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*For several years in the early 1990s U.S. intelligence maintained close ties with a Haitian named Emmanuel "Toto" Constant, the founder of a savage paramilitary group that has been held responsible for a prolonged wave of killings and other atrocities. Toto Constant today walks the streets of Queens, a free man. How did he come to find refuge in the United States? Who has been holding up his deportation?*

by David Grann

# Giving "The Devil" His Due

**N**o one remembers who first saw him in the neighborhood, but one day last summer Emile Maceus was nearly certain that Emmanuel "Toto" Constant—the man everyone called "the devil"—was standing on his front stoop. The man was six-foot-three, maybe more; he wore a coat and tie, and his hair—a tightly curled Afro—was neatly combed. He had come, he said, to show a client Maceus's house, a three-bedroom in Queen's Village, New York. He was a real-estate agent, he said, and had seen the pink for sale sign on the front lawn.

Maceus stared at him. The man's face was pudgier than Maceus remembered from Haiti, during the military regime of the early 1990s. Back then he had been bone-thin and ghostlike, sometimes appearing with an Uzi or with a .357 Magnum tucked under his shirt. To help keep the junta in control he had terrorized the population with his paramilitary squad—a legendary outfit of armed civilians who, together with the Haitian military, allegedly tortured, raped, and murdered thousands of people. "Can we look around?" the man asked.

Maceus wasn't sure what to do. Maybe it wasn't Constant. He was bigger than Maceus recalled, more genial, and before Maceus knew it, the man was walking through his house, poking his head into each room, looking at the floorboards and the toilets, taking note of the overhead space in the kitchen, and commenting in Creole. In the living room the man passed a poster on the wall of [Jean-Bertrand Aristide](#)—the once and future Haitian president, and the paramilitaries' archenemy—but didn't give it a second look. Maybe he was just a real-estate agent after all, just another Haitian immigrant trying to survive in New York.

But as the real-estate agent was leaving, Maceus kept thinking, What if he is Toto Constant? Maceus knew that in 1994, after the United States overthrew the military regime, Constant, a fugitive from Haitian justice, had been allowed, inexplicably, to slip into the country. Maceus had heard that after Constant had finally been arrested and ordered deported, he had in 1996 mysteriously been released under a secret agreement with the U.S. government—even though the Haitian government had formally requested his extradition and U.S. authorities had found photos of his group's victims, their bodies mutilated, pasted to the walls of his Port-au-Prince headquarters like trophies. As the man was opening the front

door, Maceus's curiosity overcame him. He asked in Creole, "What's your family name?"

The man hesitated. "Constant."

It *was* Toto Constant. For an instant the two Haitians stood there, staring at each other. Then Constant and his client sped off in a car. Maceus went inside and found his wife. She was trembling. "How could you bring that devil in my house?" she shouted. "*How could you?*"

News of the encounter spread through the city's sprawling Haitian community, from Flatbush to Laurelton to Cambria Heights to Brooklyn, as it would have in Haiti—by *teledjòl*, word of mouth. Constant had ventured out into the community several times since the U.S. government had set him free, but never with such audacity—selling houses to the same people he had driven into exile. When he first arrived in Queens, he seemed to emerge only periodically. He was spotted, someone said, at a disco, clad in black, dancing on the day of Baron Samedi, the voodoo lord of death who guards cemetery gates in his top hat and tails. He was seen at a butcher shop and at a Blockbuster. Haitian-community radio and local newspapers reported the sightings—"haiti's grim reaper partying in u.s.," announced one headline—but he always managed to vanish before anyone could locate him. Finally, in 1997, the rumors led to a quiet street in Laurelton, Queens, near the heart of the Haitian community, where for years exiles had hoped to shed the weight of their history—a history of never-ending coups and countercoups—and where Constant could be seen sitting on the porch of the white-stucco house he shared with his aunt and mother. "The whole idea of Toto Constant living free in New York, the bastion of the Haitian diaspora, is an insult to all the Haitian people," Ricot Dupuy, the manager of Radio Soleil d'Haiti, in Flatbush, told his listeners after Constant moved in.

