider not just for ethnic minorities but for poor Dominicans. This exclusion is having consequences. While there is a rhetoric about bettering the lot of the poor, it is always done in top-down ways where eventually the most vulnerable will not benefit. An example is the Tarjeta Solidaridad (Solidarity Card). The basis on which that was drawn up was to support poor families, but you needed documentation to take advantage and of course many of the poorest families don't always have documentation. The

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\\textsuperscript{339} José Itzigsohn, \textit{Developing Poverty}, 51.
\textsuperscript{341} International Monetary Fund, "Dominican Republic," 9.
government was blinkard to resolving poverty and preferred to leave out ethnic
minority groups such as Haitians, when they are in every niche of the economy.\textsuperscript{342}

The Dominican state has relied on the IMF’s 'structural adjustment' ideal of free
trade, privatization, currency devaluation and lessened investments in social spending. As
Wooding mentioned, the cost of this framework has been high for most Dominicans,
particularly those of Haitian descent. Basic jobs, such as assembling in Free Trade Zone,
offered low wages, and tourism came with few jobs for the poorest Dominicans. While
exports have declined, direct foreign investment has increased. Greater exposure to the
global market under structural adjustment policies has resulted in a decline in the
agriculture sector, as farmers cannot compete in the global market.

Neoliberal strategies are widespread, so it is important to explore possibilities for
advocacy on behalf of those who are politically excluded. We can learn quite a bit from
\textit{Devil Behind the Mirror: Globalization and Politics in Dominican Republic} (2014),
Steven Gregory's chronicle of his ethnographic research in Boca Chica and Andrés outside
of Santo Domingo, which highlights the outcomes of neoliberalism in the Dominican
Republic. Despite an ideal that development is available for all, Gregory illustrates how
there are really only a limited number of opportunities, especially for Dominicans of
Haitian descent and Haitian migrants who are not permitted central positions at the front
desks of hotels for example. Yet in these circumstances, Gregory illustrates, those on the
margins of neo-liberalism are able to make something from nothing and survive within
limited and discriminatory circumstances, often taking advantage of small openings to
create a life for themselves. Despite the promise of the Free Trade Zone, under neoliberal

\textsuperscript{342} Bridget Wooding. Interview by Javiela Evangelista. OBMICA Office: Santo Domingo, Dominica, Republic, 1 February 2014.
policy, *Devil Behind the Mirror: Globalization and Politics in Dominican Republic*, illustrates how the "well-known paradox of the development process in the periphery of the world system: Modernization, industrialization, and high rates of economic growth do not translate into universal formal employment."\(^{343}\)

Another defining measure of the Dominican state under Fernandez, the 1996 election that gave him his start as president, is known as one of the most racially charged elections in the Dominican Republic.\(^{344}\) In fact the 1996 election was initiated as a result of complaints of fraud during the 1994 election. On May 16, 1994, Joaquin Balaguer of the Social Christian Reform Party or el Partido Reformista Social Cristiano (PRSC) became President of the Dominican Republic for the seventh time. He defeated Francisco Peña Gómez, who had led in the opinion polls, by only 22,281 votes.\(^{345}\)

Peña Gómez was targeted during the 1994 elections not only due to class prejudice but also his Haitian background.\(^{346}\) He was born in Mao, Dominican Republic, to Haitian parents in 1937, the year of Trujillo's massacre. Orphaned as a result of the massacre, Francisco Peña Gómez overcame significant poverty. One of the central strategies of opposition was to position him as an outsider by, among other things, evoking imagery of a passive invasion of Haitians under his presidency. The PRSC, Balaguer's party, also launched ad campaigns insinuating that Peña Gómez's candidacy put the Dominican Republic's sovereignty in danger. One ad emphasized the need to "defend our sovereignty"

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\(^{343}\) José Itzigsohn, *Developing Poverty*, 1.

\(^{344}\) Only exceeded by the 1994 election two years prior, for which the 1996 election was to serve as a corrective.


\(^{346}\) Larry Rohter, "Jose Pena Gomez, 61, Rare Black Dominican Figure, Dies," *New York Times*, May 12, 1998.
and another featured a map of the island, overcast by a black hand taking over the island proclaiming that "they want us to speak creole." The National Progressive Force or el Fuerza Nacional Progresista (FNP) shared a video of Francisco Peña Gómez with a Brazilian healer. Edited with music and voice over, Francisco Peña Gómez appeared to be possessed by a spirit, while a girl trembled in the background saying that she was scared. On May 16, 1994, the day of the election, there were rumors of a U.S. invasion of Haiti and a video circulated of Haitians with Dominican voter's cards stating that they voted for "their candidate."

During the 1996 presidential election, Peña Gómez, mayor of Santo Domingo and member of the PRD, won the first round against Leonel Fernández of the PLD. Much like the 1994 elections, during the 1996 election season, oppositional campaigns were used to portray Francisco Peña Gómez as a threat to Dominican sovereignty thus evoking concern that he aimed to reunite the island under Haiti as Haitian President Boyer did from 1822 to 1844. By the beginning of May 1996, the government and its associates targeted black people on the assumption that they were foreign (i.e., Haitian) residents who may illegally have registered to vote to elect Francisco Peña Gómez. As Torres-Saillant states, "Blackness then continues to be relegated to the realm of the foreign in the land that originated blackness in the Americas."

350 Due to irregularities during the 1994 election, members of the PLD, PRSC and Dominican Revolutionary Party or el Partido Revolucionario Dominicano (PRD) signed a political agreement on August 10, 1994 for another election in 1996 and for modifications to the Dominican constitution which prohibited a President from holding the position for consecutive terms, which would not permit Balaguer to run in 1996.
Two weeks before the 1996 election, Fernández argued that about 25% of registered voters in the Dominican Republic were Haitian nationals. Francisco Peña Gómez's party the PRD responded that the Fernandez's party, the PLD, aimed to keep Dominicans of Haitian descent from voting. The PRD published ads in newspapers telling dark Dominicans and Dominicans of Haitian descent not to be manipulated and to vote.\(^{352}\)

Despite the racially motivated campaigns against him, Francisco Peña Gómez was the choice of the majority of the Dominican people, winning with 45.93% of the vote but short of the required 50%.\(^{353}\) Fernández was second with 38.94%.\(^{354}\) The Dominican people were not swayed by anti-Haitian tactics, however, with the support of Joaquín Balaguer, the standing president and after a run-off election, Fernández won the second round and was elected president, although by a slight margin. Juan Bolívar Díaz agrees that the treatment of Francisco Peña Gómez when he emerged as a possible presidential candidate exacerbated anti-Haitianism. The numbers of Haitians who were said to be prepared to vote was exaggerated by hundreds of thousands to eliminate Francisco Peña Gómez, one of the country’s most popular historical leaders.\(^{355}\) The 1994 and 1996 elections illustrate that Fernández, the PLD and his supporters used racist tactics to support his political agenda and secure the presidency. These circumstances paved the way for Tribunal Constitutional ruling 168/13 and also continue to define the conditions under which the law thrives today.

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\(^{352}\) Ernesto Sagás, *Race and Politics in the Dominican Republic*, 111.

\(^{353}\) Ernesto Sagás, *Race and Politics in the Dominican Republic*, 111.


Professor Emeritus of Dominican Folklore, Dagoberto Tejada Ortiz told me that modernity for the Dominican state "shows a lack of value for Dominican identity where there have been towns and people who have shown resistance in its pop culture heritage and in its traditions." He added, there has been a force to maintain identity... therefore modernity is a negation of the identity ....modernity is also a business for those who have power. They abandon the people and towns in agriculture...and leave us with scraps- the gains and commissions is a robbery by the state.\(^{357}\)

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\text{Dagoberto Tejeda Ortiz, Santo Domingo (Photograph 5)}
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\textbf{Source: Author's Photograph}

The processes that Tejeda Ortiz and Wooding describe, essentially globalization, have been facilitated by the reconfiguration of capitalism and by the transmission and

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\(^{356}\) Dagoberto Tejeda Ortiz, Interview by Javiela Evangelista. Universidad Autónoma de Santo Domingo, Santo Domingo, Dominican Republic, 23 January 2014.  
\(^{357}\) Dagoberto Tejeda Ortiz, Interview by Javiela Evangelista. Universidad Autónoma de Santo Domingo, Santo Domingo, Dominican Republic, 23 January 2014.
reproduction of deeply-embedded social hierarchies and prejudices rooted in a past marked by territorial concepts of belonging and civilization that generated, and were generated by, racial inequalities.\textsuperscript{358}

Although the overall Dominican economy thrived under Fernández, globalization and neo-liberalism had an adverse on poor populations living in peripheral areas, many who are now denationalized by the court’s ruling. Global markets of exchange today are part of a larger global order that has roots in racialization. In fact, European capitalist expansion by way of imperialism, indentureship, and slavery was crucial to the establishment of the first nearly-global markets of exchange (of both bodies and commodities) and markets.\textsuperscript{359} These strategies have created new institutional spaces through which processes of racialization have been managed and proliferated.\textsuperscript{360} It is ironic that Fernandez's vision of the Dominican Republic as a modern state did not include Dominicans of Haitian descent, but his modern imaginary was built upon decades of their labor and economic contributions. In a globalized economy, state power is often underestimated yet it continues to play a key role in structuring markets and in regulating labor markets.\textsuperscript{361} States influence labor supply through immigration and the informal economy is determined by the type of state regulation of economic activities and labor relations and the extent of the enforcement of the regulations.\textsuperscript{362} When I asked for Tejeda's Ortiz's reflections on Fernandez's strategies of governance, he shared, "it is a

\textsuperscript{358} Deborah Thomas and Kamari M. Clarke, "Globalization and Race," 306.
\textsuperscript{359} Deborah Thomas and Kamari M. Clarke, "Globalization and Race," 307.
\textsuperscript{360} Deborah Thomas and M. Kamari Clarke, "Globalization and Race," 306.
\textsuperscript{361} José Itzigsohn, Developing Poverty, 7.
\textsuperscript{362} José Itzigsohn, Developing Poverty, 9.
neocolonial process of creating poverty for the country, for elites who benefit economically.\textsuperscript{363}

\textbf{PART II: Legalizing Denationalization}

\textsuperscript{363} Dagoberto Tejeda Ortiz. Interview by Javiela Evangelista. Universidad Autónoma de Santo Domingo, Santo Domingo, Dominican Republic, 23 January 2014.
Chapter Three: Constitutional Tribunal Ruling 168/13

... a form of punishment more primitive than torture.

UNHCR, *Special Report on Statelessness*

Constitutional Tribunal ruling 168/13 began with Juliana Deguis, a Dominican woman, born in the Dominican Republic to two Haitian parents. After the Central Electoral Board or Junta Central (JCE) sequestered her birth certificate in 2008 and refused to issue her identity card, Juliana Deguis initiated a case against the Dominican government.\(^{364}\) The Constitutional Tribunal Court rejected her appeal, arguing that her parent's documents, at the time of her birth, did not prove their regular migration status in the country. Therefore, they were “foreigners in transit,” which relegated her status to foreigner as well. However, the Constitution in force at the time Juliana was born, established the right to citizenship for those born in Dominican territory (*jus soli*) with the exception of the children of diplomats and foreigners in transit. According to the constitution, in transit referred to a period of 10 days. Juliana's parents had been residing in the Dominican Republic for years.

On September 23, 2013, the Dominican Constitutional Tribunal issued a judgment in the case of Juliana Deguis. The Constitutional Tribunal is ultimately a high court to ensure that laws are constitutional. The judges of the Tribunal are subject only to the

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\(^{364}\) Inter-American Commission on Human Rights (IACHR), "Report on the 150th Session of the IACHR", May 13, 2014a; Inter-American Commission on Human Rights (IACHR), "Basic Documents in the Inter-American System."
Constitution and their decisions are final. The decision on September 23, 2013 was not merely for Juliana, but for all Dominican nationals of Haitian descent whose parents were now labeled as in transit, regardless of the amount of time they or their parents had spent in the country. Over 200,000 Dominican nationals of Haitian descent became stateless with this ruling which revoked citizenship that they were previously entitled to under Dominican law.\(^{365}\)

Within the Caribbean and the Americas, the Inter-American Commission on Human Rights (IACHR), a regional entity designed to work with the United Nations, has been central in addressing these types of human rights concerns. A "principal and autonomous organ of the Organization of American States ("OAS")", the mission of the IACHR, "is to promote and protect human rights in the American hemisphere."\(^{366}\) The IACHR emerged in the post-war era with the approval of the American Declaration of the Rights and Duties of Man at the Ninth International Conference of American States held in Bogota in 1948.\(^{367}\)

Six months after the decision, I sat in the afternoon open hearing held by IACHR in Washington, DC with members of We Are All Dominican, activists from New York against statelessness in Dominican Republic. Although scheduled to provide testimony, Juliana was not there. The void in the courtroom resounded. It was heard and felt by all of us. It was March 24, 2014 and Juliana was not there because she was barred entry to the United States by the Dominican government. Juliana's lawyers, Genaro Rincón, Manuel de Jesús Andrés y María Martínez argued that the letter from the State Department

\(^{365}\) IACHR, "Report on the 150th Session of the IACHR."

\(^{366}\) IACHR, "Situation of Human Rights in the Dominican Republic."

\(^{367}\) IACHR, "Situation of Human Rights in the Dominican Republic."
granting her entry to the U.S. should have sufficed for entry.\textsuperscript{368} Juliana would have more freedom of movement and be less reliant on such processes of approval if she had a passport, but she was unable to apply for a Dominican passport, not only because of Tribunal Constitutional ruling 168/13, but because her birth certificate had been confiscated by the state due to the Haitian sound of her name when she first initiated the case. Dominican authorities denied her exit from the country and stated that they did not have enough time to process the needed paperwork. In regards to Juliana's absence, the IACHR stated the following,

Moreover, a democratic State must not for any reason hamper the participation of persons under its jurisdiction in hearings and working meetings of the Commission. Along these lines, the Commission deeply regrets that the Dominican State did not provide a passport or travel document for Juliana Deguis Pierre so that she could participate in the hearing on the situation concerning the right to nationality of Dominicans of Haitian descent. Her participation had been proposed by the organizations that requested the hearing. Even though she did not have a passport, the government of the United States granted Juliana Deguis Pierre a special visa, which allowed her to enter the country to appear at Commission headquarters. However, the Dominican immigration authorities prevented her from leaving the Dominican Republic. This constitutes an obstacle, imposed by the Dominican State, to the operation of the Inter-American Human Rights system.\textsuperscript{369}

\textsuperscript{368} Suanny Reynoso, "Impiden Salida del País a Juliana Deguis, Sus Abogados la Representarán en la CIDH" 7 Días, March 24, 2014.
\textsuperscript{369} IACHR, "Report on the 150th Session of the IACHR."
Her seat remained empty at the 150th Session of the Inter-American Commission on Human Rights.

When I asked about her hopes and dreams before Constitutional Tribunal ruling 168/13, Altagracia Jean-Joseph shared,

Like all young people, not just from the bateys but, from anywhere in the world, youth who are born into extreme poverty always aspire to do more than what they have found, do a little more than their parents were able to do and change the reality of their lives. Although since 2007 we've been presented with problems getting our documents, there was a hope. There was a light at the end of the tunnel because it was a decision from one organism, the JCE. When we had that hope it was something more simple, in that it was a decision that was administrative and could have been resolved as an administrative decision. Although that administrative decision still suspended our lives and blocked our dreams for many years, we stayed fighting. When a person is drowning, one of the decisions they have is to continue swimming against the current with the two following hopes: one that somebody will see them and take them out and the other to show that they did not succumb to death, but they fought to survive. That's what we did in 2007 until 2013 when the ruling took place. A ruling that aggravated the situation because it wasn't just the small group that was reclaiming their rights and going to the Junta, but instead everyone who was like us with desperation.

Altagracia continues to highlight how Tribunal Constitutional ruling 168/13 marked a change from an administrative decision to a constitutional change, thus creating a significant legal change in the status of a group en mass. It also demonstrates an increased
commitment by the state to negate the rights of Dominicans of Haitian descent. Another step on top of years of disenfranchisement,

The ruling conceals all of the persons who are in this condition as the children of migrants from 1929 until the present. It aggravated my situation. Although in that moment I wasn't looking for protection, the ruling dictates that everyone is in the condition of Juliana Deguis -who are from parents who are foreigners from the 29th of April in 1929 until 2010 - are all in the same situation and need to go to a registry. We were treated as immigrants in the land in which we were born and so that aggravated my situation and damaged the few dreams that we had. It was no longer a decision from an small organism but rather from a Tribunal, which is a constitutional court and that is who should be giving us protection and who should be giving support. But they took away the hope we had to be to be able to stay afloat. Concerning this problem that affected us all, it now continues to affect us, but in more direct ways.\footnote{Altagracia Jean-Joseph, Interview by Javiela Evangelista. Residence, Santo Domingo, Dominican Republic. 23 December 2014.}
The Dominican government was questioned during the 150th IACHR hearing because the Central Electoral Board or Junta Central Electoral (JCE) claimed to process the requested paperwork for all of the cases with which they had been presented in an amount of time that would not have been physically feasible. During an interview when I asked Juan Bolivar Diaz, host of Uno Mas Uno TV program and journalist with Hoy newspaper about this discrepancy, he shared how the, "JCE said in only ten days they accomplished with lightning speed, a technical process 10.6 applicants per minute." During the IACHR hearing, when the witnesses asked the Dominican government about the impossible task of processing the paperwork at the rate they claimed, again we felt a

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void in the room, but this time the resounding silence of the Dominican members of state at the stand.

On August 1, 2014, months after Juliana was denied entry to the United States by the Dominican government, she finally received her cédula, which would enable civil liberties such as voting. Despite this improvement in her situation, her absence in the IACHR court spoke to the feeling of invisibility and nonbeing that came up time and time again in interviews, much like the sentiment shared in the "Ghost Citizen's in the Dominican Republic" news report by Amnesty International. Furthermore, Juliana's experiences throughout the years -the confiscation of her birth certificate in 2008, the 2013 judgment against her and thousands of others and her barred travel to in 2014 - illustrate the multiple silences and erasure facilitated by the state that affected an unknown number of people. The deficiencies of the Dominican state are laid bare in those experiences.

Arguments For

Common points in support of Tribunal Constitutional ruling168/13 and against claims that it is a violation of human rights and an act of racial discrimination include: 1) the Dominican state's right to sovereignty and to regulate its migratory policy as a domestic issue; 2) the option of Haitian citizenship and the centering of the Haitian government's responsibility to Dominicans of Haitian descent; and 3) the legal, social and

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372 IACHR, "Report on the 150th Session of the IACHR."
373 Amnesty International, "'Ghost Citizens' in the Dominican Republic."
economic support the Dominican government has provided to Haitians and Dominicans of Haitian descent.

A central argument of those supporting Tribunal Constitutional ruling 168/13 is the right of the Dominican state to sovereignty. Sovereignty refers to the ideas of independent rule by a country or institution over a certain territory or set of political concerns.\(^{375}\) At the World Forum event at Seton Hall University, Fernández stated that, "the Dominican Republic and Haiti are two sovereign entities that cannot be seen through the lens of the United States constitution, but rather their own."\(^{376}\) National sovereignty and social justice are at odds in Dominican Republic. There has been an emphasis on sovereignty to justify the Dominican government's lack of compliance with international law, but also to emphasize its distinction from Haiti. An example of the latter, a speech for the 1996 elections that was wrought with anti-Haitianism directed towards Peña Gómez and in support of Fernández, standing President Balaguer stated, "Everyone should live in their own house."\(^{377}\)

The Dominican government should expand notions of sovereignty to acknowledge a globalized world, however, due to colonialism and imperialism, especially under the hand of the United States government, claims of sovereignty offer important protection from, and a critique of, foreign intervention. Yet declarations of sovereignty may also justify non-compliance with the decisions of the Inter-American Court of Human Rights.

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\(^{376}\) Nicholas Zietlinger, "Protestors Picket at World Leaders Forum."


**"Cada quien debe vivir en su propia casa."**
In fact, in 2014, under claims of sovereignty, the Dominican government threatened to withdraw from the Inter-American Court of Human Rights after it handed down a ruling calling on the Dominican Republic to provide redress for human rights abuses suffered by Dominicans of Haitian descent and Haitians, as a result of illegal deportations, the denial of identity documents and arbitrary deprivation of nationality, among other violations. In turn, the Dominican government formally rejected the regional court’s ruling, dismissing it as “out of season, biased and inappropriate.” Only two weeks later, the Dominican Constitutional Court issued a decision concerning the country’s withdrawal from the Inter-American Court of Human Rights. International law recognizes that every state has a sovereign right to define citizenship. However, the denial of citizenship can leave populations without a state with which to seek recourse.

