IRA GOLLOBIN HAITIAN REFUGEE COLLECTION, 1972-2004

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| Processor's Name: | Chantal Johnson and Nathalie Pierre |
| Date Finding Aid Completed: | October 5, 2009 |
| Processed: | September 30, 2009 |
| Abstract: | The Ira Gollobin Papers contain case files, correspondence, and printed material documenting Gollobin's involvement as an attorney and strategist for multiple legal battles related to Haitian asylum from the 1970s to the early 1990s. Gollobin was a renowned civil rights and immigration attorney practicing in New York City for over 70 years. Of particular note in the collection are case files pertaining to high-profile U.S. asylum cases and materials relevant to his work with the National Council of Churches and the National Coalition of Haitian Refugees. |
| Provenance: | Ira Gollobin, 1987-2004 |
| Organization note: | Collection is organized in seven series: I. Cases; 2. Affidavits; III. Organizations; IV. Clippings; V. Correspondence; VI. Speeches and Writings; VII. Subject Files. |
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| Index Terms | |
| Names: | Gollobin, Ira (1911-2008). Haitian Refugee Center. National Coalition for Haitian Rights. National Coalition of the Churches of Christ in the United States of America. |
| Subject: | Asylum, Right of – United States. Emigration and immigration law – United States. Haiti – Emigration and immigration. Haitian Americans – Florida Immigrants – United States – Civil Rights. Refugees – Government policy – United States. Refugees – Haiti. Refugees – Political. |

PREFACE

This finding aid was prepared as part of a pilot archival processing project based on "Mapping the Stacks: A Guide to Black Chicago's Hidden Archives" (mts.lib.uchicago.edu). The necessary funding, graduate student staff, and archival training were arranged through support of New York University's Department of English, in collaboration with the Schomburg Center in Research in Black Culture.

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IRA GOLLOBIN HAITIAN REFUGEE COLLECTION, 1972-2004.

14 linear ft. (37 archival boxes)

HISTORICAL SKETCH

Ira Gollobin was an immigration attorney, who began his career in this field working with clients referred by the American Committee for Protection of the Foreign Born in the late 1930s. Between 1936 and 1942, many of Gollobin's clients were refugees from Nazi Germany and Franco-era Spain. Working closely with the League of American Writers, Gollobin helped secure asylum for a number of anti-Nazi German writers. In 1937, Gollobin co-founded the National Lawyers Guild, the first integrated bar association in the U.S. The Guild was a progressive organization that assisted the emergent labor movement while also denouncing the segregation policies of the American Bar Association and the United States more generally. For the Guild, Gollobin provided legal assistance to unions such as the Transit Workers Union and the Industrial Union Council while also maintaining an active *pro bono* caseload with the American Committee for Protection of the Foreign Born.

During the 1950s and 1960s, Gollobin's immigration practice expanded, as he frequently represented non-citizens who were the victims of anti-alien bills, as well as naturalized citizens and permanent residents who were persecuted on the basis of their membership or affiliation with organizations deemed suspicious and/or dangerous by the U.S. government. In 1967, Gollobin succeeded Blanch Freedman as general counsel to the American Committee for Protection of the Foreign Born, and served in that capacity until 1987.

Gollobin began working with Haitian refugees in 1974 during the presidency of Jean-Claude Duvalier. Between 1972 and 1977, an estimated 3,500 Haitians had arrived by boat on south Florida shores. ² In contrast with the professional and middle-class Haitians who had fled Haiti and immigrated to the U.S. and Canada in the 1950s and 1960s during the regime of François Duvalier, who had inaugurated the regime of terror and brutality that his son had continued, the majority of Haitians who arrived by boat in the 1970s were poor and had few American contacts, if any at all. When these immigrants were questioned by the Immigration and Naturalization Service, nearly all of them were denied the right to apply for political asylum on the grounds that they were economic refugees, and not political ones. Since U.S. refugee protocol requires all asylum applicants to demonstrate a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion," and because the INS deemed these immigrants to be fleeing unemployment and poverty, not political persecution, the vast majority of Haitians were detained in holding centers and prisons while awaiting deportation hearings. The INS also denied work authorizations to most Haitians who were released on bond. In 1974, as a legal consultant to the Fact Finding Task Force of the National Council of Churches, Gollobin conferred with officials of the

¹ See Peter Erlinder, "National Lawyers Guild: History." National Lawyers Guild. http://nlg.org/aboutus/history.php

² Christopher Mitchell, Western Hemisphere Immigration (1992), page 133.