It was not long before residents draped the street's trees and lampposts with pictures of Constant's alleged victims, their hands and feet bound with white cord or their limbs severed by machetes. Neighbors shoved one of the most horrifying pictures—a photo of a young boy lying in a pool of blood—under Constant's door. But a few days later Constant was back on his porch. Locals came by and spat at his bushes; they stoned his door. Then, last summer, after Constant's appearance at the Maceus house, an angry crowd appeared around his home, yelling "Murderer!" and "Assassin!" At one point, as they were gathering, someone spotted a figure down the road—a well-known ally of Constant's, "a spy," as one person cried out—and the crowd chased after him. When he disappeared and there was still no sight of Constant, the crowd marched to the real-estate office, four miles away, where it threatened to drive the Haitian owner out of business unless he fired his new employee.

By last November, Haitians had created permanent Toto Watches—networks that tracked Constant's every whereabouts. At about this time I met Ray Laforest, one of the Toto Watchers, and he agreed to show me where "the devil" could be found. He told me to meet him at Binnette's Hair Palace, on Linden Boulevard, next to the real-estate office in front of which Constant had been seen smoking on his lunch break, and we would look for him.

The barbershop was in the center of Cambria Heights, across the street from a Haitian restaurant and next to a Haitian grocer. It was a small, cramped space, with a TV in the corner. Customers sat in old chrome seats with their heads tilted back, while barbers in white smocks trimmed their hair. As I waited for Laforest, one of the barbers, a young man with a gold chain around his neck, looked at me suspiciously. I explained that I was doing a story on Toto Constant. He said that

Constant was a "vampire," someone who sucked the life out of people.

An older barber, who had been working at his chair on the opposite side of the room, walked over to a closet and pulled out a shovel. It was long, with a thick metal handle, and in a bit of showmanship he lifted it in the air like a club. "This is what they do to the devil people" like Toto, he said, banging it against the floor.

A few minutes later Laforest walked in. He was a large man, with a beard and sunglasses. He carried with him several Wanted posters of Constant, one of which he unfurled, revealing an old black-and-white photograph of the reputed death-squad leader. A moustache curled down around the corners of his mouth, and several crooked teeth showed between his lips. In bold letters the poster said wanted: emmanuel "toto" constant for crimes against the haitian people.

As we walked outside, Laforest told me that Constant had disappeared since the protest. "He's gone into hiding again," he said. We got in his car and drove through the neighborhood, past a series of elegant Tudor houses, until we arrived at the house where Constant had last been seen. "Why are you stopping?" I asked.

"I'm numb," he said. "If I saw him right now, I'd tie him up myself." He told me that Constant's men and other paramilitaries had dragged one of his friends from a church and shot him in broad daylight, and that earlier his own brother had been tortured by the Haitian military. We waited for several minutes, parked behind a bush. "*Bay kou bliye, pote mak sonje*," Laforest said.

"What does that mean?" I asked.

"It's an old Creole proverb," he said. "Those who give the blows forget, those who bear the scars remember."

#### LETTING TOTO SPEAK FOR TOTO

I had been looking for Constant ever since I heard that a man facing charges in Haiti for crimes against humanity was living among the very people against whom the crimes were said to have been committed. Unlike Cain, who was cast out of his community, Constant had become an exile in a community of exiles, banished among those whom he had banished. Though he had fled justice, he could not fully escape his past. He had to face it nearly every day—in a glance from a neighbor, or a poster on the street.