Despite the Dominican government's rejection of the human rights model, it started to adopt use of human rights language. As she reflected on the use of human rights rhetoric by the Dominican government, Bridget Wooding told me,

The Dominican Republic has been fully bought into the inter-American human rights system since the late 90's and it has discovered that it's going to be difficult, if not impossible, to extricate itself from international human rights without losing tremendous face in the circumstances. It's a matter of trying to engage better and in engaging better, there needs to be a certain willingness to have a certain level of legal expertise. Now this is coming in slowly and up until now it hasn't been enough to really deal with the issues in a full fashion. On the contrary, it seems to

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379 Amnesty International, "Dominican Republic Urgent Action Report."
be used in ways which are arbitrary and not necessarily moving towards proper solutions for the problems that we face.\textsuperscript{380}

Similarly, in examination of life after Chernobyl, Adriana Petryna argues that new state interventions changed the language of accountability and human rights in a new nation state, while furthering to the open-endedness of the crisis.\textsuperscript{381}

The Dominican government has also argued that migratory policy is a domestic issue and the state does not have the capacity to manage an influx of Haitian migrants. Furthermore, as each state may regulate its migratory processes, it does not warrant outside intervention. In a May 2011 interview with Listin Diario, Dominican ambassador to Colombia Julio Ortega Tous stated that the Dominican Republic does not "have the resources to carry Haiti's social burden."\textsuperscript{382} He also added that 80 percent of Haitians live in dire poverty and suggested the need for something greater than a "Marshall Plan" for Haiti, and instead a program of national rehabilitation with projects of large-scale reforestation and the distribution of propane gas to the Haitian people. This effort would be aided by the establishment of a development fund for Haiti, to be managed by the United Nations Development Program. When I asked Wooding if migratory processes threatened the capacity of the Dominican government to maintain economic stability. She responded,

\textsuperscript{380} Bridget Wooding. Interview by Javiela Evangelista. OBMICA Office: Santo Domingo, Dominican Republic, 1 February 2014.
\textsuperscript{381} Adriana Petryna and Karolina Follis, "Risks of Citizenship and Fault Lines of Survival," 404.
I don't think that there should be this disconnect between one and the other. I think there are ways in which the two can be harmonized. It's not sustainable to continue to exist on a low paid labor force, which may not have access to all of the labor rights. That's simply not sustainable in a globalized world. So it would be better to establish better standards interior standards in order for people to feel more fully. It would be better for the nation to be able to progress. If you create an underclass of people, who don't have access to education health services and are maybe disenfranchised from being able to vote, this creates a situation where social cohesion will be put at risk. So I think that the economic stability and human rights should be perfectly compatible. \(^{383}\)

In fact, in a model of accumulation by dispossession, the Dominican economy has thrived as result of Haitian migrant labor. During the Huffington Post Live segment with Nancy Redd, Pras Michél, known as a performer from *The Fugees* and also a personality featured in the film *Sweet Micky for President*, stated that Haitian leaders have to be held accountable. He exclaimed, "when they do deport these Haitians, what are they going to do? There are no resources there to provide for them. Everybody keeps stressing the Dominican Republic, but I think you have to stress Haiti also because the reality is that the Dominican Republic, technically they are in their rights to do what they want to do." \(^{384}\)

Michél's commentary illustrates that it is not just the Dominican government who believes that the Haitian government should be accountable in the crisis caused by discrimination and denationalization, but even some who disagree with Tribunal Constitutional ruling

\(^{383}\) Bridget Wooding. Interview by Javiela Evangelista. OBMICA Office: Santo Domingo, Dominican Republic, 1 February 2014.

\(^{384}\) Nancy Redd, "Dominican Republic to Deport Thousands Of Haitians."
168/13 and the deportations that followed, are asking for the intervention of the Haitian government. The Haitian state offers citizenship to the children of its descendants, therefore for some Haitian intervention seems like a viable solution, but it is the Dominican government that should tend to its citizens. In response to Pras Michél, Rachel Nolan, journalist with Harpers interjected,

The Dominican government has also been very quick to blame the Haitian government and I would just like to object that for the Dominican nationals, for those who had Haitian parents, but were born in the Dominican Republic, who are now subject to deportation, that is not Haiti's responsibility. That's again like saying you're going to deport Mexican Americans who were born in the U.S. and have U.S. citizenship. You're going to deport them to Mexico and tell the Mexican government that they need to deal with those people? You can't really argue that. However, I would love to see the Haitian government making provisions for some of the Haitian immigrants who are about to arrive on their doorstep. I agree on that front.385

There are many reasons that make deportations or even moving to Haiti an inhumane and unviable proposal for Dominicans of Haitian descent in the context of denationalization. In the removal of the citizenship of thousands of Dominicans of Haitian descent, the Dominican state has determined that they have Haitian nationality, when the Constitutional Court has no power to give someone the nationality of a foreign country.386

385 Nancy Redd, "Dominican Republic to Deport Thousands Of Haitians."
386 Natalia Mársmol, "Sentencia sobre nacionalidad viola al menos cuatro artículos de la Constitución". 7 Dias, September 26, 2013.
Many question whether or not all impacted by mass statelessness are *de jure* stateless or *de facto* stateless, because they have protection under international law and additionally in this case, citizenship under Haitian law as the children of Haitian nationals.\textsuperscript{387} Steven Gregory notes, "Given that Article 11 of the Haitian constitution establishes that 'Any person born of a Haitian father or Haitian mother who are themselves native-born Haitians and have never renounced their nationality possesses Haitian nationality at the time of birth,' persons born within Dominican territory of Haitian parents are not stateless."\textsuperscript{388} Despite the Dominican government’s proclamations, the international community has long viewed the problem of denial of essential paperwork as a human rights violation and an issue of statelessness, even before denationalization.

Furthermore, in order to secure the paperwork confirming Haitian citizenship, Dominicans of Haitian descent would have to go through lengthy and costly processes which are not always possible or guaranteed. These processes often require paperwork in that has been made unavailable to stateless populations. Ultimately, holding the Haitian government accountable would absolve the Dominican government of their responsibility to care for their own people. Illuminating additional concerns, Edwidge Danticat details the story of Deisy Toussaint,

Deisy Toussaint, a twenty-eight-year-old novelist and essayist, whose father is Dominican and whose mother is a Haitian immigrant...was initially denied a passport because of her Haitian name. It took Toussaint two and a half years to

\textsuperscript{388} Steven Gregory, *The Devil Behind the Mirror*, xvi.
get her passport, and she only received it after her father, who was living outside of the country, returned to the Dominican Republic to vouch for her.\textsuperscript{389}

In a piece titled “A Ver Si Lo Entiendo” (“Let Me Get This Straight”) Deisy Toussaint explains what moving to Haiti would be like for Dominicans of Haitian descent:

First, I have to find an academy to learn Creole. Second, go to Haiti, but since I have no passport I would need to hire a guide to secretly smuggle me across the mountains. (Crossing by river might be fatal as I do not swim.) Third, tell the Haitian authorities that they must give me a Haitian passport based on my ancestry. Fourth, as I presume that the process will not be quick, I must find a job in Haiti since I would have lost mine in Santo Domingo. Fifth, upon my return to the Dominican Republic, as a foreign legal entry, immediately apply for a residence permit to live in my own house.\textsuperscript{390}

The rigid and exclusive implementation of *jus sanguinis*, if, in practice, implemented along racial lines, can serve to deny whole populations of rights in what is often the only country they have ever known.\textsuperscript{391} In the course of our interview, Dagoberto Tejeda Ortiz agreed that Haitian citizenship should not be the primary focus, or relied upon as a solution to denationalization,

Since 1929 there have been generations and generations of human beings that are no longer Haitian that were born here that have never gone, many don't even speak

\textsuperscript{390} Edwidge Danticat, "Fear of Deportation in the Dominican Republic."
kreyol, don't have family in Haiti and it is their right to have their nationality, we are not talking about Haitians, but Dominicans.392

Furthermore, under international law and standards, the possibility that a child might be able to apply for nationality in another country at some point in the future does not mean that the child is not stateless at the moment.393 Although entitled to a nationality under international law the international community has not yet been successful in getting the Dominican government to comply. In the end, despite the possibilities offered by international law, without a real means of changing the status of the majority, Dominicans of Haitian descent remain denationalized.

On January 12, 2010, a 7.0 magnitude earthquake hit Haiti at a depth of 8.1 miles.394 Between 220,000 and 316,000 people were killed and 300,000 were injured.395 Initially, as a result of the earthquake, one and one half million people were displaced. As of March 31, 2015, 64,680 remained displaced.396 The devastation caused by the earthquake was significant and it continues to have an impact years later. It was reported widely that the Dominican Republic was the first to provide aid to Haiti after the earthquake. The day after the earthquake in Haiti, the Public Works Minister of the Dominican Republic, Victor Diaz Rua, reported to CNN that the Dominican government

395 CNN Library, "Haiti Earthquake Fast Facts"; Dean Preatorius, "Haiti, Japan & Chile Earthquakes."
396 CNN Library, "Haiti Earthquake Fast Facts."; Dean Preatorius, "Haiti, Japan & Chile Earthquakes."
was sending food including 10 mobile cafeterias that could make 100,000 meals daily, medicine and rescue crews, and large equipment to remove debris to Haiti.  

At New York City's Mayor Bill DeBlasio's press conference on denationalization and deportations in the Dominican Republic at the Malcolm X and Dr. Betty Shabazz Cultural Center in Harlem, I observed the protestors gathered outside. According to The New York Times, some of the protestors made correlations between assistance after the earthquake despite the Dominican Republic's limited resources and their decision to support Tribunal Constitutional ruling 168/13,

'I support it', Elisa Vilorio, a protester with the Dominican Advocacy Coalition, said of the new law. 'We opened our doors to Haiti because of the earthquake, but how are we supposed to take in millions of people? We don’t know who was born in Dominican Republic and who wasn’t'.

Some media outlets argued that Dominican assistance to Haiti indicated a new relationship, one that was reparative of historical conflicts. A 2010 CNN report titled "Dominican Republic aid to Haiti eases historic tensions," reported, that "the Dominican Republic's outpouring of support to Haiti is a reminder of how the less-than-friendly legacy between the two nations has been buried even deeper." Ernesto Sagás, agreed that in 2010 following the earthquake relations were at a high point compared to 20 or 30 years earlier and that relations between the countries at the presidential level were at high

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398 Annie Correal, "De Blasio Adds His Voice to Debate Over Dominican Deportation Law."
399 CNN, "Dominican Republic Aid to Haiti Eases Historical Tensions."
levels as well. However, neither increased support nor dialogue between officials can negate the mass disenfranchisement of denationalization and the deportations that ensued. In fact, exactly two weeks after the earthquake, January 26, 2010 marked "the entry into force of the new constitution which explicitly excluded children born in the country to foreigners without regular migration status from obtaining Dominican nationality by *jus soli.*"

In a youtube video titled "We Dominicans are Racist"/ Los Dominicanos Somos Racista," Dominican comedian Manuel Pimentel argues that Tribunal Constitutional ruling 168/13 does not indicate that Dominicans are racist. As of the time of publication, of the 22,551 views of Pimentel's video, there are 869 likes and 69 dislikes. He opens the video with a discussion of the 2010 earthquake and argues that it was a tragedy. Then he goes on to state:

"the Dominican Republic, being a poor country too, opened its borders to provide medical help and temporary relief to the country of Haiti. We were the first to go and help Haiti and not only that, we were the last to leave. We exhausted our own resources to help that country. We allowed the people of Haiti to enter the Dominican Republic without question so that they could be attended to in the hospitals of the Dominican Republic. We allowed the Barahona airport to be used exclusively to help Haiti."  

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400 CNN, "Dominican Republic Aid to Haiti Eases Historical Tensions."
402 Manuel Pimentel, "We Dominicans Are Racist" - (Subtitled) "Los Dominicanos Somos Racista" #ThatsDominicanHaiti, *YouTube*, June 27, 2015.
Protestor in Support of TC 168/13, New York (Photograph 7)

Source: Author's Photograph

Despite the argument that relations were bettered and that Dominican aid to Haiti negated discrimination, the natural disasters exacerbated existing racialized disparities associated with the environment, access to social services, poverty and security.\textsuperscript{403}

Following the earthquake, from January 2011 until August 2012 the Dominican newspaper \textit{El Listin Diario} published 44 comic strips that discuss Haiti and Haitians or display images of Haitians, usually when particular events that address Haitian immigration or politics were discussed elsewhere in the newspaper.\textsuperscript{404} The comic strips reinforced what the journalists were reporting on, while also symbolically drawing the

\textsuperscript{403} Deborah Thomas and M. Kamari Clarke, "Globalization and Race," 314.
\textsuperscript{404} Daly Guilamo, "Dominican Funnies, Not So Funny," 69.
Dominican-Haitian border.\textsuperscript{405} In "Dominican Funnies, Not So Funny: The Representation of Haitians in Dominican Newspaper Comic Strips, After the 2010 Earthquake," Daly Guilamo highlights how one comic bubble states "'Which has been the biggest Haitian invasion: Toussaint’s in 1801 Dessaline’s in 1805 or Boyer’s in 1822?'"\textsuperscript{406} The response that follows is "'the 2010 earthquake.'"\textsuperscript{407} This illustration demonstrates how the two white-skinned Dominicans males perceive Haiti as a foreign invader country and the Dominican Republic as victimized by Haiti.\textsuperscript{408} In another comic, after highlighting the statements, "'You Dominicans are mean, with the Haitians'" and "'You have to allow that all of the sick people with cholera enter [your country]," Guilamo notes that

The Pan American Organization of Health, depicted as a white male in a white coat, wearing a black tie, is intervening in Dominican foreign policy. Don Chichi, one of the main characters of the series, represents the Dominican Republic. A black body, with a skull-head, however, represents Haitians, symbolizing death with the word Cholera inscribed on its body.\textsuperscript{409}

The comic insinuates that an uncontrolled or unpatrolled border will invite diseases and lead to the destruction of Dominicans’ lives.\textsuperscript{410}

Although assisting Haiti had an impact on the Dominican economy, the Dominican government benefitted from the relationship between the two countries following the earthquake as well. In the first three quarters of 2010, foreign aid to Haiti amounted to over 1.5 billion USD, a five-fold increase from last year, which helped finance imports

\textsuperscript{405} Daly Guilamo, "Dominican Funnies, Not So Funny," 69.  
\textsuperscript{406} Daly Guilamo, "Dominican Funnies, Not So Funny," 70.  
\textsuperscript{407} Daly Guilamo, "Dominican Funnies, Not So Funny," 70.  
\textsuperscript{408} Daly Guilamo, "Dominican Funnies, Not So Funny," 70.  
\textsuperscript{409} Daly Guilamo, "Dominican Funnies, Not So Funny," 72.  
\textsuperscript{410} Daly Guilamo, "Dominican Funnies, Not So Funny," 72.
from the Dominican Republic of about 650 million USD. As a result Haiti became the most important trading partner of the Dominican Republic (excluding free trade zones) for cement, light consumer goods, clothing and processed foods, particularly in border towns.\footnote{International Monetary Fund, "Dominican Republic."}

\textit{Arguments Against}

A significant act of state power, by revoking citizenship, Tribunal Constitutional ruling 168/13 violates, and actually counters, several articles of the Dominican constitution and international law. It creates inequalities in the formation of citizens and non-citizens as subjects. Although the 2010 Dominican constitution changed citizenship from birthright or jus soli to bloodline, jus sanguini, Article 18.2 of the 2010 Constitution, also guaranteed citizenship to "Those who enjoy Dominican nationality before the entry into force of this Constitution."\footnote{Juan Bolívar Díaz. Interview by Javiela Evangelista. SEIU 1199 Office: New York, New York. 13 May 2014 b; Natalia Mármol, "Sentencia Sobre Nacionalidad Viola al Menos Cuatro Artículos de la Constitución."} Therefore, the transition from jus soli to jus sanguini was applicable \textit{only} to those born after January 2010, not before. Bridget Wooding agrees, if birthright citizenship was the case up to the 2010 constitutional change, then all those should be recognized as the constitution itself says. We are talking about effective nationality. Effective nationality is that a person has access to nationality in the country where they were born and intend to live for the rest of their lives.

We are talking about generations of people who no longer have contacts in Haiti.
and it would be difficult for them to have Haitian nationality and even if they were to secure it, it would not be effective.\textsuperscript{413}

\begin{figure}
\centering
\includegraphics[width=\textwidth]{image}
\caption{Protestors against TC 168/13, New York (Photograph 8)}
\end{figure}

Source: Author's Photograph

Secondly, Tribunal Constitutional ruling 168/13 also violates the Dominican constitutional principle of non-retroactivity of the law, raised in Article 110: Non-retroactivity of the law.\textsuperscript{414} The 2010 constitution was applicable moving forward past January 2010, but in 2013 Tribunal Constitutional ruling 168/13 is applicable retroactively, essentially revoking citizenship in violation of Article 110 of the Dominican Constitution.

\begin{footnotesize}
\begin{enumerate}
\item Bridget Wooding. Interview by Javiela Evangelista. OBMICA Office: Santo Domingo, Dominican Republic, 1 February 2014.
\item Juan Bolivar Diaz. Interview by Javiela Evangelista. SEIU 1199 Office: New York, New York. 13 May 2014 b; Natalia Mármol, "Sentencia Sobre Nacionalidad Viola al Menos Cuatro Artículos de la Constitución."
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and Article 9 of The American Convention on Human Rights (ACHR). Under birthright citizenship for all born between 1929 and the 2010 when the constitution changed, they are entitled to the citizenship status unless they have committed certain crimes. The retroactive revocation of citizenship may be permitted in cases of fraud or wrongdoing for example. Juan Bolivar Diaz notes that fraud would be acceptable as a reason to revoke citizenship,

The only issue would be if documents were violated and someone invented or bought a document and it has been proven that they are not Dominican, but an imposter. There are some cases like that, not just of Haitian descent but of various nationalities and groups that have bought documents to be Dominicans and whoever has done that is outside of the law.

Many states make exceptions to the mandates of international law. For example, the right to liberty may be restricted if a person is charged or found guilty of a crime by a court of law. The former was the case with Edward Snowden in the United States. The Dominican nationals whose citizenship has been revoked have committed no crime. Even if their parents had committed a crime, according to international human rights laws that protect children, Dominicans of Haitian descent should not be penalized. In fact lawyer Cristobal Rodriguez has shown how Tribunal Constitutional ruling 168/13 is inconsistent with previous rulings of the Inter-American Court of Human Rights that determined that a parent’s nationality or condition surrounding it could not affect the children. Judgments of

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international law are binding and form part of the Dominican constitutional block.\textsuperscript{417} Tribunal Constitutional ruling 168/13 also violates Article 74 of the Dominican constitution by interpreting and applying rules above fundamental rights and guarantees, which work against the spirit in which the law was designed.\textsuperscript{418} Finally, Tribunal Constitutional ruling 168/13 also violates two parts of Article 69 of the Dominican constitution, on effective judicial protection and due process.\textsuperscript{419} Article 69.2 preserves the right to be heard within a reasonable time by a competent, independent and impartial court, established by law. Article 69.4 protects the right to a public, oral and adversarial trial, with full equality and respect for the right of defense.\textsuperscript{420} In a case that was particular, in reference to Juliana Deguis, the state then came up with a decision that had a detrimental effect on thousands of people who had no opportunity to go to court to raise their positions.\textsuperscript{421}

In addition to the Dominican constitution, Tribunal Constitutional ruling 168/13 violates international human rights law. According to Resolution 1920-2003 from November 13, 2003, the Dominican government recognizes that under Articles 3 and 10 of the Constitution of the Republic, all the human rights standards are of direct and

\textsuperscript{417} Natalia Mármol, "Sentencia Sobre Nacionalidad Viola al Menos Cuatro Artículos de la Constitución."

\textsuperscript{418} Natalia Mármol, "Sentencia Sobre Nacionalidad Viola al Menos Cuatro Artículos de la Constitución."

\textsuperscript{419} Natalia Mármol, "Sentencia Sobre Nacionalidad Viola al Menos Cuatro Artículos de la Constitución."

\textsuperscript{420} Natalia Mármol, "Sentencia Sobre Nacionalidad Viola al Menos Cuatro Artículos de la Constitución."

\textsuperscript{421} Natalia Mármol, "Sentencia Sobre Nacionalidad Viola al Menos Cuatro Artículos de la Constitución."
immediate application. The Dominican state recognizes human rights law in the Dominican legal system.

Under international law, the Universal Declaration of Human Rights guarantees rights that are being denied or are in jeopardy, including the right to nationality. Human rights are rights inherent to all human beings, whatever one's nationality. International Law aims to protect populations from discrimination; in fact, non-discrimination is a cross-cutting principle in international human rights law. The principle of non-discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights.”