³ See 1951 Convention Related to the Status of Refugees.

Immigration and Naturalization Service in Miami, Florida and in Washington, D.C. and interviewed over 30 Haitians in Miami who were seeking asylum. The Division of Churches and Society of the National Council of Churches then requested that Gollobin undertake, on a voluntary basis, formal representation of Haitians seeking political asylum. Gollobin accepted and, as a result, became one of the attorneys on record in a major habeas corpus action brought by Haitians seeking review of the denial of their applications for political asylum. The case, *Marie Pierre v. U.S.A.*, went on to become the first of many Haitian cases that challenged U.S. foreign policy and refugee protocol on the grounds of unfair treatment, violation of due process, and racial bias. Gollobin served as the lead strategist for a number of these cases, organizing a defense team of attorneys and activists including Peter Schey, Rick Swartz, Ira Kurzban, Michael Hooper, Arthur Helton, and Rulx Jean Bart. Gollobin also worked with various civic, religious and labor groups to assist the Haitians by providing food, clothing, shelter and other charitable support pending the final determination of asylum claims.

When Gollobin agreed to undertake voluntary representation for the Haitians, he put together a broad-based strategy that combined local advocacy to secure basic freedoms for the Haitians with long-term policy arguments aimed to grant the thousands of Haitians in Florida the right to due process in filing asylum claims. The Haitian defense team sought to release detained Haitians and secure their right to employment in addition to challenging the distinction between economic and political refugees, a distinction the legal team deemed simplistic and even arbitrary.

Despite many successes won by Gollobin and the legal team, the Reagan administration instituted a two-part policy in the early '80s to guarantee that Haitians could not exercise their right to claim asylum: the detention of new arrivals and interdiction at sea. Beginning in May 1981, Haitian asylum seekers were detained at the Krome Avenue North Detention Center in Miami. Later, to avoid overcrowding and unrest, Haitians were sent to various federal penitentiaries throughout the United States. In addition to imprisonment, the Reagan administration authorized the interdiction by the U.S. Coast Guard of Haitian boats, granting the Coast Guard the authority to forcibly return Haitians to Haiti before they ever reached U.S. shores. Gollobin's legal team attacked the detention policy in Lucien Louis v. Alan C. Nelson, Commissioner of the Immigration and Naturalization Service, where they successfully challenged the imprisonment of over 1,850 Haitians in 14 facilities throughout the U.S. In the 1990 case Haitian Refugee Center v. James Carter, the lawyers challenged a government plan to forcibly relocate Haitians to a military facility in Puerto Rico, and in the 1991 case National Coalition for Haitian Refugees v. United States Coast Guard they petitioned against the interdiction program.

Ira Gollobin practiced law in New York City for over 70 years, and during this time he received numerous awards and honors from organizations including the American Committee for Protection of the Foreign Born, the National Council of Churches, the Center for Immigration Rights, the American Immigration Lawyers Association, and several Haitian advocacy organizations. The work spearheaded under his leadership

represents an important benchmark in the fight against anti-immigration legislation and policies over the past four decades.

Scope and Content

The Ira Gollobin Papers, 1972-2004, document Gollobin's involvement in multiple legal battles related to Haitian political asylum from the 1970s to the early 1990s. The collection is divided into seven series: CASES, AFFIDAVITS, ORGANIZATIONS, CLIPPINGS, GENERAL CORRESPONDENCE, SPEECHES AND WRITINGS, and SUBJECT FILES. The collection consists largely of drafts and copies of legal documents, meeting summaries, public outreach material, administrative papers, and research material for refugee asylum. It covers the latter part of Gollobin's legal career, beginning with his tenure as a legal consultant for the National Council of Churches in 1974, and continuing through his advocacy and consultant work until 2004 on behalf of Haitian organizations.