More important, he was now, for the first time, confronted with the prospect of real justice. Last fall the Haitian government put him on trial in absentia for the murder of at least six people in the town of Raboteau in April of 1994. Dozens of others were also on trial. It was a historic case—the first major attempt by the Haitian government to prosecute Haitians (or anyone else) for the brutal crimes committed by the military regime and to test its judicial system, which had been corrupt for so long that it was essentially nonexistent. As a result there was growing pressure on the U.S. government, from home and abroad, to extradite him, and Constant, once intoxicated by press attention, gave fewer and fewer interviews. Since the protest outside his house he had apparently vanished.

When I reached his lawyer, J. D. Larosiliere, last October, he told me that things were at their most critical juncture. A barrel-chested Haitian-American who speaks a combination of formal English and street slang and has a penchant for finely tailored suits, Larosiliere told me he was often referred to as "the Haitian version of Johnnie Cochran." Denying that

there had even been a massacre at Raboteau, he said that if Constant were sent back to Haiti, he would never receive a fair trial and would likely be assassinated. Because of the desperateness of the situation, Larosiliere agreed to let Constant talk to me at length about his current predicament and the allegations against him. "All we want to do is get his side of the story out," Larosiliere said.

So, one afternoon several days later I headed to Larosiliere's office, in Newark, New Jersey. When I arrived, Constant and Larosiliere were in a closed-door meeting, and I waited outside in the foyer. I could hear the sound of Creole punctured by occasional bursts of English. A moment later the door swung open, and a large man in a double-breasted suit hurried out. It took me a moment to recognize Constant—he looked at least thirty pounds heavier than in the pictures I'd seen of him taken during the military regime. He still had the same moustache, but on his heavier face it no longer looked so menacing. He wore a turtleneck under his jacket and, to my surprise, a gold earring in his left ear. "Hey, how you doing?" he said, speaking with only a slight accent.

I had expected many things, but not this: he looked like an average American. We sat down in a small conference room lined with books. He leaned forward and then back, and I took out my tape recorder and laid it on the table. Finally he said, "It's time for Toto to speak for Toto."

It was the first of more than a dozen interviews. As he told me his story over the next several months, he often spoke for hours on end. He turned over his voluminous notes and private papers, his correspondence and journals. During that time I also interviewed his alleged victims, along with human-rights workers, United Nations observers, Haitian authorities, former and current U.S. officials within the White House, the State Department, the Immigration and Naturalization Service, and the intelligence community, many of whom had never before spoken publicly about Constant. I also gained access to intelligence reports, some of which had previously been classified, and State Department cables. With these and other sources I was finally able to piece together not only the story of Emmanuel "Toto" Constant but also much of the story of how the United States government secretly aided him and later shielded him from justice.

#### VOODOO PARAMILITARY

**I**n October of 1993 the USS *Harlan County*, loaded with military personnel, was sent steaming toward Haiti's capital, Port-au-Prince. President Bill Clinton had dispatched the ship and its crew as the first major contingent of an international peacekeeping mission to restore to power Haiti's first democratically elected President, Jean-Bertrand Aristide. Aristide was a political priest, a wiry, passionate, bug-eyed orator who had risen to power in late 1990 on a mixture of socialism and liberation theology. The downtrodden of Haiti, which is nearly everyone, called him "Titid" and revered him; the military and the economic elite reviled him as an unstable radical. He was deposed in a coup less than a year after taking office and ultimately fled to the United States. Since then the military, along with roaming bands of paramilitaries, had murdered scores of people. The bloodshed had galvanized the international community, and the ship's arrival was hailed as a turning point in the effort to restore both some semblance of public safety and the island's democracy.

On October 11, as the *Harlan County* neared port, a group of UN and U.S. officials, headed by the charge´ d'affaires, Vicki Huddleston, and accompanied by a large press corps, came to formally welcome the ship and its troops. The assembly

waited at the entrance to the port for a guard to open the gate, but nothing happened. Documentary footage shows Huddleston sitting in the back of her car with the CIA station chief. Speaking to another embassy official, she says into her walkie-talkie, "Tell the captain [of the port] I am here to speak with him."

"Roger, ma'am. We have passed that repeatedly to him, and we are getting nowhere."