Although Tribunal Constitutional ruling 168/13 should have applied to all of the children of non-Dominican people, not just Haitians, in efforts to reinstate citizenship, many observed the privileging of non-Haitian foreigners. While waiting in line at the JCE to regularize paperwork, non-Haitian applicants, particularly Asian and Central American persons were allowed to advance in the line and they were serviced with greater urgency when applying to regularize their status. Even before Tribunal Constitutional ruling 168/13, evident in the case of Juliana Deguis, discriminatory ordering and classification

\[423\] Julia Harrington-Reddy, "Dominican Ruling Strands the Suddenly Stateless."
\[424\] United Nations Human Rights Office of the High Commissioner, "What are human rights?"
\[425\] United Nations Human Rights Office of the High Commissioner, "What are human rights?"
had led the official process by determining whose documents and what documents were permissible on a case-by-case basis. Dagoberto Tejeda Ortiz told me, "At the official level when they say 'those foreigners,' they mean those Haitians. If the foreigners on the other side, where there is Haiti, were whites and blondes, not Haitians, you can be sure we would be offering an extension for them to visit." Thus, Tribunal Constitutional ruling 168/13 facilitates a contemporary version of Rafael Trujillo's Dominican Republic, where instead of European immigration, Asian and Central American applicants are given preference and deportations and denationalization, civil genocide, serve as the means of elimination.

In reference to Tribunal Constitutional ruling 168/13 Marselha Goncalves Margerin, advocacy director for the Americas at Amnesty International, said, "The root cause is discrimination; it's really a long-standing discrimination against those of Haitian descent. The Dominican Republic has not been able to establish a strong policy to combat it." When I met Marselha Goncalves Margerin at an Amnesty International Symposium in Brooklyn, she reiterated the same sentiment firmly, believing that the law is discriminatory. A few years earlier, in 2007, Amnesty International released a report after a visit to Dominican Republic noting that persons of Haitian descent are being denied the full enjoyment of their right to citizenship on a racially discriminatory basis and recommending that the Dominican Republic recognize in accordance with article 11 of the constitution the right of all persons born on Dominican territory, including the children of

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a Haitian parent, to Dominican citizenship without discrimination on the grounds of the nationality or status of the parents.\textsuperscript{429}

Moreover, Dominican law is established in such a way that it makes discrimination possible even when race or other criteria is not mentioned, because there is a lot of room for interpretation.\textsuperscript{430} In fact, laws do not have to speak to race in order to be discriminatory. In the United States, the Grandfather Clause, which determined that one could only vote if their grandfather voted, did not specify race. However, it was clear that African Americans whose ancestors were enslaved and therefore non-voters, were targeted. Because of the 15th Amendment, laws could not state that blacks could not vote, but the 15th Amendment allowed restrictions that were non-racial.\textsuperscript{431} The legalization of statelessness is functioning as a new form of anti-Haitianism and much like the Grandfather Clause, it targets a racial group without directly stating it. Thus the ruling has had a tremendous impact directly on Dominicans of Haitian descent.

Based on the Dominican National Poll of Immigrants for 2012, there were 524,632 immigrants (5.7% of population), 458,233 (87%) of the immigrants were of Haitian origin.\textsuperscript{432} 244,151 were the descendants of foreigners and of that group 209,912 were the

\textsuperscript{429} Amnesty International, "Without Papers I am No One: Stateless People in Dominican Republic."
\textsuperscript{430} Nassef Cordero Perdomo, \textit{La Discriminación Racial en el Ordenamiento Jurídico Dominicana}, 20.
\textsuperscript{431} The grandfather clause was a means of enfranchising whites who might have been excluded from voting by literacy clauses. It was politically necessary, because otherwise there would be too much opposition from poor whites unable to take the literacy tests. Alan Greenblatt, "The Racial History Of The 'Grandfather Clause," \textit{NPR Code Switch.} October 22, 2013.
\textsuperscript{432} Juan Bolívar Diaz. Interview by Javiela Evangelista. SEIU 1199 Office: New York, New York. 13 May 2014 b.
descendants of Haitians. In *Illegality Inc*, Andersson questions why states are so concerned with miniscule numbers of people. In Spain, Sub-Saharan Africans make up a fraction of the foreign-born population, yet they are targeted more than others. Why have such massive efforts been expended to target black Africans in the borderlands, and what racial and colonial legacies are at the foundation of these efforts? Likewise, the total population of the Dominican Republic hovers above 10 million, and the population of Dominicans of Haitian descent who have been impacted is estimated to be between 155,000 and 210,000. Why has the government been so vigilant about the removal from this small group from a very specific racial and ethnic background?

Many, including acclaimed Haitian American author Edwidge Danticat, argue that Tribunal Constitutional ruling 168/13 has facilitated an ethnic purging, an act of racialization. In fact, taxonomies of ethnicity often are "based in the ordering and classification of modern racialization." When meeting with Dagoberto Tejeda Ortiz, he exclaimed, "The resolution is fascist, it is full of the most rancid racism because it is a result of the elite ultra conservatives...the greatest violation of human rights is the retroactive nature of the law."

The Dominican government and many of its supporters have argued that they are being targeted unfairly. They have noted how the United States, Europe, The Bahamas,

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Brazil, Turks and Caicos and St Maarten are responding with worse migratory laws.\(^{438}\) In reference to those who oppose Tribunal Constitutional ruling 168/13, Danticat states that it's not a "quarrel with Dominican people, we are speaking against an injustice and an unjust law just like we would anywhere else in the world."\(^{439}\) Although violations are happening elsewhere and they should be addressed, as a politically legitimate and economically stable country in the region, the Dominican government is setting a dangerous precedent as well.

The ruling also went against the opinion of Dominican civil society at that time. According to a 2013 Gallup Poll, the majority of the Dominican population, 58% stated that if a person is born in the Dominican Republic, they are and should be a Dominican citizen.\(^{440}\) In reference to popular Dominican opinion on the rights of Dominican nationals, during our interview Bridget Wooding reflected:

> Opinions have been almost nearly divided on this, but more recently opinion has been favoring a slightly more rights-based approach, so slightly more than half believe that those people's rights should be respected irrespective of their migrant status. What these surveys also show is that these people who are more amenable to a rights-based approach, there are 3 characteristics to consider--those whose

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\(^{439}\) Amy Goodman, "The Dominican Republic's 'Ethnic Purging.'"


It is worth noting that this poll assessed the climate at the time the law was instated. The results of the Gallop Poll changed during later surveys.
have higher levels of education, who self-identify as black and people who have
had an out migration experience.\textsuperscript{441}

Dagoberto Tejeda Ortiz feels that "there is a prejudice that has not allowed us to know our
ancestors and to learn that black is beautiful and this is a spiritual and psychological
poverty. We are failing in terms of humanity. The only way that we can live in peace is to
coexist and respect to overcome these obstacles...Haitians contribute and richen
Dominican society."\textsuperscript{442}

The Tribunal Constitutional ruling 168/13, as well as the laws that preceded it,
demonstrate how states use citizenship to reorder society. In its universality, citizenship
defines the relationship between individuals and the state. Citizenship offers great
advantages but they are neither stable nor equally available to all. Citizenship can no
longer be seen in this binary, however, instead citizenship represents both the engine of
universal and a break or limit upon it.\textsuperscript{443} There is much more at stake than nationality.
As will be discussed in the following chapter, Tribunal Constitutional ruling 168/13
demonstrates how racialization is a process through which citizenship is measured and
mobilized within the context of neo-liberalism.\textsuperscript{444} The following chapter also outlines how
the ruling has jeopardized the civil liberties and ultimately the humanity of Dominicans of
Haitian descent, which is damaging to Dominican society, and even further, the state of
humanity as a whole.

\textsuperscript{441} Bridget Wooding. Interview by Javiela Evangelista. OBMICA Office: Santo Domingo, Dominican Republic, 1 February 2014.
\textsuperscript{442} Dagoberto Tejeda Ortiz, Interview by Javiela Evangelista. Universidad Autónoma de Santo Domingo, Santo Domingo, Dominican Republic, 23 January 2014.
\textsuperscript{443} Adriana Petryna and Karolina Follis, "Risks of Citizenship and Fault Lines of Survival," 402.
\textsuperscript{444} Deborah Thomas and Kamari M. Clarke, "Globalization and Race," 313.
Chapter Four: The Aftermath of the Ruling

Our lives are paralyzed.\textsuperscript{445}

- Elena Lorac, member of Reconoci.do

\textit{Civil Deaths}

As illustrated in the previous chapter, the condition of statelessness has been created and facilitated by domestic laws, state power essentially, that have facilitated racialization. This chapter highlights the consequences of the legislation, ranging from a disproportionate lack of access to education; health care; economic stability and growth; public services; civic participation, legal representation and civic rights such as voting and marriage, to displacement as well as subjugation to increased violence and marginalization. The impacts are too many to explore fully. Therefore, the main issues that emerged in the course of the ethnography-the various ways in which Dominicans of Haitian descent have been and will likely continue to be impacted by statelessness and for generations to come-will be highlighted.

Unable to open a bank account, access their pension, get married or even (prove) ownership of property or work, without a cédula people are prevented from conducting everyday functions, making a living and ultimately moving ahead, let alone saving for their future or for that of future generations. Those who have certificates for their professions, like doctors and lawyers, cannot serve the population and earn a living from the degrees they have acquired. Opportunities that would lead to greater economic

\textsuperscript{445} Elena Lorac, Interview by Javiela Evangelista. Residence, Santo Domingo, Dominican Republic. 27 December 2014.
stability or just greater life possibilities must be left as dreams deferred. Without the needed documentation, Dominicans of Haitian descent cannot travel, for example, creating immobility which has detrimental consequences for ones ability to improve their social and economic status. The stateless person has no right to sojourn in the state of residence, and no right of return after travels. She or he does not benefit from services or treaties that provide advantages for nationals. He may be expelled from the state of his residence. Essentially, the stateless person is not entitled to any diplomatic protection.

For Petryna and Follis the phrase "fault lines of survival" helps us to understand citizenship as means of reordering society. It illuminates the people who live in the in between spaces of citizenship and non-citizenship. Citizenship is an active fault. Fault lines of survival can "change as a result of dramatic shifts in political systems in domestic and international spheres." This section builds on work that acknowledges structural violence as the ways in which institutions, such as the state, cause harm by presenting obstacles that keep people from meeting essential needs, a violation of human rights. This examination of structural violence, places the unequal share of power to determine the distribution of resources as the central and causal factor of these avoidable structural

446 Ezio Biglieri and G. Prati, Encyclopedia of Public International Law, 491.
447 Ezio Biglieri and G. Prati, Encyclopedia of Public International Law, 491.
inequalities. Recognizing that structural causes are responsible for constrained agency is critical. It is the effect of structures on individual agency that creates a gap between potential and actual fulfillment of rights.

For many, this negation starts at birth. Three types of personal identification documents are prerequisites to the exercise of a number of fundamental rights, including the right to an education: the certificado de nacimiento (a live birth certificate given by the hospital or center where a child is born), the acta de nacimiento (the official birth certificate issued by local civil registry offices), and the cédula de identidad (national identification card). To obtain a cédula an individual must first be able to get a copy of their acta de nacimiento from a civil registry office, however the certificado de nacimiento issues by hospitals at birth, is a prerequisite. Hospitals are to provide a certificado de nacimiento to parents who can demonstrate that they are Dominican (under jus sanguinis after the 2010 constitutional change. Prior to 2010 they were to provide it to children born in the Dominican Republic, under jus soli with the exception of those with parents in transit. In order to get the acta de nacimiento for their child, parents must also give the civil registry their own personal identification document, a cédula de identidad. Post 2010, if the parents cannot prove that they are Dominican, the hospital or medical center issues a pink certificado de nacimiento, live birth certificate for foreigners.

The acta de nacimiento is the main form of identification for persons under the age of eighteen. When applying for a passport, getting married, obtaining health care, and

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seeking social services, it is required. When I asked about her experience since Tribunal Constitutional ruling 168/13, Elena Lorac of Reconoci.do shared,

It has been five years since I finished high school and was eligible to enroll in the university. I could have entered like that, without cédula, in 2011, but I wouldn't have been able get my license (degree) from the university. There are certain privileges I can't have. This past semester I was labeled as a foreigner. They (foreigners) pay $2,900 USD when it should have been 120 pesos. This happened because they put me as foreigner in the registry. I felt very disappointed. I thought, wow, all that is missing is my cédula and that is not my fault. It's because they don't want to give it to me. I was hopeful they would because they advertised Law 169-14. I went to talk to people and explained, my parents are Haitian, but I am Dominican and I was born here and have documents that prove that. After many meetings, and coming and going, they fixed it in school and I could pay the normal rate. But it really impacted me. It (school) is something I am doing, despite all of these obstacles, to be able to feel like someone. Then imagine how all of that has halted my progress. Without that I would be finishing my career in school by now and working to help my Mom, which is my dream, to get her out of a precarious position.  

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Elena Lorac of Reconoci.do, Santo Domingo (Photograph 9)

Source: Author's Photograph

Elena's testimony demonstrates how the various factors that have resulted from Tribunal Constitutional ruling 168/13, limitations in her education, financial stability, self-worth and familial relations do not work in isolation, rather they reinforce one another in many ways. In the context of birthing, as discussed above, experiences as women, Haitian descendant (or identified as such) and stateless, all intersect and impact their children as well. Thus race, class and gender are not additive, but instead "interlocking, interactive, and relational categories, 'multiplicative', simultaneous, characterized by the articulation of multiple oppressions."\(^{456}\) These ethnographic experiences implore that we go beyond an

analytic description of intersectionality in order to understand the manner in which these hierarchies interact and thereby have significant consequences in the daily lives of real people. Highlighting the matrix of interaction is a necessary theoretical intervention, however it is not sufficient.

Dominican nationals without a cédula are unable to take the required exams to move past the 8th grade or go to college. Documents are not legally required for access to free initial, primary and secondary education in the Dominican Republic, yet school is often one of the first places where children face obstacles due to lack of documentation. The Dominican constitution guarantees all children the right to an education, and the government has emphasized that this protection includes children without documentation. In the 2010 Dominican constitution, Article 63 asserts the right to free initial, primary, and secondary education for 'everyone.' Article 75 determined that primary school is compulsory. In Article 39, the constitution also ensures the right to equality irrespective of national or family origin, language, color, and other factors. From 2011 to 2012 there were approximately 48,000 undocumented children in the public primary school system and 22,732 were registered as foreigners.

In addition to violating existing Dominican domestic law, the denial of education violates the rights of children that are recognized in the international bill of rights. The

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right to education has binding force based on the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the American Convention on Human Rights (ACHR).\textsuperscript{462} Furthermore, lack of access to education is dangerous because education is generally a prerequisite to employment opportunities, and an important factor for achievement in life and a positive standard of living. Education may also empower women and girls, safeguard children from exploitation and danger and promote human rights and democratic ideals.\textsuperscript{463}

In a \textit{World Vision} video, a young man named Reynaldo explains that although he cannot go to the 8th grade as a result of the ruling, he has continued to repeat the 7th grade to avoid being out of school.\textsuperscript{464} The inability to advance one's education will impact future generations considerably. Many Dominicans of Haitian descent have been prevented from attending primary or secondary school because they do not have birth certificates. Still, when able to attend school, many children are denied the opportunity to take national examinations required to graduate, if they did not possess a birth certificate. Without a national identity card, most were denied the possibility of attending university.\textsuperscript{465} The Georgetown Law Human Rights Institute Fact Finding Project noted that education for

\textsuperscript{462}Georgetown Law Human Rights Institute Fact Finding Project, "Left Behind," 7.
\textsuperscript{464}World Vision, "Testimonies of Young Dominicans of Haitian Descent," 2014, Version with English Subtitles by TodxsSomxsDominicanxs or We Are All Dominican
\textsuperscript{465}Georgetown Law Human Rights Institute Fact Finding Project, "Left Behind."
children who are stateless or at risk of statelessness in the Dominican Republic is inextricably linked to the denial of official documentation.\textsuperscript{466}

In the \textit{World Vision} video one of Reynaldo's greatest concerns was disappointing his parents who made tremendous sacrifices for him to advance. In reference to immigration to the United States, historian Nancy Foner states, "immigrants come not just for themselves, but for their children. To give their children a better life and they think their children will have access to better education." Foner adds, they will "take lower status jobs than in own country" oftentimes a "downward move, but they do for their children."\textsuperscript{467} Although not his fault, Reynaldo felt a sense of guilt and an obligation to reap returns that he could not gain, despite his efforts and his parents' sacrifices.

There is also a lack of adequate access to healthcare, as a result of the negation of documents by the state.\textsuperscript{468} Elena shared a testimony of her search for vision care,

\begin{quote}
I had a vision problem and went to a private center where I had to pay for my consultation.\textsuperscript{469} When the young woman asked for my cédula, there were many people there and when she asked for it to make the appointment, I said 'I don't have a cédula' (in a low voice) because it is something that is embarrassing and she screamed, 'How do you not have a cédula?' She screamed and everyone looked. That's the impact of the ruling. You can't imagine how hard it is.\textsuperscript{470}
\end{quote}

\textsuperscript{466} Georgetown Law Human Rights Institute Fact Finding Project, "Left Behind," 19-20.
\textsuperscript{467} Doug Muzzio, "City Talk: Interview with Nancy Foner, Hunter College & Graduate Center/CUNY," June 9, 2015.
\textsuperscript{468} Amnesty International, "Without Papers I am No One: Stateless People in Dominican Republic."
\textsuperscript{469} Stateless, Elena was not eligible for state services.
\textsuperscript{470} Elena Lorac, Interview by Javiela Evangelista. A residence in Santo Domingo, Dominican Republic. 23 December 2014.
Elena demonstrates that the conditions created by statelessness can have multiple inflections. She continued, "my case left me in the street wondering, 'What is going to happen to me? Where is my life?' Where I can study, go to the hospital - anything - is determined by a cédula." For Elena, access to healthcare and existential questions of belonging and worth intersect.

In "On Suffering and Structural Violence: A View From Below," Paul Farmer traces the stories of Acéphie Joseph and Chouchou Louis who do not share culture, language or race but instead share the experience of living on the bottom rung of the social ladder in unequal societies. This comparison helps to illustrate some of the mechanisms through which large-scale social forces crystallize into the sharp, hard surfaces of individual suffering. Such suffering is structured by historically given (and often economically driven) processes and forces that conspire - whether through routine, ritual, or as is more commonly the case, these hard surfaces- to constrain agency. For many, life choices are structured by racism, sexism, political violence, and grinding poverty.

For example, Farmer found that many of the women who contracted AIDS, contracted it as a result of involuntary unions resulting from their positions in poverty. In her study on the Sojourner Syndrome, Leith Mullings also found that social stress may lead to the early onset of labor and weakened resistance to infections. For women who are impoverished,

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471 Amnesty International, "Without Papers I am No One: Stateless People in Dominican Republic."
473 Paul Farmer, "On Suffering and Structural Violence."
474 Paul Farmer, "On Suffering and Structural Violence."
the multiple effects of race, class and gender are often a life and death matter. On several occasions, Altagracia told me the story of a 60-year-old woman who had more than 30 years experience working as a nurse for the Dominican state. Altagracia escorted her to the JCE regularly to regularize her paperwork and she was very concerned with her state. When I asked about the impact of the new legislation, Altagracia recounted,

She will remain anonymous because for her it is an embarrassment that after 30 years of working for the state, that state does not recognize her rights as a person who was born and raised and has lived her entire life in the Dominican Republic. She has dedicated more than half of her life to serving the public as a nurse in a hospital. The state does not recognize her service, and they also do not recognize her rights or allow her to have access to her salary (pension). From this, you can see the answer to the question: what has the law provided?

It has been documented that there may be health consequences for the conditions that come with being black in a racialized society. For example, Farmer notes, "in the United States, in 1988, life expectancy at birth was 75.5 years for whites and 69.5 years for blacks." Altagracia continued,

When someone who is 61 years old gets a heart attack because an official talks to her in a disrespectful way and without a logical explanation for denying her of her paperwork, these are the advances that we've had in our country where the law that should protect and things that should be done to benefit the population are instead

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excluding and mistreating hard-working people who have given everything for the functioning of the society.\footnote{Altagracia Jean-Joseph, Interview by Javiela Evangelista. Residence, Santo Domingo, Dominican Republic. 23 December 2014.}

Altagracia mentions advances. Here she offers a critical analysis of a neoliberal state that claims to rise with progress and to advance notions of modernity, as the opposite of advanced. She demonstrates that the law, the Dominican government, is primitive in that it does not care for its own.

As can be seen in the experience of the nurse Altagracia spoke of, without a cédula, one cannot collect social security, retirement or a pension. As Elena told me, "We are talking about four generations. From 1929 to today there are many Dominicans of Haitian descent who have children, property and businesses. To be denationalized had a huge impact. They gave us our nationality and then after 20, 40, 70 years they tell us it doesn’t pertain to us."\footnote{Elena Lorac, Interview by Javiela Evangelista. Residence in Santo Domingo, Dominican Republic. 23 December 2014.} Retroactive to 1929, a wide range of people have been impacted by Tribunal Constitutional ruling 168/13 and some at retirement age are denied access their pension or the medical care they need at that stage in life.