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CASES, 1973-1991 (7.2 lin. ft)

The **CASES** series contains materials related to the various Haitian refugee cases Gollobin participated in (either as a litigator or strategist) throughout the seventies and eighties. Included in this series are memos, motions, briefs, orders, legal research and other documents relevant to case litigation. Asylum affidavits from *Ketley Jean-Baptiste v. USA*, *Marie Pierre v. USA*, and *Marie Sannon v. USA* are located in the AFFIDAVITS series. Among the most defining cases in the collection is *Haitian Refugee Center v. Attorney General Benjamin Civiletti*, in which Judge James Lawrence King opined that the Immigration and Naturalization Service (INS) had violated due process when processing Haitian asylum requests; additionally, Judge King acknowledged the extent of human rights violations in Haiti, thus affirming that Haitians were justified in their asylum claims. *Haitian Refugee Center v. Attorney General William S. Smith* was also successful, as it won a permanent injunction reversing the INS's denial of asylum to over 5,000 Haitian refugees and prohibited their deportation from the U.S. to Haiti; federal legislation later granted class members permanent resident status.

The series also contains correspondence between members of the Haitian legal defense team who were located in New York, California, Washington, D.C., and Florida. The geographical diversity of the legal team made regular communication paramount to success, as the CASES series shows.

AFFIDAVITS, 1971-78, (.8 lin. ft.)

The **AFFIDAVITS** series highlights the experiences of countless Haitians who successfully escaped the Duvalierist regime and sought asylum in the United States. These testimonies depict their often violent encounters with the Tonton Macoutes, the secret police in Haiti during the 1970s. Gollobin's organizational affiliates and colleagues, such as the Haitian Refugee Project and Guy Sansaricq, translated these affidavits. Readers should note: in order to use those with the most weight during trial, Gollobin classified affidavits as either "good," "ordinary," and "doubtful."

ORGANIZATIONS, 1973-2004, (3.2 lin. ft.)

The **ORGANIZATIONS** series documents Gollobin's advocacy work with over twenty international and U.S. based groups committed to defending, financing, and publicizing information on Haitian refugees. The series contains meeting minutes, executive board correspondence, press releases, newsletters, public outreach fliers, petitions, pamphlets on human rights and legislative reports pertinent to Haitian refugees. The bulk of the papers are from the 1970s and 1980s, during Jean-Claude Duvalier's regime that sent thousands of Haitians to other shores seeking asylum from political repression. With his background in amnesty and asylum legal procedure, Gollobin was a priceless resource to small grassroots organizations that worked on behalf of Haitian refugees, such as the Haitian Refugee Center, founded by the late Gerard Jean-Juste in Florida,

The power of grassroots organizing is evident in this series. Though many of the organizations are now defunct, the files on organizations such as the Haitian Worker's Union and the Rockland Coalition on Haitian Concerns reveal that many of these groups worked directly out of their homes making fliers for demonstrations or writing up declarations directed towards the U.S. government. Gollobin's extensive leftist and progressive network affiliations provided much needed infrastructure and financial support to many of these small groups. In 1981, to facilitate this work, Haitian community leaders, religious groups, and activists, together with Gollobin founded the National Coalition for Haitian Rights (NCHR) as an umbrella group to spearhead and more effectively coordinate efforts on behalf of Haitian refugees. A leading advocate for Haitian refugee rights in the U.S. and, for a brief period (early 2000s), in Haiti, NCHR is well represented in the collection.

Another organization featured prominently in this series is the Church World Service/National Council of Churches (CWS/NCC). The CWS/NCC is an international organization committed to promoting world peace, creating sustainable grassroots organizations in developing countries, and resettling refugees across the globe. As their legal counsel, Gollobin testified on the behalf of Haitian refugees, prepared legal briefs in response to INS asylum regulations, and cultivated relationships with CSW/NCC administrators to ameliorate conditions for Haitian refugees. Gollobin's work with Sue

Sullivan of the Washington Office of Haitian Refugee Concerns of the National Council of Churches to create the Haitian Refugee Project is also represented in this series. The Rescue Committee for Haitian Refugees was another Gollobin orchestrated union for which there are files. It was a joint operation between the American Committee for Protection of the Foreign Born (ACPFB) and the Haitian Fathers. Despite the fact that the former was founded and run by communists, Gollobin was a master at pulling together coalitions of Haitian activists, liberal church groups and progressive lawyers to prize a measure of justice for Haitian refugees.