"Well, tell him I'm here at the gate and I'm waiting for the authorities to open it."

"He doesn't want to talk right now ... He ran away."

"Open the gate."

"We're having some problem with hostile staff. We may have a situation."

Indeed, at that moment a band of armed men, under the direction of the then little-known thirty-six-year-old paramilitary leader Toto Constant, stormed the area. The men, who had already blocked the dock where the *Harlan County* was supposed to tie up, surrounded Huddleston's car, banging on the hood and yelling in English, "Kill whites! Kill whites!"

There were only about a hundred in all, many of them pot-bellied and out of shape; although some carried guns, many wielded sticks and pitchforks. But the show of force, just a few days after U.S. soldiers had been killed in Somalia, proved terrifying. Constant put on a savvy performance for the press cameras: his ragtag troops banged on sheepskin drums and shouted "Somalia" as if it were a battle cry. They drank and caroused through the night, turning their vehicles' lights toward the open sea where the *Harlan County* was still waiting. Finally President Clinton ordered the ship to leave. It was one of the most humiliating retreats in U.S. naval history, and a surprising one even to those who forced it. "My people kept wanting to run away," Constant told reporters afterward. "But I took the gamble and urged them to stay. Then the Americans pulled out! We were astonished."

That day was the coming-out party for Constant and his Front for the Advancement and Progress of Haiti, better known as FRAPH, which in Creole evokes the word "*frapper*," meaning "to hit." (Constant said the name had come to him in a dream.) Organized by Constant several months earlier, FRAPH was described by its leader as a grassroots political organization—"a mysterious event"—that would rise from the masses and replace the remnants of Aristide's populist movement. The party literature, which Constant composed on an old manual typewriter and handed out to the press, explained that "FRAPH is a popular movement of unity, where all the social sectors are firmly intertwined to bring perfect harmony to the Haitian people."

But FRAPH was a peculiar sort of political party: although it offered free food and liquor to lure supporters, most of its thousands of followers were drawn from the armed bands that operated at the military's behest and from former members of the now defunct Tonton Macoutes, the infamous paramilitary organization named for a child-snatching bogeyman in Haitian fairy tales. At rallies FRAPH members demonstrated mass salutes that seemed designed to evoke fear: at Constant's cue his followers would raise their left hands over their heads and slam their right fists into them, or raise their right hands in the air, palms forward, in Nazi fashion. And although FRAPH's literature spoke of unity, Constant declared publicly, "If Aristide were to return, he would die. Aristide and his supporters are the enemies of this country."

In this setting Constant tried to cultivate an image as the only gentleman in a band of thugs. At the official launching of FRAPH, as his men surrounded him with guns, he released a handful of doves. Rather than don a soft hat and sunglasses, or camouflage pants, like other paramilitaries, he often [appeared in a neat blue suit and tie](#). He sometimes carried a bamboo cane in his right hand, which he leaned on as he walked. He was well suited for the part of the gentleman. He had been raised within Haiti's tiny aristocracy, and had studied at Canadian universities and worked briefly in New York as a Haitian diplomat. He spoke English with only a slight accent, and translated for the press in Spanish, French, and, of course, Creole. "Never forget that I am from the establishment," he liked to say. "I am not just any Joe out there. I'm *Constant*."

Still, there was something frightening about him. His eyes, set deep in his head, were glassy and jittery. U.S. officials and reporters said that he was wired on cocaine (Constant has always denied this), and he was known to stay up all night, driving wildly through the streets, his bodyguards hanging out the back of the car with their machine guns. In public he usually appeared with a man named Jojo, a fierce former Macoute who claimed that his pregnant wife had been murdered by Aristide's supporters and who was regarded as a merciless killer. "He is not afraid of anything," Constant still says of Jojo respectfully.