I met with Elmo Bida, Altagracia Jean-Joseph's brother and a Dominican of Haitian descent impacted by denationalization. In his early 20's, Elmo is a member of Reconoci.do and powerful musician who sings about denationalization and his desire for equality. Elmo explained how his dreams have been deferred as a result of the ruling:

Often I was presented with opportunities to travel outside of the country and every time I was presented with these opportunities, I had to get a birth certificate because I was a minor. But they wouldn't give it to me. Then I started playing
baseball. I was even in an academy. Here they do that a lot. When the prospects are close to getting a contract, they put them in a special camp to give them stronger training. I got to that level, until they asked me for a birth certificate and then I was out. So I decided to focus on my studies, until I finished high school. Then I wanted to go on to college, but I couldn't do that either.  

Elmo Bida of Reconoci.do, Santo Domingo (Photograph 10)  

Source: Author's Photograph  

A central part of the very construction of states has involved bureaucracies to facilitate processes that may not only limit travel abroad, as evident in Elmo's case or that of Juliana Deguis, but also one's ability to circulating freely within their own country without the risk of arbitrary detention and expulsion if stopped at checkpoints or

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apprehended, as will be discussed in the next section. Passports and other documentary controls on movement and identification have been central to the monopolization of the legitimate means of movement by states since the French Revolution. This process of monopolization has been a critical part of their development as states during that period.\textsuperscript{480} Building upon Foucault's work, one can understand these documents as a means to exercise the 'humble modalities' of power, efforts to produce homogenous nations or particular kinds of nations. State monopolization of the means of legitimate movement has made individual travelers dependent on state, as opposed to private, regulation of their movements in an unparalleled way. People have become prisoners of their identities which may limit their opportunities to travel across jurisdictional spaces.\textsuperscript{481}

For Ana Maria Belique, the ruling justifies the disenfranchisement of Dominicans of Haitian descent not only by the state but by civil society as well. While riding the train, Ana Maria told me that since the ruling she has experienced a new type of discrimination. Many Dominicans are now telling her that she is not Dominican because the law says she is not. Author Edwidge Danticat shares a similar sentiment, "This law not only now gives the Dominican government the power to deport mass amounts of people, but also creates a civil environment that's really hard for people because others might feel like now that we've had an increase in violence against Haitians and Dominicans of Haitian descent, it seems like a state-sponsored open season on people who are considered Haitian by the way they look primarily or by their Haitian-sounding name."\textsuperscript{482}

\textsuperscript{481} John Torpey, \textit{The Invention of the Passport}, 166.
\textsuperscript{482} Amy Goodman, "The Dominican Republic's 'Ethnic Purging.'"
The role of the state in the production of statelessness has been centered in this study, but individuals at macro and micro levels impact and mold experiences of statelessness as well. One of the lawyers for Juliana Deguis received insults and threats related to his advocacy against statelessness. As reported by the IACHR, he had been the victim of insults. He has been told, "damned black man – run along to Haiti" and has faced threats to “split his head open” as a result of his work as “a defender of Haitians.”483 As a security precaution, his office is under surveillance.484 One of the concerns that international human rights law aims to address is that stateless people do not have a state with which to seek protection, thus leaving them vulnerable to the response that often follows legal disenfranchisement, social violence.485

On February 11, 2015, Henry “Tulile” Jean Claude, a Haitian man, was lynched in Santiago, Dominican Republic a few days after the February 1 deadline for thousands of Dominicans of Haitian descent to file with the civil registry. Incidents of burning of the Haitian flag and calls for deportation of Haitian immigrants were reported in the days preceding and following the lynching. The Dominican state almost immediately posited that Henry Jean Claude was involved in criminal behavior and that the lynching was an act of retribution, not racism.486 In fact, a spokesman for the police department in Santiago,  

483 IAHCR, "Report on the 150th Session of the IACHR."
484 IAHCR, "Report on the 150th Session of the IACHR."
485 In reference to social violence, in *Elementary Forms of Religious Life* (1995) Emile Durkheim illustrates that systems of beliefs serve to connect people and societies. Towards this end, he examines collective energy, meaning that people often act in groups without knowledge of doing so or why they may do it. An example, would be when a group waves as a collective during a sports game, they act without necessarily questioning. Durkheim argues that what the majority does by definition is moral. As such he has helped to rationalize deviant behavior such as mob action.
the second largest city in Dominican Republic, tweeted that the police rejected racism as a motivation for the murder and have excused the public spectacle of violence by associating it with a robbery. Wade McMullen, an attorney with the Robert F. Kennedy Center for Justice and Human Rights, stated however “For the Dominican authorities to rule out racism as a factor less than 24 hours after a man of Haitian descent was hanged in a public square is not just irresponsible policing, it is an outrageous example of discrimination endemic to the Dominican Republic.” McMullen added, “And frankly it is all too reminiscent of the shameful denials of Southern officials during the decades of terror lynchings perpetrated against African-Americans here at home.”

The lynching of Henry Jean Claude symbolizes the continuity of acts of racial terror against Haitians and Dominicans of Haitian descent and it also illustrates the "life and death meaning of race, class and gender." We Are All Dominican organized a vigil for Henry Jean Claude in front of councilmember Ydanis Rodriguez's office in Washington Heights on a Thursday in February immediately following the lynching. The weather was frigid and spirits too, but many gathered with candles in remembrance of his life and in protest of the silence of officials in the Dominican Republic and the United States. In an interview by Kenya Downs of NPR Code Switch, when asked, I agreed with McMullen's position that the immediate dismissal of racial motives by the Dominican

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487 Roque Planas, "Haitian Man Lynched Amid Dominican Republic Immigration Controversy."
488 Roque Planas, "Haitian Man Lynched Amid Dominican Republic Immigration Controversy."
490 Henry Jean Claude's murder followed the release of the publication "Lynching in America: Confronting the Legacy of Racial Terror" a study published by the Equal Justice Initiative that increased the number of African American men, women and children “terror-lynched” in the U.S. between 1877-1950 to 3,959 people, 700 more than previously documented.
state was inexcusable and stated, "Such actions inspire fear and distrust in a population that is already extremely vulnerable, and do not indicate at all that the government is acting in good faith." As anthropologist Kate Crehan states in *Gramsci, Culture and Anthropology*:

The state and civil society, that is, do not represent two bounded universes, always and forever separate, but rather a knot of tangled power relations which, depending on the questions we are interested in, can be disentangled into different assemblages of threads. It should also be stressed that for Gramsci, just because civil society in general represents consent rather than force it by no means follows that civil society is, therefore, necessarily benign. This seems a particularly important point to stress in the contemporary political climate.

The state is comprised of individuals whose practices contribute to structural violence and civil death. There is an 'administrative apparatus' at the borders and within the territory to control immigration and hunt down the undocumented, to adjudicate the refugee status and guard the detained aliens for example. In "Policing Borders, Producing Boundaries. The Governmentality of Immigration in Dark Times," Didier Fassin argues:

street-level bureaucracy is not an impersonal machine mechanically rejecting immigrants; it is composed of men and women who routinely generate decisions affecting the lives of others. The state thus delegates the dirty work of selecting the

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good immigrants from the bad ones to local bureaucrats who sometimes experience moral dilemmas between their obligations as civil servants implementing a policy and their emotions when confronted with tragic situations. But officers in charge of immigration control and naturalization procedures are not passively obeying orders; they are also moral agents evaluating the politics to which they contribute. In spite of its marginality—or maybe because of it—immigration has therefore become one of the most crucial sites where democratic states are put to the test".\footnote{494}

In "Sensing Difference: Whiteness, National Identity, and Belonging in the Dominican Republic," Yadira Hazel adds, "Without clear boundaries, the ruling continues to give and depend on the discretion of local civil registry officials, state employees, police, and even locals to filter through the ambiguity of national belonging."\footnote{495} After telling the story of a dark skin Dominican man who does not believe that racism exists in the Dominican Republic, but rather that some people have a little more coffee and others more milk and marginalization is more about corruption, Hazel notes, "These personal quests to justify the existence of these differently pigmented relations as valid and appropriate in a society that does not see them as such, combined with the Dominican government's politico-economic interest in perpetuating an image of a paradise free of human rights violations against their own citizens, continue to consolidate the theory of racial democracy."\footnote{496}

Our theoretical language must enable conversations about community and state at the same time.\textsuperscript{497} Efforts to understand racialization in the Dominican Republic must extend into everyday ways of sensing and communicating difference. In "Migrant 'Illegality' and Deportability in Everyday Life" Nicholas P. De Genova adds, surveillance in the United States has been increasingly displaced in recent years from immigration authorities, to local police, to other state officials (e.g., clerks, in a variety of bureaucratic capacities related to public education, housing and welfare benefits), to private citizens- from employer verification of the work authorization of migrant workers, to charitable organizations who scrutinize immigration documents as a condition of their social service provisioning, to college admissions and financial aid officers charged with monitoring the legal statuses of prospective students.\textsuperscript{498}

The most prevalent theme in this ethnographic research was a less tangible impact of discrimination against Dominicans of Haitian descent and the ruling, the humanity at stake. Elena Lorac, of Reconoci.do shared,

At the familial level, at the psychological level, we have been very affected. We have had to have therapy. It (denationalization) was something we could not understand. When it came out, one of things most impacting in my case was when I put on the TV, there were people that we want to support, like our Cardinal and they were supporting the ruling which was ending our lives. I said, 'Wow. I am from here. I have never been to another country. Here I have done my studies. My birth certificate is from this country. I don't know any other place. How can the

\textsuperscript{497} Partha Chatterjee, \textit{The Nation and Its Fragments}, 11.
\textsuperscript{498} Nicholas P. De Genova, "Migrant 'Illegality' and Deportability in Everyday Life," 426.
Tribunal tell me that I am no longer Dominican? During the days that they were revising our papers, we didn’t know what would happen. It's difficult. I asked God, 'How would you let me be born in a country like this?' It was very impactful.499

When I asked Ana Maria what was the most significant consequence of denationalization, she replied, "you cease to exist."500 On the illegality of migrants, applicable to the denationalized state of Dominicans in this context, De Genova highlights that there are, "multiple ways in which the contradiction between undocumented migrants' physical presence and their official negation as 'illegals' generates 'spaces of nonexistence.'"501 De Genova adds that "The social space of illegality is a erasure of legal personhood - a space of forced invisibility, exclusion, subjugation, and repression that 'materialized around [the undocumented] wherever they go" in the form of real effects ranging from hunger to unemployment (or more typically, severe exploitation) to violence to death-- that is nonetheless always already confounded by their substantive social personhood."502 The Amnesty International report titled, "'Ghost Citizens' in the Dominican Republic" also highlights this imperative existential dilemma years after Hannah Arendt's mid-century advocacy against statelessness and the existential crisis it creates.503

The structural violence caused by statelessness can be extreme, with long term and terminal risks. When I discussed commonalities between the disenfranchisement, violence and ultimately death that has led to the rise of the Black Lives Matters Movement,

499 Elena Lorac, Interview by Javiela Evangelista. Residence, Santo Domingo, Dominican Republic. 23 December 2014.
500 Ana Maria Belique, Interview by Javiela Evangelista. Residence in Bronx, New York. 8 June 2014.
503 Amnesty International, "Without Papers I am No One: Stateless People in Dominican Republic."
Reverend Sekou, a prominent activist in the movement highlighted that a commonality across historical and contemporary oppressions is "humiliation as a form of torture."504

I listened, as Elena continued her testimony,

I walk sometimes, in order to not pass out. Imagine. It is something that only people who experience it can understand how hard it is. As someone who has all their documents, how hard is it then for those who don't? Even more so. The indifference of some authorities! These are our lives that are destroyed and in depression. It is something fierce. The friend I told you about? My friend who got her cédula, but still cannot do anything. She felt so depressed and called me and said, 'I am in a bad state. I went to the JCE and they don't want to give me anything?' Despite my own pain, I told her, 'Don't worry,' because I heard her, she was not eating. She was in a complete depression. Imagine. I told everyone to call her, because I was worried that she would take her life and that is happening because others are living in another world and do not value our lives as the children of Haitian parents. They think that we are nothing. This is our reality.505

The Failed Solution: Law 169-14

With 169-14, the officials made this effort to try and calm everyone down, but our problem continues. So we need to keep on fighting for a more complete victory, like we have wanted.

- Elena Lorac, Member of Reconoci.do

504 Osagyefo Sekou, Interview by Javiela Evangelista. Skype, 1 December 2014.
505 Elena Lorac, Interview by Javiela Evangelista. Residence, Santo Domingo, Dominican Republic. 23 December 2014.
February 2014 commemorated 170 years of Dominican independence from Haiti. Close to my residence in la zona colonial, Santo Domingo was aglow as vibrant signs ¡Viva la Patria! (Long Live the Homeland!) colored the city. Santo Domingo was dressed in a colorful red, white and blue. On Thursday February 27, 2014, President Danilo Medina announced that he would submit Ley Especial 169-14, (Special Law 169-14) as an option to regularize the status of thousands of Dominican citizens, the majority of Haitian descent. Approaching the 170th anniversary of independence, dressed in a red, white and blue special edition, even bottles of Presidente beer were celebrating, however Dominicans of Haitian descent made stateless by Tribunal Constitutional ruling 168/13 the year before, could not.

Domestic and international pressure led to Law 169-14. Following Tribunal Constitutional ruling 168/13, the domestic and international community expressed grave concern about the human rights violations it created. Law 169-14 was the Dominican state's response. There was a lot of mystery around the new law before its reveal, one organizer in the Dominican Republic shared that there were negotiations and that it was going to be a naturalization law. Two days after a human rights event that I organized with other activists in opposition to denationalization at Lehman College, President Danilo submitted the bill for Law 169-14 and the Dominican Congress adopted the law. Initially there was hope that Law 169-14 signaled President Medina's recognition of the need to reconsider the Constitutional Tribunal's ruling. As Elena told me months after Law 169-14 had been instituted,
At first we were hopeful, even though not in agreement with it, we understood that it was a step to possibly obtain something. But in reality, it is not doing what it should. Still I don’t have my cédula or a card to recognize me and the law says that they should give us our documents without bureaucratic process or delay. So, the reality we are living, is not what people think.

Advertised by the state as a pragmatic and feasible solution to address denationalization, Law 169-14 has not served as a corrective to the damage done. Law 169-14 is an epic failure. While it aimed to subdue local and international advocacy against denationalization, it further marginalized Dominicans of Haitian descent in its design and implementation.506

Firstly, Law 169-14 proposed to enable two groups to regularize their status, Group A and Group B. Group A consisted of those Dominican-born children who already had birth certificates, national ID cards, and who were registered in the Civil Registry at some point. Group A, those who had their birth registered, could apply to have their citizenship recognized. There was no deadline for Group A applications. Law 169-14 claimed that this group would be granted their cédulas and recognized as Dominican citizens without additional administrative hurdles, with the exception of cases of fraud.

Law 169-14 initially provided Group B, those who had never been registered in the Civil Registry, 180 days, until February 1, 2015, to obtain a residency permit. They would then have the possibility of applying for naturalization. They had to register in a Special Book of Foreigners so that they could then submit to a separate ongoing program to

506 Open Society Foundations, "Dominican Republic's New Naturalization Law Falls Short."
provide legal residency to undocumented immigrants in two years.\textsuperscript{507} Essentially it declared Dominican nationals as foreigners and subjected them to a program that was intended for migrants. Law 169-14 does not recognize Group B's right to Dominican nationality. Instead, it claims they had been "irregularly" registered in the Civil Registry and recognizes their Dominican nationality as a step to correct that irregularity. In fact the law retroactively turns hundreds of thousands of people born in Dominican territory into foreigners based on the immigration status of their parents, even for those born before the change in the 2010 constitution from jus soli to jus sanguinis.

This division into two groups under Law 169-14 demonstrates how the logics of exclusion and distinction, which enable the state to separate the wanted from the unwanted, are visible in the naturalization process.\textsuperscript{508} Concerning Law 169-14, Caitlin Kelly, a graduate from New York University (NYU) School of Law and Fellow with the Robert F. Kennedy Center for Justice and Human Rights, working for one year in Dominican Republic on human rights violations, told me,

For me, the worst part of Law 169 is that it forces people who were born here, who are Dominican, to register as if they were foreigners. Even the people in Group A, who already had documents, the government is saying that they don't need to go through any administrative procedure, but it's not because they were entitled to citizenship from being born here, it's because, 'Oh we made a mistake and you're still foreigners, but we're going to let you slide by anyway.' That in and of itself is a denial of their birthright citizenship and then for the people in Group B, they're

\textsuperscript{507} Open Society Foundations, "Dominican Republic's New Naturalization Law Falls Short."
\textsuperscript{508} Didier Fassin, "Policing Borders, Producing Boundaries," 219.
supposed to be able to go and register, but many have been turned away or the offices have been closed or they've been sent to go under the Regularization Plan instead, which is for people who really are foreigners. So, it (Law 169-14) is just really problematic all around.  

The concept of naturalizing those born within the national territory during a time when the constitution guaranteed their citizenship is problematic at its foundation. Law 169-14 exacerbates inequities. Additionally, efforts to regularize or naturalize are neither equivalent to the restoration of citizenship, nor to all of the rights that have been revoked. Naturalized citizens, for example, cannot be President or Vice President.

The revocation of the citizenship of Dominican nationals, along with the sorting of them into lesser categories of citizenship in the case of Group A or non-citizen in the case of Group B, is an example of the creation of subgroups of citizens as a means of limiting rights based on one’s status as citizen or non-citizen. In "Between Citizenship and Human Rights," Kate Nash acknowledges the creation of four sub categories of citizenship. Super-citizens generally own their means of production and are in possession of employment and skills that allow mobility. Marginal citizens also have full citizenship rights, but are unable to exercise them as a result of economic or social obstacles, or racism. Quasi-citizens may be considered denizens, generally long term residents with access to employment, for example, however their positionality is often secured

509 Caitlin Kelly. Interview by Javiela Evangelista. MOSCTHA, Santo Domingo, Dominican Republic.


511 Kate Nash, "Between Citizenship and Human Rights," 1073.
insufficiently by human rights law advocacy. Sub-citizens are residents in a country with no access to employment or state benefits. Sub-citizens may be waiting on asylum cases and their protection is often created by human rights law. Un-citizens are often undocumented migrants with no recognized status who may be detained in refugee camps, and deported. The creation of categories and varied rights, the uneven application of laws as well as the multiplication of difference or inequalities, demonstrate why citizenship is viewed as a fault line of survival.

The implementation of the law was problematic as well. Many Dominicans who were registered in the Civil Registry continue to be denied their cédula. At the time of publication, very few have been registered in the Special Book of Foreigners according to interviewees, due to lack of information about the process, insufficient resources, and lack of access to government offices. The Dominican government did not conduct sufficient outreach and publicity of the registration effort to ensure that people knew about the processes required. Group B, those who were never in the civil registry and who did not have birth certificates, were required to prove that they were born in the Dominican Republic. However, leading up to the initial deadline, November 2014, the Dominican government had not set up registration sites in all of the provinces. Furthermore, in some cases getting the required documentation to prove a person was Dominican could take months. Bureaucracies exercise control through the uncertainty, ambiguity, and fear that

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512 Kate Nash, "Between Citizenship and Human Rights," 1076.
513 Kate Nash, "Between Citizenship and Human Rights," 1078.
514 Kate Nash, "Between Citizenship and Human Rights," 1078.
515 Open Society Foundations, "Dominican Republic's New Naturalization Law Falls Short".
they create by leaving people and things undocumented or by regularly questioning the validity of documents.\footnote{516 Matthew S. Hull, "Documents and Bureaucracy," \textit{Annual Review of Anthropology} 41 (2012): 258.}

In the Dominican Republic I heard testimonies from people who encountered various problems under Law 169-14, such as being denied due process and their documentation, despite often presenting the requested documents and at times bringing relatives to prove their identity. I also witnessed costly processes, misdirection, insufficient centers and ill treatment.

![The front of the JCE office, Santo Domingo (Photograph 11)](Image)

\textbf{Source: Author's Photograph}

I met Altagracia by the entrance of the JCE. A legal advocate, she accompanied a Dominican of Haitian descent seeking to restore her citizenship. Immediately, I could see...
that the issues were multiple. They were late to meet me because travel fare had been hard to come by. The legal processes required involve travel between provinces often at a great distance for themselves and at times others (ex-school teachers, parents, etc.) who must come to validate their identity. As we walked to the front of the JCE, I observed multiple copy stations, charging by the page. One gentleman I met who arrived to regularize his paperwork, traveled many hours to Santo Domingo from La Romana and was told that he would have to come back without a clear explanation. It seemed the reasoning was due to the long lines. Many of the poorest Dominicans, of all national origins, are not registered in the Civil Registry because of the discriminatory negation of documents and the government's concerted incompetence, which also intersects with poverty. Many Dominicans of Haitian descent lack resources, information, and access to government offices to complete the required processes.