CLIPPINGS, 1972-1986, (.8 lin. ft.)

The **CLIPPINGS** series consists of newspaper and magazine clippings pertaining to Haiti and Haitian immigration from the 1970s to the early 1990s. Gollobin relied for coverage on news agencies within the U.S. such as the *Miami Herald*, *The New York Times*, and the Haitian-American *Haiti-Observateur* alongside Haitian periodicals such as *Le Petit Samedi Soir*. Organizational affiliates such as Raymond Joseph (*Haiti-Observateur*) and Guy Sansaricq (Diocese of Brooklyn) translated the Haitian-Kreyol/French language press for Gollobin.

GENERAL CORRESPONDENCE, 1972-1984, n.d., (.8 lin. ft.)

The GENERAL CORRESPONDENCE series contains incoming and outgoing letters and is organized chronologically; it covers the years from 1972-1984 and undated. The series contains two subseries: Gollobin Correspondence and Letters of Support. The Gollobin subseries includes correspondence between Haitian-American professionals and potential witnesses, as well as thank-you notes and general correspondence between Gollobin and supporters of the Haitian asylum cause. Also included in the series is a folder containing letters from the Sisters of Libretto Academy, a group of nuns with whom Gollobin sustained contact during his involvement with Haitian refugees. The Sisters were helping detained refugees in El Paso, Texas, and would regularly notify Gollobin about matters relating to the detainees' well-being as well as local vigils and demonstrations. Gollobin kept copies of his outgoing correspondence. These outgoing letters are integrated into the chronological sections of the Gollobin Correspondence subseries. The Letters of Support subseries contains letters written by religious, civic and labor leaders as well as members of the general public to government officials in support of Haitian asylum, right to work authorization and freedom from imprisonment.

Correspondence between legal counsel and members of the judiciary is included in the CASES series. Correspondence generated as part of Gollobin's duties on behalf of the organizations that employed him or organizations of which he was a member is contained in the ORGANIZATIONS series.

SPEECHES AND WRITINGS, 1970-1994. (.4 lin. ft.)

The **SPEECHES AND WRITINGS** series consists of Gollobin's editorial pieces, essay drafts, and handwritten notes. The editorial pieces are the culmination of his legal and grassroots organizing for a wider, public/ press audience. The essay drafts deal with topics ranging from policy-oriented strategizing to task force research findings created with the explicit purpose of wide readership among policy makers and the general public

SUBJECT FILES, (1.6 lin. ft.)

The **SUBJECT FILES** series includes governmental and academic reports on Haitian immigration, human rights abuses, and general asylum protocol, among others. There are chapters from books documenting the plight of Haitian refugees once they enter the United States, publications from the Immigration and Naturalization Service, as well as U.S. government documents on refugee policy including acts, bills and other legislative materials. Also included in the series is a folder on Turenne Deville, a Haitian man who committed suicide in jail upon learning of his imminent deportation.

Source: Gift of Ira Gollobin, 1987-2004 (SCM 04-14, SCM 87-22, SCM 91-44, SCM 91-71, SCM 92-49)

Processed by: Chantal Johnson and Nathalie Pierre, 2009.

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MANUSCRIPTS, ARCHIVES AND RARE BOOKS DIVISION SEPARATION RECORD

| The following items were removed from: |
|--|
| Name of Collection/Papers: <u>Ira Gollobin Collection</u> |
| Accession Number: <u>SCM</u> 04-14, SCM 87-22, SCM 91-44, SCM 91-71, <u>SCM 92-49</u> |
| Donor: Ira Gollobin |
| Date received: 2008 |
| Date transferred: 10/5/09 |
| The item(s) listed below have been sent to the division indicated, either to be retained o disposed of there. Any items that should receive special disposition are clearly marked. Schomburg Photographs and Print Division: |
| Three photographs of demonstrations in support of Haitian refugees and three of Shirlely |
| Chilsom, all three including Ira Gollobin. |
| Schomburg Library: One book |
| Accessioned by: Chantal Johnson and Nathalie Pierre Date: 10/5/09 |