Throughout the summer and fall of 1993, with Jojo as his partner, Constant began a campaign to set up FRAPH offices in every town and village. Members received special ID cards and, apparently with the military's approval, machine guns. Like the old Macoutes, they operated as part local bosses, part spies, part extortionists, part militia, and part political cadre. But at their core they were an extension of the military's might, a brutal "force multiplier," as one U.S. intelligence report put it, which would allow the regime the deniability that a prudent government always looks for in the use of murder. "FRAPH's will is an order," Constant declared shortly after the storming of the port. "When we ask for something, the entire country has to accept it."

#### "FACIAL SCALPING"

**M**ore and more packs of armed men began to roam at night, looking for Aristide supporters. They were believed to be FRAPH, the police, or the military, or a combination of all three, but they were usually careful to disguise themselves with hoods or women's clothing (a trademark of the old Macoutes). They carried tire irons, M-16s, Uzis, pistols, machetes, axes, and "voodoo powders," which were widely believed to be lethal. They broke into homes and seized their political enemies. "I realized that I was among animals," an Aristide supporter who was taken prisoner by one of these armed packs told human-rights monitors. "At first they played with me, taking out their guns and saying I would die. Then they took me to a little torture chamber where there was a small bed ... They started beating me about the buttocks with their truncheons, one after the other. At that moment I thought I would die. I passed out. When I came to, I was in a cell with another man. There were rivers of blood on the floor. Some of it was mine."

"The scenario is always substantially the same," the [OAS/UN International Civilian Mission](#) reported in 1994, after an extensive investigation. "Armed men, often military or FRAPH members, burst into the house of a political activist they [sought] to capture." If he wasn't there, the report said, the intruders attacked his wife or sister or daughter. "One guy took me by the hands and led me to the front porch," a woman told Human Rights Watch. "He said lie down. He said, 'If you don't I'll split your head open' ... He pulled his pants down to his knees, lifted up my nightgown, pulled down my underpants, and raped me."

Faceless bodies began to appear in the streets. The assailants had developed a kind of art known as "facial scalping," a bloody ritual in which a person's face was peeled from ear to ear with a machete. It was a way to torture people even in the afterlife, because, many believed, such mutilation would prevent a proper burial—trapping the spirit eternally in purgatory.

As the bodies piled up, Constant held forth. He would often sit in a rattan chair in the courtyard of the house that had been his father's, a sprawling Art Deco mansion with a swimming pool and fountains, and speak to the press. Unlike other paramilitary leaders, who purposely remained in the shadows, Constant craved coverage. He let reporters sleep in his garden. He cut back the hedges to make more space for them and handed out T-shirts emblazoned with FRAPH's name. "I had one-on-ones with the greatest reporters in the world," he recalls today. "All of them. I've met all of them. At one point I was the most interviewed person in the world. I was one of the most important. I had Japanese journalists at my place. It was incredible." Constant enjoyed playing the role of statesman. He warned the United States not to intervene and threatened to shut down the country in protest of the world embargo put into place after the coup. He called for the dissolution of Haiti's parliament, echoing Jojo, who had earlier warned that if it didn't disband, FRAPH would call on the people to "tie up the deputies." "What I say comes from my heart," Constant would say. Or "A leader has to know how to play with the army, the power, and the people."

As he cultivated the press, Constant also courted Haiti's *houngans*, or voodoo priests, a potent psychological force. He portrayed himself as an embodiment of the most ferocious spirits. He held public ceremonies in front of the markets or at temples, where his men laid out small skulls. At a typical ceremony he would lie on the ground, surrounded by skulls and fire. Then, as he rose from the flames, the crowd would chant in Creole, "Toto for President! Without Toto, Haiti can't have a life." Though he still carried a .357 Magnum, he insisted that he no longer needed it. "I have the power of voodoo with me," he said.