When Altagracia, her client and I approached the woman at the front desk outside of the JCE to receive and direct cases, she was dismissive and treated us as if we were bothersome. It was not my case we were seeking to resolve and I felt embarrassed. She directed us to a building across the street. It was the wrong location, but Altagracia knew better and ignored her directions. She escorted her client upstairs to meet with an official. As we walked up the stairs, Altagracia told me, "not everyone is able to have this service. It is only because this official met a lawyer from the organization I work with during the InterAmerican court in Washington."

We entered the office, everyone exchanged niceties and the official asked, what cases she was presenting. Altagracia shared the story of a woman born in the Dominican Republic, now stateless, who wanted to regularize her paperwork to marry her long-time
boyfriend. After she presented all of the cases, she said that she wished she did not have to come and represent each one. It is impossible for each case to be presented, let alone addressed. She told the official that instead the JCE should address the thousands impacted as a mass. He picked up the documentation from one of the cases and highlighted a discrepancy in the spelling of the name arguing that cases like this are common and require investigation beyond the greater context of the mass.

Yet in the Dominican Republic, this construction of Dominicans of Haitian descent as non-citizens and often comes as a result of errors made by the Dominican government. The case of Juliana Deguis serves as an example. Her case notes that the petitioner is identified as Juliana Deguis Pierre and also as Juliana Diguis Pierre; in the birth certificate affidavit issued by the Officer of the Civil Registry Office of Yamasá, on October 4, 1993, for purposes of obtaining her identity and voter card (as shown below), petitioner is identified as Juliana Deguis Pierre, while in the birth certificate issued for judicial purposes by the Director of the Main Civil Registry Office on May 17, 2013, she is identified as the daughter of Mr. Blanco Dequis and Mrs. Marie Pierra, and according to this last document the name and surnames of the petitioner are Juliana Dequis Pierra. In many cases Dominicans of Haitian descent are being punished for errors made by state workers. Furthermore, with thousands of cases, one of the critical issues that nonprofits contesting denationalization in the Dominican Republic face is that Dominican government is addressing most on a case-by-case basis rather than seeking justice for the masses effected.

Altagracia then took me to the Inspectoria, the area where interviews take place under Law 169-14 to determine if applicants are Dominican. We walked into what seemed like a garage from the outside. In the center of the space, old furniture and computers were piled high. It seemed like a disposal area. I asked Alta if we were in the right place. She laughed and said of course. To the left of the pile of refuse was a wall of lit office windows and doors. Many of the people I met in front of the Inspectoria spoke of invasive screening methods and the detention of those who went to acquire paperwork. The Dominican government was taking advantage of the chaos it created.

The Inspectoria, Santo Domingo (Photograph 12)

Source: Author's Photograph

Ana Maria and Altagracia shared stories of women and elders, some pregnant and others frail, in vulnerable positions as they waited in line. An interviewee noted that he viewed extortion where some people in line paid to secure the processing of their papers, and for some, after payment no one returned from the offices to provide the service
secured. There were also documented cases of the paperwork of non-Haitian foreigners being advanced as previously noted.

Discriminatory treatment and racial profiling that limits access to paperwork can lead to deportation. Like me, Greg Grandin a journalist with The Nation, met with many who attempted to register and were unable to do so as a result of obstacles set up by the state. Some waited as long as almost one year and had yet to receive confirmation that their paperwork had been processed without which, they are unable to exercise many of their rights and they remain eligible for deportation.\(^{518}\)

When I met another member of Reconoci.do, Epifania Chals Lichardo, she shared her experience being interviewed at the Inspectoria, along with feelings of shock and the existential and material crisis that many are facing in the midst of the destabilization of statelessness in the Dominican Republic,

Aside from the fact that (Law 169-14) is there, we have our documents. These people did not just fabricate their civil registry. The state gave this person an identity document and now they are denying it. It's like you’re in a state of shock. You think to yourself, 'this is crazy.' I’ve had my ID card for 23 years and now the Junta calls me and says I have to go for an interview. In addition to proving who I am, I am supposed to bring my biological parents who they interviewed too. When you are affected by denationalization, knowing that you are Dominican, that you were born in this (country) and, that you know everything about this land, that you didn’t come from any other place. You lose your mind and you think, 'Oh my God, where am I? I am worried. What should I do? Where should I go?' I can

\(^{518}\) Greg Grandin, "There’s a Vicious, Slow-Motion Pogrom Happening a Few Hundred Miles From the US," The Nation, June 5, 2015.
understand it, like I said earlier, now I feel empowered and know what's going on, but explaining this (as an advocate) to someone who is going through the situation right now is difficult. What I want to say is, that this situation has led people to the point of crisis for the denial of rights we are experiencing right now.  

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 Epifania Chals Lichardo of Reconoci.do, Santo Domingo (Photograph 13)

Source: Author’s Photograph

In response to the two year mark of the legalization of stateless in the Dominican Republic, on September 23, 2015, Reconoci.do released the "Proclamation of September

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23rd as the Day of Struggle Against Statelessness," which stated "For the defense of the constitution and human rights. No to statelessness! No to denationalization! No to Ruling 168/13.\(^{520}\) Two years after the revocation of citizenship enacted by TC 168/13 had been further exacerbated by Law 169-14.

Not only did it divide the population and provide a faulty implementation process, Law 169-14 only served a small portion of the population denationalized by Constitutional Tribunal ruling 168/13 and left many stateless. In fact, the Dominican Minister of the Interior stated that by January 9, 2015 only 5,345 out of an estimated group of over 110,000 within Group B had applied under Law 169-14\(^{521}\) and by the February 1st application deadline date the Dominican government reported that 8,755 had registered.\(^{522}\) Law 169-14 only recognizes the Dominican nationality of a small percentage of those affected by Tribunal Constitutional ruling 168/13. Group B is believed to be much larger than Group A, as an astonishing number of children in the Dominican Republic, as many as 19%, do not have birth certificates and were never registered in the civil registry.\(^{523}\) As for Group A, the Dominican government reported on June 22, 2015 a little over 1 year after the inception of Law 169-14 that only 55,000 people from Group A had benefitted from the program.\(^{524}\)

Law 169-14 was a complicated process that was not well publicized or applied and that had to be adhered to by a highly vulnerable population who often lacked access to the

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\(^{524}\) Open Society Foundations, "Deportation and Citizenship in the Dominican Republic."
resources required to complete the process at state offices, and with only a limited time to comply. The Dominican government has not taken seriously its obligation to protect the right to nationality and identity. The conditions and processes facilitated by Tribunal Constitutional ruling 168/13 and Law 169-14 provide an example of biopolitics, a form of state power, mechanisms that manage human life processes under regimes of authority over knowledge, power, and the processes of subjectivation. Both Tribunal Constitutional ruling 168/13 and Law 169-14 produced illegitimate and foreign subjects out of citizens.

Accessibility to documents (or the lack thereof) as determined by the state (or related bodies such as the JCE) is central to state functions and power, more specifically the formation of identity and in this case, citizenship. Given an increase in the popularity of institutional ethnography, a number of anthropologists have studied documents in the last few decades. Anthropologists have largely studied documents as a mechanism of control or knowledge production, meaning making. The study of documents or their usage aims to revive the analytical visibility of documents, to look at rather than through them and to treat them as mediators, things that modify, translate, or even distort, the meaning or the elements they are supposed to bring.

Much of Max Weber's work has illustrated not only that documents are central to how bureaucratic objects are enacted in practice, but, also how people are more than the instrumental objects of bureaucratic process. It is the conflict, uncertainties and practical

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problems generated by the separation between persons and their documents and other aspects of their personhood that make particular types of subjects. Documents can form subjects. Form-made persons are made to be a part of bureaucratic processes. In fact, documents are essential elements of the constitution of a range of entities: disease, place, property, technologies, and infrastructures. In his study of documents, Mathew Hull analyzes how,

Insane or reasonable persons are produced and diverted into regimes of rehabilitation or punishment through the ritualistic production of intake documents. Haitians subject to political violence are made into 'viktnms' and inserted into the governance of international aid agencies through the production and circulation of 'trauma portfolios'. Immigrants in France claim citizenship through documents placing illness at the center of their identity. Discursive logics, concepts, norms, and social relationships can account for classification schemes, the criteria for bureaucratic determinations of what sort of person or thing fits within them. But documents are what mediate between people, places and things, constructing this person as a viktn or this house as an encroachment - or even this as a house.

The state has monopolized the authority to restrict movement, which is different, essentially more covert than effectively controlling all movement. States often look for less invasive means of identifying people, much like Foucault's Panoptican, where individual prisoners are guarded by a guard that is invisible to them. This also brings to life what Weber writes about institutions as the government's way of chronicling,

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530 Matthew S. Hull, "Documents and Bureaucracy," 258.
531 Matthew S. Hull, "Documents and Bureaucracy," 259.
fingerprinting for example. Immigration laws are instruments to supplement and refine the limits of discipline and coercion, but through law as a tactics. Tactics that aim to make a disciplined and manageable object of any given social group are can never be assured of realization.\textsuperscript{532}

\textit{Deportations and Expulsions}

There are fundamental, unsolvable contradictions between making a people completely disposable ... neither needed nor wanted, and trying to control their lives at the same time.


We've often had deportations from the Dominican Republic to Haiti, but this is the first time that they will be done with a law behind them.

- Edwidge Danticat, \textit{Democracy Now} (June 17, 2015)

\textit{Discarding}

Countries have the right to deport foreigners even if they have lived in the country for a long time as residents, however in the Dominican Republic, Article 37 of the presidential decree for the implementation of the National Regularization Plan for Foreigners with Irregular Migration Status stated that no migrant who had applied for regularization could be deported during the realization of the plan.\textsuperscript{533} President Danilo Medina, also declared that the government would take the time needed to review the pending applications from migrants for regularization, which indicated that deportations

\textsuperscript{532} Nicholas P. De Genova, "Migrant 'Illegality' and Deportability in Everyday Life," 425.  
\textsuperscript{533} Amnesty International, "Dominican Republic Urgent Action Report."
would not begin on August 1, after the 45-day grace period. Domestic and international pressure seemed to halt mass deportation at the levels expected. Foreign Minister Andrés Navarro noted that deportations resumed after the July 17, 2015 deadline for the plan passed, "What the government is doing is the regular enforcement of the immigration law," Navarro said, "Deadlines have passed ... and the regular enforcement has been resumed." My contacts in the Dominican Republic argue that they never stopped.

Following the initial set-up of the National Regularization Plan for Foreigners with Irregular Migration Status, the second phase of the plan started on June 1, 2014 and migrants then had twelve months to apply for regularization. A major concern was that the deportations would not only apply to Haitian migrants, but also thousands of effectively stateless Dominican nationals of Haitian descent. In fact, the simultaneous implementation of Law 169-14 which includes the Naturalization Plan for Dominican nationals and the National Regularization Plan for Foreigners with Irregular Migration Status, provided an avenue for the government to place the rights of Dominicans of Haitian descent in jeopardy. Both the plan for migrants and for Dominicans of Haitian descent expired on June 17, 2015. If officials determine that Dominicans are irregular migrants, they are in peril of losing their rights and being deported.

What was clear from the Inter-American Court cases of Juliana Deguis v. the Dominican Republic and Yean and Bosico v. the Dominican Republic, for many years, the Dominican state and members of civil society had mislabeled Dominicans as Haitian.

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535 Joshua Jelly-Shapiro, "Waiting to be Deported in Santo Domingo."
537 Amnesty International, "Dominican Republic Urgent Action Report."
migrants, due to the sound of their name or phenotype or a range of other discriminatory determinations. Following this trajectory and given the cases that are being reported, the probability of many Dominicans being identified as Haitian and being deported as a result is high. Essentially, the same apparatus of state power that is executing the deportations, also revoked the citizenship of Dominican nationals.

Rachel Nolan of Harper's Magazine appeared with me as a guest on the Huffington Post Live panel titled, "Dominican Republic To Deport Thousands Of Haitians." Rachel shared her concern about the deportations on the show,

We are talking about two distinct groups of people that the Dominican government is seeking to deport or expel at the same time. And one reason why the government is doing this is probably because it makes it very confusing because on the one hand under international law, the Dominican Republic can elect to deport their illegal immigrants and mass expulsions are not legal, but slow deportations are legal so they can do that. On the other hand, with those who they have just made stateless- that is already against international law. And arguably, that is not a deportation, that is an expulsion and that is quite different.  

Expulsion refers to the act of depriving one of membership in an organization, the process of forcing someone to leave a place, especially a country, or the process of forcing something out of someone. Deportation, on the other hand, is a form of expulsion, the expulsion of a person or a group of people from a place or country. Deportation usually refers to the removal of foreign nationals as compared to the expulsion of nationals more regularly noted as exile or banishment. For both groups, often removal occurs with

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538 Nancy Redd, "Dominican Republic to Deport Thousands Of Haitians."
reduced or no right to trial, legal representation or appeal due to the subject's lack of citizenship.

It was estimated that half a million legally stateless people could be sent to Haiti after the deadline was set to expire June 17th. Fleets of buses and processing centers had been set up. Based on the headlines, such as "Deportations loom in Dominican Republic for Haitian migrants who failed to register", it seemed that Haitian migrants had done something wrong to end up in this situation. When in fact Haitian migrants were encouraged to come to the Dominican Republic by the Dominican government during the early part of the 20th century. Furthermore, the media did not adequately address how many Dominicans of Haitian descent, particularly those who were denationalized and placed in Group B were vulnerable to deportation.

Tribunal Constitutional ruling 168/13 and Law 169-14 further de facto methods of oppression, including the arbitrary deportations and expulsions that preceded them. Covering the June deportation, Joshua Jelly-Shapiro, a journalist with *The New Yorker*, highlighted his interaction with a young soldier outside the Bureau of Migration. Jelly-Shapiro recounts, the soldier "fondled a shotgun beside a row of old school buses that had been retrofitted with iron bars across their windows. When I asked him who the buses were for, his answer was simple: 'Los morenos'—the dark ones".

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539 Amy Goodman, "The Dominican Republic's 'Ethnic Purging.'"
540 Jacqueline Charles, "Deportations Loom in Dominican Republic for Haitian Migrants Who Failed to Register."
541 Joshua Jelly-Shapiro, "Waiting to be Deported in Santo Domingo."
Old News

I think we also have to remember that this is not the first time that we've had these deportations. There were somewhat large scale deportations in the 1990s and they also happened to coincide with elections in the Dominican Republic. Often when elections are coming up and parties who are in power want to keep their power, you know, you always have in the Dominican Republic, this population that you can easily scapegoat. But this is the first time that it has gone this far.\footnote{Edwidge Danticat, Democracy Now (June 17, 2015).}

-Edwidge Danticat, Democracy Now (June 17, 2015).

In May 2005, and a few months before the Inter-American Court of Human Rights determination in the \textit{Yean and Bosico v. Dominican Republic} case, thousands of Dominican nationals were deported from their homes by the Dominican military. The Dominican government has often denied that there have been clandestine deportations in the country. The 2005 deportations were so improperly done, however, that President Leonel Fernandez admitted that they were handled “in an abusive and inhumane way.”\footnote{Amnistía Internacional, "República Dominicana. Vidas en Tránsito: La Difícil Situación de la Población Migrante Haitiana y de la Población Dominicana de Ascendencia Haitiana, March 21, 2007, 15-16.}

Mass or collective expulsions are a breach of the Protocol of understanding on the mechanisms of repatriation agreed upon by the Dominican and Haitian governments in December 1999. In signing the Protocol, the Dominican Republic government committed to improve its deportation mechanisms and even to allow those being deported to collect their belongings and keep their identity documents.\footnote{Amnesty International, "Dominican Republic Urgent Action Report."} Many eyewitness accounts of the
illegal deportations and other anti-Haitian acts of violence in 2005 (often captured on cell phones) were collected in the film *Birthright Crisis*.

At the start of the film a young woman states: "I woke up at 5am and I heard gun shots. The guards knocked at the door and they told us 'go to Haiti.'" Another woman confirms, "They put us in the truck and left the doors to our houses open." When the interviewer asks if it was the military, she responds, "Yes! The Dominican military." 11,000 deportations were carried out in 2005. As was made evident in the mass deportation announcement of the summer of 2015, such deportations not only continue ten years later, but with new legal, constitutional justification.

*Birthright Crisis* addressed several issues that often impact communities as a result of deportations and expulsions. The film documents the separation of mother and child who in one case were connected at the breast when military officials separated them. A woman testifies, "I have a ten month old that I am actually nursing (squeezes milk out of her breast to show the camera). I am full of milk and I have to waste it. They were left behind and I don't know if the neighbors helped them. Their father was born there. They both have papers." She continues, "I had four children with me. The oldest one ran out the window. I tried to take the two small ones but they didn't let me. They grabbed the documents from my hands." Another young woman testifies in the town Ounaminthe, "They broke the door down in the middle of the night, and they forced me out. My kids were asleep. They made me get in the truck without my kids, including my four year old

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545 Miriam Neptune, *Birthright Crisis.*
546 Miriam Neptune, *Birthright Crisis.*
547 Miriam Neptune, *Birthright Crisis.*
who was sick and I screamed 'I can't leave them!' But they took me and left the kids." The separation of families and the vulnerability of women and children as also documented in the "Parejas Mixtas" study by OBMICA and MUDHA about the targeting and misdocumentation of the children of Dominican women of Haitian descent in hospitals is cause for significant concern. Much of the footage taken by the people impacted by expulsions and deportations serves as a corrective for the misrepresentation by the Dominican government and in the media.

Deportations in the Dominican Republic have been condemned as violations of the national migration law on repatriation (No. 285-2004), the 1999 Dominican-Haitian Protocol of Understanding, and Article 22.9 of the American Convention on Human Rights (ACHR)\textsuperscript{17}.\textsuperscript{548} If deportations are to take place, at minimum, according to the Protocol of Understanding of Repatriation Mechanisms which was agreed upon by both the Dominican Republic and Haiti in December 1999, the deportations of undocumented residents need be respectful of human rights, occur within reasonable hours of the day and allow deportees to keep their personal documents.\textsuperscript{549}

The film highlights some of the risks created by state actors. Another woman who observed the deportations testifies: "They didn't allow them to take anything, with them. They took people practically nude. They only had the clothes on their backs. They treated them like animals or criminals. They attacked people on their way to work." In another testimony, another woman confirmed, "When we looked for clothes to wear, they said we

didn't need to." When the state sponsors the marginalization of Dominicans of Haitian
descent, many sectors of civil society follow suit and it leaves them increasingly
vulnerable.

In May 2005 there was also an increase in social violence. Shortly before the onset
of deportations, a Dominican woman, Maritza Nunez was killed and her husband brutally
injured. Four Haitians were publically accused of the crime. Within a month, several
thousand people were deported to Haiti by Dominican military officials. Many other
Haitians and Dominicans of Haitian descent were attacked by vigilantes and subjected to
rapes, beatings or murder. Later that year, on June 2, 2005, Haitian farm workers were
beheaded by a mob carrying machetes, and on August 16, 2005 in Santo Domingo, four
young Haitian men were chased into a house in Santo Domingo and burned alive. Only
one escaped to safety. Many were unsure of the government's investment in seeking
justice for these acts. A news reporter asserted:

We hear the Haitian government demanded an investigation of this, a serious
investigation. So we at this station (television) looked into how this investigation
was going and we found the surprise that neither of the two local governments had
started an investigation. Neither the district nor the province. What does this seem
like to you? Then we complain when we have been condemned for human rights
violations. In my opinion, these Haitians were killed by our government. They
were killed by the so called 'patriots' in a campaign of hysteria.

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550 Miriam Neptune, Birthright Crisis.
551 Miriam Neptune, Birthright Crisis.
552 Miriam Neptune, Birthright Crisis.
553 Miriam Neptune, Birthright Crisis.
An alarming number of women and children, many born in the Dominican Republic and also fighting for their birthright, are victims of violent acts. By highlighting the multiple impacts of deportations, the film addresses the intersectionality of denationalization and acts of violence. For Dominicans of Haitian descent, statelessness compounds these multiple forms of disenfranchisement. Another woman testifies, "I have three children and my husband has one." When asked if they were all born in the Dominican Republic, she answers, "Yes. We were not told why this happened. We didn't have any notice. Immigration just came and dragged everyone into their trucks. They took people's stuff. They took our tv's and just left with them." When asked, how many people they took?" She replied, "They took a lot of people and they stole a lot of stuff." In support of Birthright Crisis, author, Edwidge Danticat, argues that the film demonstrates "why we cannot remain silent" and that "everyone has an irreversible right to a nationality and the critical protections rendered by citizenship in the country of his or her birth."555

News

Despite reports that the Dominican government provided medical assistance and stopped deportations after the earthquake in January 2011, the roundups of migrants and immigrants without legal status continued and government officials continued to deny that there were human rights abuses happening. In the beginning of 2015, Dominican authorities launched “Operation Shield” (Operación Escudo), a mass-scale deployment of security forces in the border areas, to halt the entry of those without regular status. In the

554 Miriam Neptune, Birthright Crisis.
month of January alone, the authorities repatriated more than 22,000 individuals, the vast majority to Haiti.\textsuperscript{556} According to Dominican human rights organizations, among those repatriated were individuals who had applied to the ongoing National Plan of Regularization of Foreigners.\textsuperscript{557} On January 27, 2015, Amnesty International documented the mass deportation of 51 Dominican-born nationals in the Dominican Republic, of whom many were children. Traveling with religious officials, the group included mothers who planned to enroll their children in the process to regularize Dominican children of migrants without regular status, under Law 169-14. The group also included 14 Haitian migrants who planned to enroll in the National Regularization Plan for Foreigners with Irregular Migration Status.\textsuperscript{558} Labeled as undocumented migrants, military officers denied the group access to the city. They were asked to get a pass at the office of the Migration near the Haitian-Dominican border, however once there, they were detained and the authorities ordered their immediate deportation to Haiti without the opportunity to have their cases individually examined, and therefore without the ability to challenge their detention or appeal the decision.\textsuperscript{559} The practice of collective expulsions means that Haitians and Dominicans of Haitian descent live in constant fear of being expelled, without an effective opportunity to challenge the decision.\textsuperscript{560} The group was deported.\textsuperscript{561}

Just a short while after I met Jairo Polo and other members of Reconocido, I learned that on the morning of January 31, 2015, Jairo, along with 15 others, was detained by migration authorities when he went to regularize his paperwork as requested by the

\textsuperscript{556} Amnesty International, "Dominican Republic Urgent Action Report."
\textsuperscript{557} Amnesty International, "Dominican Republic Urgent Action Report."
\textsuperscript{558} Amnesty International, "Dominican Republic Urgent Action Report."
\textsuperscript{559} Amnesty International, "Dominican Republic Urgent Action Report."
\textsuperscript{560} Amnesty International, "Dominican Republic Urgent Action Report."
\textsuperscript{561} Amnesty International, "Dominican Republic Urgent Action Report."
administration of Barahona. They went to inscribe in the Naturalization Plan. Then at the border of Jimani, they found themselves about to be deported. The officials attempting to deport them said that they would only stop the deportation process if requested by the Director de Migration, Jose Ricardo Tavera. Jairo, a Dominican national of Haitian descent, born and raised in Dominican Republic, was detained for deportation while following the protocol established by Tribunal Constitutional ruling 168/13 and Law 169-14. Likely, Jairo's expulsion was interrupted and his story known, only because he is a member of Reconoci.do, a group that has protection under the Inter-American Commission for Human Rights because of their activism against statelessness.

The majority of Dominicans of Haitian descent, face similar treatment and do not have the same protection. Jairo's case provides evidence that Dominicans of Haitian descent continue to be racialized in the context of a civil genocide, "Dominicans of Haitian descent do not merely lack citizenship rights; they are aggressively constructed as anti-citizens whose mere presence is a threat to the nation." As a result, many Dominicans of Haitian descent are getting corralled into certain kinds of spaces and excluded from others. Security and sovereignty have been constructed as a racialized

563 As noted in the IACHR "Situation of Human Rights in the Dominican Republic" Country Report, on January 30, 2014, the IACHR asked the Dominican Republic to adopt precautionary measures for the members of the Dominican Republic’s “Reconoci.do” Movement, because the lives and personal integrity of its members had allegedly been threatened for criticizing Constitutional Court judgment TC/0168/13. The Commission therefore called upon the Dominican Republic to take the necessary measures to preserve the life and personal integrity of the members of the “Reconoci.do” Movement and to ensure that they would be able to engage in their activities as human rights defenders without being the target of acts of violence and harassment for performing their functions.
564 Steven Gregory, The Devil Behind the Mirror, xvi.
565 Deborah Thomas and M. Kamari Clarke, "Globalization and Race," 313.
discourse, increasingly in the post 9/11 period. Under this guise, citizenship by birthright has been subjected to various limits and forms of surveillance and control.\footnote{Adriana Petryna and Karolina Follis, "Risks of Citizenship and Fault Lines of Survival," 403.}

Deportation policies deny people effective ways of fighting for their legal rights and lay bear the obstacles that make one feel like an impossible subject, one with limited possibilities for advancement.\footnote{Mae M. Ngai, \textit{Impossible Subjects: Illegal Aliens and the Making of Making of Modern America} (Princeton, NJ: Princeton University Press, 2004).} Deportations and expulsions may be viewed as technologies of citizenship and racialized state power in the Dominican Republic, as the creation of invisibility and impossibility by the state and civil society hold not just for migrants in the Dominican Republic, but for citizens. The next section highlights how the Dominicans diaspora works in collaboration across various borders, in order to challenge these limiting constructions and to create alternate spaces.
PART III: Reshaping National Imaginations Transnational Activism
Chapter Five: In Solidarity

As long as white supremacy remains the order of the day, we must always work to control our representations, to offer a progressive vision.


**Dominican American Diaspora, NYC**

In “The Tribulations of Blackness: Stages of Dominican Racial Identity,” Silvio Torres-Saillant argues that after migration to the United States-and as a part of the Dominican diaspora-the racial identification of Dominicans changes. In other words, emigrants from the Dominican Republic suddenly find themselves identifying more with their African heritage. He states, "Dominicans cannot help but realize that in the United States race matters tremendously. In this country, Dominicans join the cast of an inescapable social drama wherein whites set the normative standard and "black people are viewed as a 'them" to borrow the language of Cornel West (1993:3). Race has implications for one’s survival." 568

While this may be the reality, the testimonies of Altagracia, Ana Maria, Elmo and others demonstrate that many Dominicans of Haitian descent have been viewed and treated as a "them" as a result of the color of their skin or the sound of their name for many years in the Dominican Republic. Although an important contribution, by making this generalization Torres-Saillant plays into the myth of a racial democracy in the

Dominican Republic and also creates a monolithic experience of race in the Dominican Republic and of migration to the United States.  

In *Dominicans in New York: Power from the Margins*, Milagros Ricourt argues that the length of residence in the United States is a determinant of assimilation and one's ethnicity, which may then impact how they identify. For some identity may strictly be a form of political (or other) strategizing. The argument is that the obstacles encountered in the United States may encourage some to cling to their roots. Immigration often changes concepts of race, and ultimately that there are a multiplicity of identities that make up a Dominican American. However, despite arguments that the longer Dominican youngsters have resided in the United States, the greater the likelihood that they will classify themselves as black, many Dominicans of Haitian descent interviewed identified with blackness.

In *Black Behind the Ears: Dominican Racial Identity from Museums to Beauty Shops* Ginetta Candelario visits a Dominican Beauty shop in Washington Heights, New York City and argues that in NYC those who migrated after 1965 do not aim to identify with African American or black identity. Candelario highlights the historical relevance of hair for Dominicans in order to show why ideals of good or bad hair are important in the community and are seen as a means of access to resources through representations of whiteness. Public spaces such as museums and modes of knowledge production are also identified as enforcing identification with whiteness. Candelario argues that Dominicans

571 Milagros Ricourt, *Dominicans in New York*.  
572 Milagros Ricourt, *Dominicans in New York*.  
573 Milagros Ricourt, *Dominicans in New York*.  

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arriving in Washington, DC in the late 1940s and 1950s were more likely to embrace their Black identity - due to factors such as class and language. In the end, she argues that as Dominicans embrace or negate their blackness, they are recreating themselves. My ethnographic research questions the empowerment of blackness that shifts behind the ears. A survival strategy, but it may also further racialization. If racial ambiguity may be empowering for those thriving from it, what of those marginalized because of it?

**We Are All Dominican**

We Are All Dominican (WAAD) is a group of New York-based students, educators, artists, and community activists working to raise awareness about the problem of denationalization in the Dominican Republic in order to provide support to those affected while also challenging this policy on the ground. WAAD formed soon after the September 23, 2013 court ruling and has since published written work and organized community events, including press releases, teach-ins and protests, aimed at raising awareness in solidarity with those denationalized by the Dominican Republic. I started participating with WAAD in December 2013 and am a founding member.

WAAD believes in participatory and collaborative activism. Usually for research or to visit family, members of WAAD travel to Dominican Republic regularly. While there they seek to maintain contact with groups combating denationalization on the ground. When I visited in January of 2014 I organized interviews for my research, but also attended meetings on behalf of WAAD. WAAD works most closely with Reconoci.do, an activist group of Dominicans of Haitian descent whose citizenship has been revoked or jeopardized. Members of WAAD maintain regular contact with Reconoci.do, mostly Ana
Maria Belique and Rosa Iris Diendomi Alvarez, by way of Skype, email, WhatsApp and other mediums. WAAD members have also met with other organizations combating denationalization such as MUDHA, MOSCTHA, Red de Encuentro Dominico Haitiano, OBMICA, the Committee of Solidarity with Denationalized Persons and Dominican@s por Derecho. In terms of local and international collaborations to address denationalization in Dominican Republic, Bridget Wooding told me,

One of the difficulties is making sure that we (local and international groups) are all on the same wave length. It may seem at times easy from outside of the country to do certain things, or they may be taken as given, where as in the local context or national context it may be more difficult, for example to get spaces for dialogues with authorities, with higher people in the judiciary sector in congress... organizing rational debates and so on. The question of the media is important and needs to be taken into account because although we may do as much as we can, often what comes out in the media doesn't necessarily influence the public opinion in positive ways. The issues are complicated. There have been important times when parts of the diaspora have gotten together with local civil society. But there needs to be better mechanisms by where that dialogue and to and from can be

574 For more information on the organizations visit: MUDHA's Facebook facebook.com/mudha.ong; MOSCTHA's website and Facebook http://www.mosctha.org facebook.com/mosctha; Red Jacque Vieu's website http://www.redhjacquesvieu.org.do (sic); Dominican@s Por Derechos, Twitter @domxderecho, Email: dominicanosxderecho@gmail.com, facebook.com/dominicanosxderecho
better sustained recognizing that the movement within country can have a difficult
time having an absolutely clearly articulated opinion also.575

WAAD participates in meetings with those in the Dominican Republic by way of live
stream when possible. One such meeting occurred in March 2014, with Centro Bonó
during one of their action planning sessions. During this session, as participants we were
able to share ideas with other participants in Spain and other parts of the world. There are
different strategies to address denationalization. For WAAD it is important to the group
that their actions be informed on a regular basis by those impacted. As Wooding
mentioned, however, opinions often differ within organizations, let alone between them.
Therefore there is balance between WAAD maintaining its identity and following the lead
of local groups, which is not always an easy balance to find, but work the group is
committed to that ideal.

Central to WAAD's mission is education as a corrective to misrepresentations and
omissions concerning denationalization. Toward this end, WAAD participates in many
teach-ins throughout the New York City area. On January 4, 2014, with other members of
WAAD, I received training in how to teach and screen the film Birthright Crisis at the
Teaching Birthright Crisis Workshop at Barnard College under the instruction of members
of Haitian Women for Haitian Refugees and the producer, Miriam Neptune. As previously
mentioned, the film includes personal accounts from Dominicans of Haitian descent and
their Haitian immigrant parents of discrimination, violence and attempts by the state to
deprive them of crucial ID documents. It also highlights how young Dominicans of

575 Bridget Wooding, Interview by Javiela Evangelista. OBMICA Office: Santo Domingo,
Dominican Republic, 1 February 2014.
Haitian descent are mobilized to fight for their rights. Edwidge Danticat urges readers to "please watch Birthright Crisis, then learn what you can do to add your voice to this very important cause." During the workshop we viewed the film and discussed the various emotions felt. We also discussed how we would teach it as educators and artists. By the end of the session all in the room felt connected by what we experienced. WAAD uses Birthright Crisis as a teaching tool and means of raising awareness in many of their teach-ins at community centers and schools throughout the city.

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_Birthright Crisis Training, New York (Photograph 14)_

**Source: Author's Photograph**

At Lehman College on May 13, 2014 in collaboration with Lehman students and faculty, Reconoci.do and the Comité en Solidaridad, WAAD participated in a symposium titled "Citizenship and Human Rights in the Dominican Republic." Ana María Belique of

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576 Lisa Paravisini, "Edwidge Danticat Urges Awareness in Birthright Crisis in Dominican Republic."

577 Haitian Women for Haitian Refugees (HWHR), "Teaching Birthright Crisis."
Reconoci.do, a human rights activist directly impacted by statelessness, was an honored guest. Juan Bolívar Díaz the award-winning journalist mentioned in chapter 3 was also an honored guest. Juan Bolívar Díaz is also a founding member of the Committee of Solidarity with Denationalized Persons, a group of prominent Dominican journalists, lawyers, artists, activists, and other public figures.

Flyer for Lehman Symposium, New York (Photograph 15)

Source: Author's Collection

Distinguished panelists at the symposium included, Julia Harrington Reddy, Senior Legal Advisor at The Open Society Foundation; Steven Gregory, Professor of Anthropology at Columbia University and author of The Devil Behind the Mirror: Globalization and Politics in the Dominican Republic; Miriam Neptune, Producer of Birthright Crisis and Board Member of Haitian Women for Haitian Refugees; Claudia De la Cruz, Lecturer John Jay College and Founder of The Urban Butterflies; Miriam Mejia advocate with
Domincan@s Por Derecho-NYC; Milagros Ricourt Professor Lehman College and myself, Javiela Evangelista, an Adjunct Lecturer at Lehman College.

Ana Maria Belique presented on the impact of statelessness in the Dominican Republic and Juan Bolívar Diaz explained why he frames statelessness as a civil genocide. The film Birthright Crisis was screened and there was an extended dialogue between the panelists and the audience. The event featured a combined Haitian rara and Dominican gaga performance, in celebration of cultural commonalities between Dominican and Haitian groups. As noted in the flyer for the event, there was simultaneous translation in Haitian, Kreyol and Spanish. The day following the symposium, WAAD organized a press conference at the headquarters of SEIU Local 1199 for Ana Maria Belique and Juan Bolívar Diaz to present their recommendations for the restoration of the rights of Dominicans of Haitian descent to New York One and other networks, to be broadcast locally and in the Dominican Republic as well. At a press conference in Santo Domingo the recommendations were presented simultaneously by members of Reconoci.do and other organizations there. The strategy of joint work across borders with open and consistent dialogue and joint activities is central to WAAD's approach to transnational activism.

During teach-ins the group sometimes uses a toolkit that members developed for learning about denationalization in the Dominican Republic. The toolkit contains discussion questions, handouts, background material (research list and legal analysis), videos and films and ideas to take action. I designed the discussion questions to be interactive and reflective, based on my experiences teaching undergraduate classes and

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578 We Are All Dominican (WAAD), "Learning about Denationalization Toolkit."
working with activists in the Dominican Republic. WAAD disseminates the toolkit to various community and academic groups working against denationalization in order to provide assistance to those who support in solidarity. Also toward greater education, WAAD co-published an article on denationalization in *Anthropology News* (Vol. 56, Issue 4) titled “Considering the Transnational: Students and Activists in New York Address Violence and the Denationalization of Dominicans of Haitian Descent in Dominican Republic.” As artists, activists and academics, WAAD aims to amplify denationalization in a variety of arenas.

A central component of the educational agenda, WAAD prioritizes the arts as a means of educating and opening up spaces for imagining justice and thereby cultivating it. On Saturday, October 25, 2014, WAAD hosted "Imagínate: Justice II", a family-friendly arts for justice workshop where parents, teens and artists from Dominican, Haitian, Puerto Rican, and African American communities showed solidarity against denationalization. I observed participants learning how the law came to pass from an informational panel with WAAD members Amarilys Estrella (NYU doctoral student) and Miriam Neptune (Director of the documentary *Birthright Crisis*), as well as Sita Frederick (Artistic Director of Areytos DanceWorks) and artist/educator Yolanda Velázquez (member of the collective De Aquí PA’YA).
Yolanda Velázquez brought a traveling children’s mural, painted by children in the Dominican Republic, Haiti and Puerto Rico for young participants at "Imagínate: Justice II" to contribute to by painting and noting their thoughts about the ruling. Through fun and creative arts exercises, participants created writing, dance, visual arts and songs in response to the ruling; and they reflected on the danger of xenophobia, racism, deportations, anti-immigration policies, and deportations worldwide. Manuela Arciniegas, folkloric drummer, mother of four and event co-organizer and the first drummer pictured below, stated, "I have found that throughout hundreds of years of living within racism, blacks, Latinos and Caribbean communities have tried to desensitize themselves from the pain of racism. Through art, we can all revive the sense of unfairness of these and all policies in NY and throughout the world, and have the courage to stand up to them."
WAAD has also coordinated street actions to educate the public with printed materials, open discussion and, at times, performance. The group also used the arts to discuss justice at a WBAI event on February 15, 2014 with a performance by Legacy Women. Of artists and social justice, particularly in his experience with the Black Lives Matter movement, Reverend Osagyefo Sekou said the following, "The preachers we're lying. The politicians we're lying. Most intellectuals want novel ideas and aren't interested in the suffering of black people. The people who are in leadership, who are feeding people are artists themselves. They are our last truth tellers." Evident in their programming, WAAD is in agreement with this premise.

Truth tellers for many years, it is not surprising that Dominican and Haitian novelists Junot Diaz and Edwidge Danticat have been at the forefront of advocacy on Dominican denationalization from the Dominican and Haitian diaspora, with other writers

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such as Julia Alvarez. Junot Diaz and Edwidge Danticat were some of the first public voices heard in opposition to the ruling. They have given lectures and contributed individual and collective op-eds.\textsuperscript{580} They continue to amplify the issue and organize. For many years, before the ruling, their historical fiction, including *The Brief Wondrous Life of Oscar Wao*, *In the Time of the Butterflies* and *The Dew Breaker*; their works of poetry; and critical essays have taken readers on journeys in the United States and the Caribbean through imperialism, dictatorships, modes of survival, racialization, decolonial love, and many other critical issues.

Their historical fiction takes the reader beyond the limitations of the written record. In addition to detailed archival research, Diaz and Danticat expand our imagination, a critical intervention, according to Jenny Sharpe in *Ghosts of Slavery: A Literary Archaeology of Black Women’s Lives* who writes:

> Slavery continues to haunt the present because its stories, particularly those of slave women, have been improperly buried. But an improper burial does not mean that they are irretrievably lost. Toni Morrison describes her historical novels as 'a kind of literary archeology' of the life stories that are missing from the written records. She calls her imaginative recreation of the past an archaeology because she sees herself piecing together a world that exists only as fragments in the archives. At the same time she insists that just because the slave’s world has to be imagined does not make it any less true.\textsuperscript{581}


\textsuperscript{581} Jenny Sharpe, *Ghosts of Slavery: A Literary Archaeology of Black Women’s Lives* (Minneapolis: University of Minnesota Press, 2003), xi.
For marginalized people, in this case black enslaved women, official written documentation is not extensive. This is the case for Dominicans of Haitian descent in the Dominican Republic as well. Addressing inequalities in the production of knowledge often comes at a cost. Junot Díaz was accused of being anti-Dominican by Eduardo Selman, the Dominican Republic's consul in New York. Díaz was also stripped of the Order of Merit awarded to him by the Dominican Republic in 2009.\(^5\)

The repression of Junot Díaz mirrors that of journalists and human rights officials in the Dominican Republic who have voiced opposition to denationalization such as Marino Zapete, Juan Bolívar Díaz, José Miguel Vivanco and Gonzalo Vargas Llosa. Given the silencing and the limited media coverage on denationalization, WAAD is committed to amplifying the condition and the concerns of those denationalized through various media outlets. Members of the group have appeared as guests or given reports on NY 1, NPR, Huffington Post, and BRIC media.\(^6\) One of the primary strategies of intervention is the use of social media to provide updates on actions and events in the NYC area, and also to stay connected with activists.

Some activists in the Haitian community have been hesitant to collaborate with Dominican Americans to address discrimination in the Dominican Republic. It is a concerted goal of WAAD to build relationships between Dominican and Haitian activists as a corrective and a prescriptive measure, and in the spirit of PanAfricanism. Given historical inequities, it is also in the spirit of humility, learning and community building.


Within the Haitian community working against denationalization in New York, WAAD collaborates most centrally with Dahoud André of Radyo Pa Nou, Ninaj Raoul Director of Haitian Women for Haitian Refugees (HWHR) and Nancy Morriseau of the Haitian American Lawyers Association of New York (HALANY). Miriam Neptune, a Board member for HWHR and producer of the film Birthright Crisis is also one of the founding members of WAAD.