#### GENERAL CONSTANT'S BOY

**I**n Haiti nearly every leader has a hidden history, a family closet usually filled with the bones of enemies. Constant inherited the secrets, and to some degree the power, of his father. Gerard Emmanuel Constant had been the army chief of staff under Haiti's dictator François "Papa Doc" Duvalier during the 1960s, a loyal soldier who once famously rose from his bed in the middle of the night to execute, along with other officers, more than a dozen of his friends at the dictator's command. He remained a symbol of the old ruling order after it had collapsed.

But shortly after the military coup, in September of 1991, as his disciples emerged from the barracks to restore the old Duvalier system, the seventy-two-year-old general slipped into a coma and died. All the military leaders and former Duvalier supporters turned out for the old general's funeral. "It was a real phenomenon," Constant says. "I was inheriting all my father's protection and power and people. It was a symbolic transference." In his private papers Constant went even further: "My prominence, some might argue, is destiny ... To be the first son of General Gerard Emmanuel Constant is the call to arms for Emmanuel Gerard Constant, myself."

It was not long before people feared the younger Constant even more than they had feared his father. By the middle of 1994 thousands of Haitians had been slaughtered or had disappeared, and although no one knew for sure how many had been killed by FRAPH itself (most human-rights observers had by then been driven out of the country), the group was universally

considered the most brutal of all the right-wing paramilitary outfits. Witnesses, many of them found floating on rafts as they tried to escape to the United States, told international authorities that Constant's men, in an effort to wipe out opposition, were annihilating the population. Even FRAPH members started to flee in disgust. "When they kill and rape people, we [new members] are forced to sit and watch," a former recruit told U.S. authorities, according to a declassified document obtained by the Center for Constitutional Rights for use in a lawsuit against FRAPH. Later, as part of their initiation, this same man said, the recruits were made to join the assaults.

Though Constant continued to deny the allegations, the UN concluded by 1994 that Constant's organization was "the only political movement [in Haiti] whose members have been linked to assassinations and rapes." In the spring of 1994 a secret cable from the office of the American military attaché in Port-au-Prince warned, "All over the country, FRAPH is evolving into a sort of Mafia." Its members were "gun-carrying crazies," one cable stated, eager to "use violence against all who oppose it."

According to witnesses, when a FRAPH member turned up dead in Cité Soleil, a sprawling slum in Port-au-Prince, in December of 1993, Constant's men descended within hours. Carrying machine guns and machetes, they torched a thousand houses in revenge, killing more than a dozen people. Here is an excerpt from the account by [Human Rights Watch/Americas-NCHR](#):

They entered the neighborhood, looked for specific persons and shot them on sight, doused the precarious one-room shacks with gasoline, set them alight, and fired their weapons into the air as the flames spread ... During the fire, known FRAPH members beat and arrested several people under the eyes of the military ... The Justice and Peace Commission reported that firefighters were turned back by armed men ... [who] nailed doors shut, imprisoning people in their homes.

Constant, as usual, denied FRAPH's involvement. As he later pointed out, "If I was going to really react, there would be no more Cité."

Though there were reports that he was on the scene during the fire and at other times had participated personally in torture sessions, Constant was careful to avoid serious implication. But the more Constant appeared on television to deny any connection with crimes, the more he seemed the face of them. By the autumn of 1994 he was no longer merely the head of FRAPH; he had become, in the eyes of most Haitians, the embodiment of the regime: the voodoo lord of death, Baron Samedi, himself.

#### A MYSTERIOUS ESCAPE

**I**n July of 1992 Brian Latell, the leading CIA analyst for Latin America, visited Haiti to gather intelligence as policymakers in Washington tried to assess military rule in Haiti. Afterward, in a report later obtained by the press, he wrote, "I do not wish to minimize the role the military plays in intimidating and occasionally terrorizing real and suspected opponents, but my experiences confirm the [intelligence] community's view that there is no systematic or frequent lethal violence aimed at civilians."