Of the incorporation of Haitian Americans in her research, in "Sensing Difference: Whiteness, National Identity, and Belonging in the Dominican Republic," Yadira Hazel states, "Though I spoke with Haitians and Haitian-Dominicans who were street vendors, housemaids, homemakers, university students, professors, and musicians, the vignettes highlighted in this article rarely have Haitians present or speaking. Yet, the absent presence of Haitians is central to the encounters of negotiated belonging and is evidence that notions of Haitianess and blackness seep into everyday encounters." WAAD demonstrates that this is a choice. In order to dismantle denationalization, or even create stronger relations between Dominicans and Haitians, activists and researchers must make the decision to work together across constructed divides. I have observed that collaborative work with the Haitian community has not only expanded what it means to be a community and family for members of WAAD, but it has also strengthened the movement against denationalization and provided valuable lessons.

Dahoud André hosts a Brooklyn-based radio program on subcarrier station Radyo Pa Nou, for Kreyol speakers called Eritye Papa Desalin (Heirs of Father Dessalines) with

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regular reports from Altagracia Jean-Joseph, directly from the Dominican Republic. André demonstrates that responsible coverage of denationalization should be consistent and based in reports from those working through the experience on the ground in the Dominican Republic. The program airs outside of the United States as well. Members of WAAD have appeared on the show to provide updates on activities in New York. I appeared as a guest on October 27, 2014 and discussed the importance of the involvement of the Dominican diaspora in the struggle against denationalization.

Police Brutality March, WAAD, New York (Photograph 18)

Source: Author's Photograph

For more information, see: www.radyopanou.com, on subcarrier 101.9 FM-SCA (at the time of publication, on Tuesdays from 1pm to 2pm).
One of many lessons, I learned from him, Dahoud told me, "if you want people to trust you, you should be involved in various causes, not just Dominican denationalization. Social justice is social justice." On October 22, 2014 Rocio Silverio (pictured to the left) and I arrived at Radyo Pa Nou early to make signs in commemoration of the many lives lost to police brutality across various communities with Dahoud and other members of the Haitian American community. Miriam Neptune (middle) met us at the march. It was at such gatherings that community and trust has been built, which is important even beyond our struggle against denationalization, which was Dahoud's sage point.

Naturally, with several groups mobilizing to end denationalization in the Dominican Republic there are a range of approaches in the Dominican Republic and in New York. Immediately following Tribunal Constitutional ruling 168/13, regional groups within the Caribbean such as Caribbean Community (CARICOM) expressed their concern with the human rights violations taking place in the Dominican Republic. Prime Minister of Trinidad and Tobago, Kamla Persad-Bissessar, also chairperson of CARICOM, stated that the Dominican Constitutional Court had created a "grave humanitarian situation." As a result, CARICOM placed the Dominican Republic's eligibility for CARICOM membership up for review. During our conversation, Bridget Wooding expressed concern about the consequences of actions from the international community or the diaspora, at home in the Dominican Republic. Of CARICOM she said,

587 Linda Hutchinson-Jafar, "Caribbean Leaders Consider Sanctions on Dominican Immigration Ruling."
Sanctions on the whole are a pretty blunt instrument and so as much as possible needs to be done in terms of exerting moral pressure, as opposed to economic pressure. That moral pressure needs to be done quite carefully, so that peers are perceived as trying to influence, rather than perhaps the heavy hand of the north. Even though this may be more difficult in certain contexts, for example CARICOM which might be perceived as peer pressure in fact is perceived as something other because of the way in which that comes across. It's perceived not as moral pressure, but economic pressure like 'Oh we're going to kick you out of CARICOM for evermore,' which probably would have been there position even if sentence 168 happened or not. So it's on a case-by-case basis. I think that what is more important is that moral pressure happens rather than the blunt instrument of sanctions or of even trying to use trade agreements. I think trade agreement may be useful as ways of bettering labor conditions, but in other cases they may not be an inefficient tool.  

WAAD works closely with the group the International Campaign to End Apartheid in the Dominican Republic, which is comprised mostly of members of Haitian organizations in New York, but also includes non-Haitian organizations in the US, Canada, Europe, and Haiti. The Campaign's platform calls for a boycott of Dominican tourism, products, and services. WAAD recognizes and respects the role of actions such as boycotts in ending apartheid in South Africa, however WAAD does not have an official position on such a boycott in the Dominican Republic. Instead the group has focused on drawing

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588 Bridget Wooding, Interview by Javiela Evangelista. OBMICA Office: Santo Domingo, Dominican Republic, 1 February 2014.
589 For more information, see: https://endapartheidinthedr.wordpress.com
international attention to the issue because the domestic and international pressure felt by
the Dominican government in 2013 and 2014 is likely the primary reason the president felt
compelled to respond with Law 169-14. Although not sufficient, as previously addressed,
the Dominican government has responded to pressure.
Chapter Six: Not Here or There

The same tear gas company that makes the tear gas that was shot at us in Palestine, makes the same tear gas that was shot at us in Ferguson.

- Rev. Osagyefo Sekou

Critiques Across Borders

Dominicans in the Dominican Republic should consider the significant migratory exodus of Dominicans elsewhere and in turn, some of the challenges that Dominicans may face abroad as immigrants and migrants. When I met with Bridget Wooding of OBMICA she shared with me,

It is a question of how resources are administered, Dominicans represent a net immigration country. So more than double the people who are in the country as immigrants, have left to travel abroad. Which means that for the Dominican population, not enough is being done. They feel the need to look for opportunities overseas and often move irregularly, just as Haitians may do too into this country. We’re talking about a global situation where there are asymmetries between countries north and south, but also between countries in the south. So immigration within the south is just as important as immigration between the south and north and that needs to be recognized as fact of life. It is (diaspora) important because in terms of influencing public opinion, one of the things that is important is the immigrant experience. People can see that how we treat our immigrants is how we as immigrants would hope to be treated outside of the country. The Dominican
diaspora with other allies, be they African American or Haitian is enormously important.  

The children of immigrants, members of WAAD feel connected to the struggle of immigrants and their children for their rights, not only in the Dominican Republic, but also in the United States. In New York City, out of over 8 million people, 3 million are immigrants, which is almost equal to the population of Chicago, the third largest city in USA. More Dominicans live in New York than any other city in the world, outside of Santo Domingo. "In the United States, unless you're Native American or the descendant of Native Americans, we are all immigrants." In fact, according to the American Community Survey, in 2013 the Dominican population in New York totaled 747,473, exceeding the number of Puerto Ricans in New York for the first time.  

During the last immigration overhaul, in 1996, a detrimental series of laws were passed that impacted communities of color. Since then, tens of thousands of Dominicans have been deported from the United States. The Anti-Terrorism Effective Death Penalty Act, Illegal Immigration Responsibility Act (IRA) all expanded deportable crimes and made deportability retroactive, meaning you would be liable for deportation if you

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590 Bridget Wooding, Interview by Javiela Evangelista. OBMICA Office: Santo Domingo, Dominican Republic, 1 February 2014.  
592 NYC Planning, Population Facts.  
593 Center for Latin American, Caribbean and Latino Studies (CLALCS) "Have Dominicans Surpassed Puerto Ricans to Become New York City's Largest Latino Nationality?" November 12, 2014.  
committed a crime even before retroactivity. In 2013, the senate put together comprehensive immigration reform to put billions of dollars into border enforcement and legalize a small segment of the population, but the reform wasn't realized. In 2013 alone, almost 2,500 Dominican immigrants were deported from the U.S. These experiences have formalized the experiences of the Dominican diaspora in the United States. Furthermore, "the long struggles for equality and social justice by people of color in the United States have yielded invaluable lessons from which Dominican people in the diaspora and in the native land have drawn and may continue to draw empowerment."

Deportation in the U.S. is not new. African Americans were deported during the 18th century as a punishment for crimes, yet towards the turn of the 19th century deportations were viewed as a solution to manumission. It was argued that "Under such arrangement we might reasonably hope that time would remove from us a race of men, whom we wish not to incorporate with us, which now form an obstacle to such incorporation." Thus "denying them those privileges here which they might hope to acquire elsewhere, endeavor to prompt them to migrate from hence. The Floridas, Louisiana, and the country south of the mouth of the Mississippi would afford a continual drain for them. At that distance they would never be formidable to us, and would possess a climate better adapted to their natural temperament." At the turn of the 19th century in

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596 Anthony Advincula, "U.S. Deported Around 369,000 Immigrants in 2013."
the United States, whites wanted to remove Blacks, and some Blacks were seeking a safe alternative to oppressive conditions.

The revocation of citizenship is also not foreign in the United States. In *The Origins of Totalitarianism*, Hannah Arendt discusses United States proposals to revoke the citizenship of those who were communist or suspected of being such. The U.S. government House Committee on Un-American Activities put Americans, including many African Americans, on trial for coordinating with the Community Party or not wanting to fight what they considered to be an imperialist war. The Communist Party had supported African Americans when the government did not, evident in the legal support and advocacy mobilization provided in the Scottsboro's Boys case in Alabama from 1931 to 1937, for example. In 1950, Paul Robeson's passport was revoked. The Supreme Court determined that travel rights could not be withdrawn, and his passport was returned in 1958. W. E. B. DuBois and others were isolated from the organizations that they worked with such as the NAACP. Even members of state, such as Ralph Bunche, were summoned to hearings.

In addition to racial oppression in the Dominican Republic, the situation there today is a reflection of a complex web of factors including a discriminatory legacy of United States governmental and multinational corporate intervention, Dominican migratory policy and knowledge production about race. Situated within hegemonic and militarized processes of United States intervention the Dominican government tries to benefit economically and politically from processes and frameworks not designed for the advancement of the Dominican Republic as a sovereign country. As discussed in Chapter
One, while maintaining an economic stronghold in the Dominican Republic throughout the 19th and 20th centuries, the United States government and corporations instilled and promoted racist ideals.

The U.S. replaced existing military and judicial structures with institutions that are used to support denationalization today. The Dominican National Army (Ejército Nacional Dominicano) that carries out the current violent, and mostly concealed, deportations was disarmed and replaced by the Dominican National Guard (La Guardia Nacional) during the U.S occupation from 1916 to 1924. The Dominican National Guard continued to inform the Dominican National Army even after the occupation. Furthermore, the Central Electoral Board or Junta Central Electoral (JCE), the organization responsible for the Dominican civil registry and ultimately the mismanagement and denial of essential documents and voter registration, was established during the U.S. occupation. The U.S.'s political decisions in Dominican Republic have been informed by racial bias and these historical mediations have established limits within the Dominican national imagination and the lived reality of Dominicans of Haitian descent.

Transnational activists against denationalization in the Dominican Republic and the United States are aware that U.S. influence in the Dominican Republic continues and that the oppression contested in the Dominican Republic mirrors forms of oppression in the U.S. As a result WAAD actively advocates for social justice in the United States and in the Dominican Republic. With this sentiment, at the Dominican parade, members of WAAD group carried a large sign against deportations that stated: Not here or there! Days before President Obama's last State of the Union Address, members of WAAD joined other activists in New York in protest against the raids facilitated by the U.S. Department
of Homeland Security Immigration and Customs Enforcement in the city. Members of the group have also organized for the Dreamers in support of the rights of the children of immigrants here in the United States.

![Protest for Dreamers, New York (Photograph 19)](image)

*Source: Author's Photograph*

As immigrants and the children of immigrants, WAAD identifies with the plight of Dominicans of Haitian descent and their migrant parents, both of whom have been targeted for discrimination and deprived of fundamental rights. As a result of the common ground and concern for the respect of human rights, WAAD is in solidarity against oppression in the Dominican Republic and defends the human rights and dignity of all Dominicans, all people, here and there. In fact, WAAD provides a lens through which to

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600 Alyza Katrina Torres, "Protesters Rally Against Immigration and Customs Enforcement or ICE Raids in New York City," *Latin Post*, January 11, 2016.
understand the connections between racialization in the Dominican Republic and United States. Although there are differences, racial discourses and the politics surrounding race and color for Dominicans in the United States and African Americans in the Dominican Republic are very similar because of historical colorization which Kimberly Simmons defines as intragroup racial and color-naming practices. Increased interactions between African Americans and Afro-Dominicans, and a growing understanding of race and the racial systems in both the United States and the Dominican Republic, all contribute to how identities are being reconstructed.601

If asked why many Dominicans in the diaspora, such as members of WAAD, do not identify with anti-Haitianism, Silvio Torres Saillant states that in the United States "the larger U.S. society does not care to distinguish between them and Haitians as the offspring of the two nations of Quisqueya."602 Furthermore, he argues, " in the diaspora, necessity allies Dominicans with Haitians; anti-Haitianism is rendered impractical. Nor can Dominicans in the United States endure the embarrassment of seeming to deprecate racially a community with which in the eyes of others they visibly share racial kinship."603 However, couldn't it be something other than necessity and the impracticality of anti-Haitianism? Rather than impractical, it has been my observation that anti-Haitianism is undesirable for those who oppose it in New York. There are instead connections such as Panafricanism to connect those who identified with like marginalization. Activism with WAAD demonstrates that it is not that anti-Haitianism serves no purpose, rather, there is a purpose in organizing against it.

601 Kimberly Eison Simmons, “Navigating the Racial Terrain,” 95.  
602 Silvio Torres-Saillant, “The Tribulations of Blackness,” 141.  
603 Silvio Torres-Saillant, “The Tribulations of Blackness,” 141.
In reference to Ferguson, Reverend Sekou discusses what may be decolonial love, love for oneself, community, humanity and equality through struggles in opposition to repression.\textsuperscript{604} He states, "The grants dry up and the politicians go home. We are left with how to love through it."\textsuperscript{605} In \textit{Salvation: Black People and Love}, bell hooks adds,

Money alone will never heal the wounds .... Returning to love and a love ethic can provide every black person with the strength to survive with dignity and passion, no matter what their economic lot in life. It can empower us to create communities of resistance that can eliminate all forms of violence in our neighborhoods... The resources to heal our wounds are already at our disposal. We simply need to garner the means of distribution to take action in every way.\textsuperscript{606}

The same week that Amnesty International reported the deportation of 51 Dominican nationals (including 9 children) to Haiti by the government in Dominican Republic, on Capitol Hill, Washington, DC there was a die-in, in protest of the killing of Michael Brown, an unarmed black teenager was killed by police in Ferguson, Missouri and left dead on the street for four and one half hours.\textsuperscript{607} From Ferguson to New York to Chicago, violence against black bodies and communities was contested throughout the year. WAAD sees clear connections between the Black Lives Matter campaign and oppression in Dominican Republic, and many activists in the Dominican Republic did as well. In 2014, WAAD members posted photos of protestors shutting down the Brooklyn

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\textsuperscript{604} Darrel Wanzer-Serrano, \textit{The New York Young Lords and the Struggle for Liberation.}
\textsuperscript{605} Osagyefo Sekou, Interview by Javiela Evangelista. Skype, 1 December 2014.
\end{flushright}
Bridge and marching on the West Side Highway in opposition to the killing of Mike Brown, Eric Garner and too many others. Alta said, "The injustices that are happening there, I can relate. I cannot march with you, but I want to participate from here." She then posted pictures in solidarity with the Black Lives Matters campaign and WAAD against racial oppression anywhere.

![Image](Image)

*Altagracia Jean Joseph's BLM Photo, (Photograph 20)*

*Source: Permission of owner obtained*

Many others in the Dominican Republic posted as well. In fact, the WAAD Facebook page overflowed with linked pictures in solidarity with the Black Lives Matter movement from Dominican Republic and some from other countries as well.

Transnational activists of the Dominican diaspora in the Dominican Republic and New York drew from connections between oppressions, across borders and across time, in
order to empower themselves and one another. Altagracia and others who posted and shared in the dialogue from outside of the United States also demonstrated that solidarity is mutual, a two way street. Allies in the United States can also rely on support from activists in the Dominican Republic. To support social justice and work toward creating new national or even global imaginations, Altagracia and Rosa Iris (of Reconoci.do) would later co-facilitate a panel on the relevance of Black Lives Matter on a global scale with members of WAAD at the Black Lives Matters National Convening.

Meeting with Ilaysah Shabazz, New York (Photograph 21)

Source: Author's Photograph

When Ana Maria Belique and Juan Bolívar Diaz visited as honored guests for the "Citizenship and Human Rights in the Dominican Republic" symposium, they visited the Malcolm X and Dr. Betty Shabazz Memorial and Educational Center. There they met with Ilaysah Shabazz, Malcolm X's daughter, along with Miriam Mejia of Dominican@s por
Derecho and members of WAAD, Rocio Silverio, Yanilda Maria Gonzalez and me.
Ilaysah Shabazz was very touched as she learned more about denationalization. Ilaysah participated in a social media campaign "I Too Am Dominican" by holding up a sign and circulating the image on social media in solidarity against denationalization. Ana Maria Belique and Juan Bolívar Diaz shared with Ilaysah how her father's legacy had influenced their personal development and advocacy. They also discussed possibilities for collaboration. After the rich conversation over breakfast, she gave Ana Maria Belique books about her father's life and resistance to racial oppression in the United States. These mutual demonstrations of solidarity against discrimination across borders marked an important shift in organizing with WAAD. They also furthered the facilitation of alternative spaces for social justice and the construction of self and community in the spirit of traditions of Pan-Africanism and other diasporic ideologies and strategies.

New York State Assembly Resolution K376

I hopped on the train early in the morning to Grand Central Station to meet the group. After weeks of organizing, Nancy Morisseau of the Haitian Lawyers Association of New York (HALANY) rented a bus to travel to Albany for the New York State Assembly vote on Resolution K376, which condemned the Dominican Republic's Constitutional Court for revoking the citizenship of thousands of Dominicans of Haitian descent. In addition to WAAD, the resolution was signed by organizations including the United States National Bar Association, the Robert F. Kennedy Center for Justice and Human Rights, Amnesty International (AI), Haitian American Lawyers of New York (HALANY), 1199 Service Employees International Union (1199 SEIU), Coalition of Dominicans Against
Racism (CDAR), Haitian American Caucus (HAC) and the National Haitian American Elected Officials Network (NHAEON).

When we arrived, we were greeted warmly by Assemblymember Rodneyse Bichotte of the 42nd District (Flatbush and Ditmas Park, Brooklyn). The first Haitian-American woman elected into office in New York City, she was excited about the resolution. At the New York State Assembly press conference on behalf of WAAD, I read a statement.

The resolution passed and WAAD briefly celebrated this small victory with local allies and by remote access with friends in the Dominican Republic. Members of WAAD knew that the resolution would not necessarily create drastic change in the Dominican Republic. However, since our meeting with Charles Rangel about denationalization and the vigil in front of Ydanis Rodriguez's office did not yield a great deal of media coverage or significant forward movement from either official, one of the goals with the resolution was to maintain public interest in the issue and to demonstrate that members of New York State Assembly contested denationalization. As the group's Open Letter to Governor Cuomo circulated, WAAD also considered trying to reach Secretary of State John Kerry to ask him to release a statement pressuring the Dominican government after passing the resolution.

During a dinner, Dahoud André, however, challenged WAAD's support of the resolution. As we shared shawrma and tea on Atlantic Avenue in Brooklyn, he asked me, 

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608 For more information on Assemblymember Rodneyse Bichotte, visit her website: http://nyassembly.gov/mem/Rodneyse-Bichotte/
609 See the Appendix to read the statement.
"With U.S. intervention in the Caribbean and against black lives here, what does it mean to call on the U.S. government as a force against denationalization in the Dominican Republic?" WAAD had spent time discussing U.S. involvement in the work and the consensus was that it was not ideal for reasons André addressed, however we needed to increase pressure in a variety of ways, especially as time moved forward and the lives of Dominicans of Haitian descent remained in limbo. WAAD was not alone in calling on U.S intervention to address denationalization in the Dominican Republic. In a Democracy Now interview, Edwidge Danticat exclaimed, "the general U.S. media in general has been very silent about it, so people really (need to) inform themselves about what's happening. Write to your Congresspeople." Members of the Haitian American Lawyers Association of New York (HALANY) and other groups had been pressuring various government officials to voice opposition to denationalization or to deny resources to the Dominican government. Later that year, along with other members of WAAD, I observed Mayor De Blasio of New York make a statement against denationalization.

Before the resolution, WAAD consulted with various activists in the Dominican Republic and received their approval before signing, as to not assume what liberation means for others. In another conversation about U.S involvement not concerning the resolution specifically, Ana Maria discussed the problem of U.S. exceptionalism under international law, but in the end agreed that support from the U.S. would provide pressure against oppressive government officials that can be beneficial and desirable.

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611 Amy Goodman, "The Dominican Republic's 'Ethnic Purging.'"
JE: I've observed different approaches in advocacy against denationalization. What are your thoughts on encouraging U.S officials to pressure the Dominican government in order to correct statelessness?

AMB: After WWII with the development of the UN, The American Convention on Human Rights, and the InterAmerican Court and Commission on Human Rights (IACHR) as political tools in the international realm, many theorists have critiqued, 'Well they (the international community) have invented all of these systems at the international level and subject small countries to them, when the large ones are not necessarily accountable in the same way. We have used IACHR and thank God, they have opened possibilities for us. But there are many demands for cases from in the United States as well, and there is not the same level visibility that cases from other countries have. For example, there are different cases at the IACHR against the U.S. - do they take a position, do they care, do they take the recommendations? We don't know. The IACHR is in Washington and the U.S. signed the American Convention of Human Rights but they did not ratify it. Meaning the Commission will recognize cases against the U.S. but they will not bring them before the court, because they did not sign that they are willing and most of our countries have. We see how many countries including the Dominican Republic can be taken before the IACHR, but the U.S., we will not see tried in the same way. It's not the same strength and tension that the IACHR will give U.S. that they will give DR. The U.S has complaints about refugees and immigrants.
There are countless cases. Look at concern around Guantanamo for example and there are many groups pressuring. But, the U.S. can give a lot of pressure so that we, the Dominican Republic can take better position on denationalization. It is not the same when the U.S. takes an opinion on an issue, as compared to being quiet about it. In our countries, we can sense that there is true pressure when the U.S. speaks. 613

There are limitations to collaborations between non-governmental organizations and members of the international community. 614 WAAD keeps dialogue open with activists but a concern is that transnational activism and supranational collaborations, may alter grassroots mobilizations in a variety of ways. 615 As Ana Maria and Dahoud noted some of the hegemonic and imperial differentials are important. Exceptionalism around the development and execution of human rights laws must be considered as well. Agency as a premise should not be assumed or externally defined. 616 I have observed WAAD work through the questions, make corrections and aim for reflexivity and awareness, under the premise that the imposition of one’s own paradigms may work against social equality and that power relations need be contextualized. 617 As Torres-Saillant stated years ago, "The

614 Marc S. Miller, State of the Peoples.
616 Saba Mahmood, Politics of Piety.
diaspora will render an inestimable service to the Dominican people if it can help to rid the country of white supremacist thought and negrophobic discourse in the extent to which these aberrations survive there. Ultimately this celebratory retrospective may bring our black consciousness into focus in the national arena in a way that defies racial extremism. This will be, in a word, the development of black awareness with a Dominican difference.”

Transnational collaboration against denationalization is a process that is unfolding, with open dialogue and consistent collaboration in the face of obstacles, possibilities have been forged.

**Alternative Imaginations**

When poor kids in unimportant parts of the world stand up to the empire and refuse to bow down, we have won. You don't pull out tanks and tear gas when you're winning.

-Rev. Osagyefo Sekou & Jay-Marie Hill (The Revolution Has Come)

"My first time voting, I will vote for myself" Juan Telemín of Reconoci.do told Yanilda María Gonzalez of WAAD as he prepared to run for public office as Diputado (local political representative) in the Dominican Republic. I have observed several activists in the Dominican Republic, all impacted by statelessness in one way or another, reposition themselves within Dominican society and despite the challenges outlined in this

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618 Silvio Torres- Saillant, "The Tribulations of Blackness," 143.
dissertation. Rosa Iris Diendomi Alvarez is now a lawyer who is collaborating with several international groups including Minority Rights Group in Spain. She is also preparing to run for Diputada. After many years in school and studying between representing cases at the JCE, Altagracia Jean Joseph is now a lawyer as well. Their trajectory may not be representative of the majority of Dominicans of Haitian descent since the ruling, however it prompts consideration of how the limits of citizenship have been explored and what are alternative pathways through which the 'political' is being mobilized. When possible, Dominican activists have pushed barriers to continue toward their goals. Many are using their positionality as global citizens to garner support as collaborators with IACHR, Amnesty International and others. In fact, the experiences and practices associated with citizenship have locations that go beyond the boundaries of the territorial nation-state. Whether the organization of formal status, the protection of rights, citizenship practices, or the collective experience of identities and solidarities, the nation-state is not the exclusive space.

These networks may even supersede the relationship between nation state and individual, and as a result determine key features of domestic economic performance. The European passport and transnationalisms may be evidence of alternate spaces for the navigation of citizenship or post-national spaces. The premise that citizenship is not

623 Saskia Sassen, "Globalization or denationalization?" 1-22; Saskia Sassen, "Towards Post-National and Denationalized Citizenship," 277 & 280.
624 Saskia Sassen, "Globalization or denationalization?" 281.
always linked between the person and the state may not be new. It is possible that in the contemporary global context, "economic privatization and deregulation to the increased prominence of the international human rights regime," has increased the relevance of the separation between person and state.625

Much like the Dominican diaspora in the Dominican Republic, the Dominican diaspora in New York aims to reshape national imaginations. Given dual citizenship, some Dominicans in New York, Yanilda María Gonzalez of WAAD for example, travel to the Dominican Republic to vote specifically for candidates who may further the cause against denationalization, some of whom are for Dominicans of Haitian descent running for office. Furthermore, collaborations between the Dominican American and the Haitian American community in New York facilitate a space for alternate national imaginations. By critiquing oppression, lending support and identifying as a collective in the process, Dominicans throughout the diaspora are creating such spaces. Social media and technologies of remote access have furthered and sustained these possibilities. Do national conceptions of citizenship deserve the presumptions of legitimacy and primacy that they are almost always granted? 626 Yes. Evident in the mass civil genocide in the Dominican Republic, the reach of state power continues to be significant.

Although Saskia Sassen tracks increases in processes of deterritorialization, she notes that while many of these distinctions deconstruct the category of citizenship and hence are helpful for formulating novel conceptions, they do not necessarily cease to be nation-state-based.627 In fact, she adds that states may even drive processes of

625 Saskia Sassen, "Globalization or denationalization?," 277.
626 Saskia Sassen, "Globalization or denationalization?," 277.
627 Saskia Sassen, "Globalization or denationalization?," 281.
deterritorialization, due to changes in the law of nationality shifting from formal to effective nationality, and therefore allowing national courts to use international instruments.\textsuperscript{628} Other changes, such as privatization and smaller welfare states, also signal a shift in the relationship of citizens to the state. These and similar developments all point to impacts on citizenship and changes that take place within formal institutions of the national state.\textsuperscript{629}

Article 8 and 10 of the Dominican constitution establish that rights that have been recognized in international law may be considered rights at the constitutional level as well.\textsuperscript{630} Although the Dominican government does not fully abide by international law and they even tried to withdraw from their obligation in 2014, the state opening of domestic law to international law has helped to create some of these alternate spaces. Some of the neoliberal policies that have encouraged privatization in the Dominican Republic and decreased opportunities for Dominicans of Haitian descent may also facilitate the creation of new spaces. The JCE, a private entity that works closely with the state, has acquired even greater power for example. Most work on post-national identities fails to identify or overlooks how that state may drive these processes of deterritorialization and instead emphasize non-state or international entities.

Consideration of citizenship and how it may be changing form in the Dominican Republic must be contextualized in an analysis of denationalization. By doing so, research can show the risks that are inherent in creating foreigners from citizens thus highlighting

\textsuperscript{628} Saskia Sassen, "Globalization or denationalization?," 278.
\textsuperscript{629} Saskia Sassen, "Globalization or denationalization?," 278.
\textsuperscript{630} Nassef Cordero Perdomo, \textit{La Discriminación Racial en el Ordenamiento Jurídico Dominicana}. 
the limitations of the guarantees of citizenship, an issue that makes clear the vulnerability of us all and which, similarly, should concern us all as a grave human rights violation.⁶³¹ Essentially, by making human concerns visible in migration, security, health and disaster, ethnographic evidence provide antidotes to narrowly conceptualized policy problems.⁶³² Given the material and non-material impacts of denationalization in the Dominican Republic, within an analysis of denationalization and mass civil genocide that features the role of racialization and the state, it is also important to show how such risks can and do sometimes yield alternative frameworks, habits, accountabilities and life prospects on the ground.⁶³³

⁶³¹ Adriana Petryna and Karolina Follis, "Risks of Citizenship and Fault Lines of Survival," 402  
Conclusion

We have to share historical and structural perspectives. First, there needs to be a rupture with racism and prejudice. Tolerance and dialogue and cooperation will allow the two countries to develop and overcome exploitation and poverty.

Secondly, we need efforts for our coexistence. There is a reality of poverty in Haiti and the Dominican Republic has these ideals of modernity. There needs to be control so that for Haitian markets it is cheaper for them to buy and visa versa. Thirdly, there needs to be rupture in taboos and prejudice, the ideals that Haitians are backwards, etc.

How do we do this? With exchange. As has taken place on the border with the commercial exchange and coexistence. Let us see the richness that is there.634

-Dagoberto Tejeda Ortiz, Professor Emeritus of Dominican Universidad Autónoma of Santo Domingo

Recently when I ask people in New York if they are aware of denationalization in the Dominican Republic, a common response has been, "Yes, I heard of the deportations during the summer." For some, the reference is past tense, as is the urgency. The Dominican government has convinced much of the international community, and many in the Dominican Republic, that the problem of statelessness has been solved. However, Law 169-14, the proposed solution to denationalization, changed very little for the majority of

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634 Dagoberto Tejeda Ortiz, Interview by Javiela Evangelista. Universidad Autónoma de Santo Domingo, Santo Domingo, Dominican Republic, 23 January 2014.
Dominicans of Haitian descent in the Dominican Republic. In fact, Law 169-14 worsened the circumstances of most stateless people. The Dominican government continues to argue that those who are stateless are to blame (for not completing paperwork, among other reasons), that Haiti is responsible for the stateless of Dominicans of Haitian descent and that the Dominican state is within its rights to deny citizenship, especially as a postcolonial nation resistant to international law. Nonetheless, the Dominican government is in violation of its own constitution and international law—this should not be conflated with sovereignty.

As a corrective, this dissertation maps the historical continuity of racialized modes of exclusion by the Dominican state. I demonstrate that during the Fernández administration, the gradual legalization of denationalization, use of ideals of modernity, the expulsion and discarding of black bodies, all functioned as contemporary, covert versions of the racialization employed during the Trujillo regime. Almost 70 years prior, Trujillo implemented the Dominicanization of the Border Plan, in which—“architecture” and genocide were used to rid of Dominicans of Haitian descent and Haitians. I underscore the importance of tracing and addressing these trends in order to combat evolving and emerging forms of racialization.

The recent turn to legalize statelessness signals that strategies of opposition must also adapt in order to address such new and detrimental forms of exclusion. In the Introduction, I discussed a taxi driver who was adamant in his belief that though the Dominican Republic has been generous with Haitian migrants, resources in the Dominican Republic are insufficient to handle the influx of migrants and immigrants, and the Dominican Republic now needs to turn its attention to its own people. Once I clarified that
people born in the Dominican Republic have been denationalized, he quickly changed his argument. He agreed that people born in the Dominican Republic are citizens and should be protected as such. Although discrimination against Dominicans of Haitian descent serves as an extension of the historical marginalization of their Haitian migrant parents, the statelessness of Dominicans of Haitian descent cannot be viewed as a migrant issue. Statelessness in the Dominican Republic is an issue of citizenship for Dominicans. It is important to work against such misrepresentations and to create alternative images and possibilities through collaborative work. As illustrated by my account of WAAD, at its best, collaborative work for transnational activists addresses discrimination wherever it exists, starting at home.

If civil liberties such as the right to vote, marry or go to school have been taken away from Dominicans who are entitled to these rights as citizens as determined by the constitution under which they were born, what safeguard does citizenship provide? What does denationalization in the Dominican Republic tell us about the limitations of citizenship as a category, one that many take for granted? Ultimately racialized state repression is an issue that should concern everyone. Global patterns of the racialized and legally legitimate decline of citizenship as a right indicate that civil liberties everywhere are in jeopardy.

**Recommendations**

In order to address denationalization with more efficiency, further research and action is needed on several key issues that exceeded the scope of this study. The first set of recommendations is for researchers. First, greater analysis of the Junta Central Electoral...
(JCE), and their role as a private entity that manages access to documents and the electoral process is needed. For example how has the JCE accrued power to make the decisions it makes? How does the state act in concert with private entities such as the JCE in order to exclude Dominicans of Haitian descent? Further research is needed on women as the most vulnerable in processes of denationalization. Dominican women of Haitian descent are often targeted by state actions in various ways. Their reproductive bodies have been handed pink slips designating their children as foreigners despite their right under the constitution, and many have been raped in the course of deportations or border crossings.635

At the Black Lives Matters (BLM) Convening in Cleveland, Ohio I observed members of the Lesbian, Gay, Bisexual and Transgender (LGBT) community and allies, challenge the organizers of the convening to ensure the safety of LGBT members and guarantee that they would be heard. At one of the general convenings, LGBT members and allies took to the stage and noted that the bathrooms that were to be gender neutral were not. Later in the weekend, a venue rented for an event did not honor the gender neutral bathroom system that BLM attendees were told to expect. During one of the last events for the weekend, the organizers asked participants to work in groups to discuss how they would include the LGBT community and concerns in future work. Ahora Now, a New York based organization that supports progressive political representation in Dominican Republic, supported Deivis Ventura the first openly gay candidate in the

635 Interview of Ninaj Raoul, Executive Director of Haitian Women for Haitian Refugees (HWHR) with Manolia Charlotin, "BRIC Media. Caribbean Spotlight: Haiti/Dominican Republic Update." BRIC TV. Aired June 11, 2014. For more information about HWHR, visit: https://haitianrefugees.org/
Dominican Republic running for Congress at the time of publication. On a global scale, LGBT communities are facing significant repression. Recently in the LGBT nightclub, Pulse, in Orlando, Florida 49 people were killed by an armed gunman. While there are important efforts taking place, movements and research for social justice must address these concerns even more.

There is also a need for further research on the contributions of Haitian migrants and Dominicans of Haitian descent to Dominican society. Honoring the many sacrifices made of Haitian migrants and Dominicans of Haitian descent on behalf of Dominican society may help Dominicans gain a better understanding of the ways in which they and their society have benefitted from Haitian migrants and Dominicans of Haitian descent. It was Altagracia who told me that the contributions of Haitian migrants and Dominicans of Haitian descent need to be acknowledged,

First I would like to acknowledge the contributions of Haitian migrants, our parents, even before that of Dominicans of Haitian descent. Also when we think about contributions had it not been for the Haitian state and the 22 years - we would possibly still be a Spanish or even French colony. Who knows? In 1916 Haitians united with Dominicans here against the North Americans during the first (U.S.) invasion. During the second U.S. invasion in 1965, The Fuerte Haitiano was created with Jacques Vieau. The majority of those people gave their lives to defend the Dominican Republic because the invasion was on this side.

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637 Mark Berman, "What We Know and What We Still Don’t Know about the Orlando Shooting Rampage," The Washington Post, June 12, 2016.
Many of them contributed and died and worked united. More than 1,500 North Americans died as a result of The Fuerte Haitiano. The majority of the baseball players that are the pride of the Dominican Republic are of the Haitian descent or Cocolo descent, so they Afro-descendants.\footnote{Altagracia Jean-Joseph. Interview by Javiela Evangelista. Residence, New York, New York. 1 October 2014.}

Dagoberto Tejeda Ortiz also encourages research on Dominicans of Haitian descent. He told me, "some Haitian poets, Jacques Vieau for example, lived in Dominican Republic and fought on the Dominican side against the United States."\footnote{Dagoberto Tejeda Ortiz, Interview by Javiela Evangelista. Universidad Autónoma de Santo Domingo, Santo Domingo, Dominican Republic, 23 January 2014.} Jacques Vieau is one of many who died fighting for the dignity of the Dominican pueblo. The inclusion and celebration of the contributions of Haitian migrants and Dominicans of Haitian descent is needed in state-sponsored modes of constructing knowledge in Dominican Republic.

The time of publication, both the Dominican Republic and the United States are engaged in important presidential elections. Many Dominicans of Haitian descent have noted that it will be their first time participating in the election process. Several Dominicans of Haitian descent who have struggled for citizenship rights are running for office, including Rosa Iris Diendomi Alvarez and Juan Telemin. Given denationalization, it will be critical to try and ensure the voting rights for Dominicans of Haitian descent and to research and document their experiences each election year.

The Dominican government must be accountable to the demands of the Dominican people and their local legal representation. The argument that sovereignty does not apply to the revocation of citizenship is a human rights violation. The appeals of Dominicans must be heard and a part of the state’s construction of policy. The Dominican government
should also adhere to its own legal code and stop violating its constitution. It also needs to acknowledge its signed commitment to international human rights law, which demands that states value citizenship as a human right.

It has been and will likely continue to be a long road to dismantle denationalization. However, civil rights legislation in the United States and the legal end of apartheid in South Africa illustrate that opposition to oppression including increased visibility, moral pressure and economic pressure, and transnational collaborations can be an important tool in changing the direction of oppressive states. According to lawyer Cristóbal Rodríguez, the Constitutional Tribunal court can revise the law. It is important to keep pressure on the Dominican government. The President of the Dominican Republic, Danilo Medina, has been appointed as President of the Community of Latin American and Caribbean States (CELAC) for 2016. In the midst of tremendous racial discrimination and human rights violations, the Dominican government should not be rewarded with such appointments.

The Dominican government must continue to increase its investment in social services such as education, which can strengthen the overall society and communities of Haitian migrants and Dominicans of Haitian descent. This will increase long-term stability and more sustainable self-advocacy. Often locally discouraged or even prohibited, there is also a need for educational forums regarding statelessness and discrimination. Sponsorship

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640 Amelia Deschamps y Huchi Lora, "Entrevista con Cristóbal Rodríguez: Sentencia TC 168-13."
For more information about CELAC, visit: http://www.celacinternational.org
and collaboration from the transnational and international community may make such projects more feasible.

Further support for legal counsel, often emergency, within Dominican organizations or legal support to address discrimination is recommended. Organizations and lawyers in the Dominican Republic combating statelessness are experiencing case overload given the reach of statelessness in the Dominican Republic and the deadlines imposed by the government. Greater youth participation is needed in transnational and international efforts against statelessness to ensure that this long-term struggle continues to be driven with new possibilities and ideas.

For concerned parties outside of the Dominican Republic, collaborative work should be informed by local groups and those directly impacted by statelessness in the Dominican Republic with consistent methods of communication (whether with social media, WhatsApp, Skype or travel). An important way of expressing solidarity against statelessness is to secure means for Dominican activists to travel (or use remote access) in order to participate and collaborate in lectures, panels, and other events on statelessness on a global scale. More collaboration between Dominican American and Haitian American communities is needed as well. As illustrated in this dissertation, transnational collaboration that centers stateless people and partnerships between Dominican Americans and Haitian Americans will not only strengthen social justice movements, but the communities we live in and aim to cultivate.
Appendix

WAAD Statement, New York State Assembly Resolution K376

We consider it essential that this resolution address the ongoing violation of human rights and threat of statelessness faced by Dominicans of Haitian descent since the passage of Law 169-14, which was sold by the Dominican government as a solution. But the implementation of Law 169-14 has been a failure. Dominicans of Haitian descent continue to face discrimination, misinformation, and denial when they try to obtain or renew their identity documents, closing off access to education, work, voting rights, land ownership, marriage, and other life opportunities for which such documents are strictly required. Moreover, out of an estimated 100,000 Dominicans of Haitian descent who were eligible, only 8,755 registered with the government due to a short registration period, a lack of publicity and information about the process, and insufficient access to government offices.

This has occurred in the context of arbitrary deportations of Dominicans of Haitian descent who were on their way to register under the law; brutal violence against Haitian migrants, including a lynching in a public square in the city of Santiago; and death threats against journalists and violence against activists who had spoken out in defense of Dominicans of Haitian descent. As recent events in the country have demonstrated, the government’s discriminatory policies that have left Dominicans of Haitian descent without citizenship rights and legal protections
have also left this population vulnerable to broader societal discrimination and violence.

President Medina has refused to extend the registration period and has stated publicly that those who did not register may be deported. As we approach a June deadline for a regularization program, hundreds of thousands of Dominicans of Haitian descent and their families are vulnerable to brutal and arbitrary deportations from their country of birth. Such mass expulsions are likely to affect tens of thousands of people, tearing apart families and communities, and hindering social and economic development. Now is the time for the New York State Assembly to stand with Dominicans of Haitian descent.

We want to close by sending a message to our elected officials including those who are also of Dominican descent. There is a growing mobilization among Dominicans in the diaspora, particularly in New York City, to demand human rights, social justice, and an end to corruption in the Dominican Republic. We have been disappointed to see how many of our elected representatives who support progressive causes in New York, have remained silent or outright defended a shameful violation of human rights committed by the Dominican government. We demand that our elected officials of Dominican descent, including those in the New York State Senate and Assembly, end their silence and their complicity with the Dominican government. Support Resolution K376 and help us protect the rights of Dominicans of Haitian descent.
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