Playing down the bloodshed (Latell called the head of the junta, Lieutenant General Raoul Cedras, "a conscientious military



leader"), the report directly conflicted with those coming from human-rights organizations, the press, and even the State Department. But along with subsequent CIA reports, it contributed to the ongoing vacillation in Washington. Whereas President Bill Clinton was pushing to restore the exiled Aristide to power, many in the CIA, along with elements in the Pentagon, feared that Aristide was a dangerous populist. In fact, Aristide was a problematic figure for the United States (he had once suggested necklacing his enemies with burning tires). But a crucial CIA report, which was circulated on Capitol Hill just after the *Harlan County* incident, seemed to grossly exaggerate his instability, claiming that he was so unbalanced psychologically that he had once had to be hospitalized. The charge later proved to be false, but at the time, it fueled American opposition to an invasion. "There were factions in the process who didn't want to get involved in Haiti and could use these intelligence reports to strengthen their position," one former Clinton Administration official says.

But the evidence of "systematic" and "frequent lethal violence aimed at civilians" was overwhelming. And finally, in September of 1994, three years after the coup and almost a year after the *Harlan County's* retreat, President Clinton ordered a full-scale invasion to end what he called the "reign of terror." "We now know that there have been ... over three thousand political murders," he said. In preparation for battle Constant changed FRAPH's name to the Armed Revolutionary Front of the Haitian People and, according to news accounts, stockpiled weapons and "secret" powders that, he declared, would be able to "contaminate water so that the GIs will die." He claimed to have one powder ground from the bones of AIDS victims. Appearing in camouflage pants and a black T-shirt, a machine gun at his side, he no longer gave any hint of the diplomat. "Each FRAPH man," Constant said, "must put down one American soldier."

But faced with the might of the United States, the junta agreed to step down. Incredibly, after thousands of U.S. soldiers seized the island, many of them countenanced FRAPH's activities as expedient for maintaining order. When asked why, U.S. soldiers said they had been told by their superior officers that FRAPH was a legitimate opposition party, like Republicans and Democrats. U.S. soldiers even stood by, insisting they were not a local police force, while FRAPH members beat back civilians who had spilled onto the streets expecting liberation. It was only after random bands of FRAPH members mowed down a crowd of Haitians and shot and wounded an American photographer, and a radio conversation was intercepted in which Constant and his men threatened to "break out weapons" and "begin an all-out war against the foreigners," that U.S. forces finally reversed their stance. On October 3 they stormed FRAPH headquarters. A jubilant crowd gathered outside, cheering them on. Inside, amid piles of nail-embedded sticks, Molotov cocktails, trophy photos of mutilated corpses, and thousands of secret documents, soldiers surrounded more than two dozen FRAPH members. They bound their hands and gagged them, while the crowd screamed, "Let them die! Let them die!" As the soldiers departed with their FRAPH prisoners, the crowd rushed inside, smashing the headquarters.

Back at his father's mansion, Constant listened to a police scanner, waiting for the soldiers to seize him. His wife and children had already fled. At one point, while he was holed up, according to the *Chicago Tribune*, he yelled at a journalist, "Everybody who is reporting the situation bad ... by the grace of God, they will wind up in the ground!" But even as other FRAPH members were taken into custody, Constant remained free.

Not only was Constant not arrested but, to everyone's amazement, the U.S. embassy spokesman, Stanley Schrager, whose assassination Constant had called for only two days before, arranged a press conference for him outside the presidential palace. News footage shows Constant standing under the glaring sun, sweating in a jacket and tie. "The only solution for

Haiti now is the reality of the return of Aristide," he said. "Put down your stones, put down your tires, no more violence." As he spoke, hundreds of angry Haitians pushed against a barricade of U.S. soldiers, screaming, "Assassin!" "Dog!" "Murderer!"

"If I find myself in disagreement with President Aristide," Constant pressed on, his voice now cracking, "I pledge to work as a member of loyal opposition within the framework of a legal democracy."

"Handcuff him!" people yelled from the crowd. "Tie him up! Cut his balls off!"

As the barricade of troops gave way, U.S. soldiers rushed Constant into a car, while hundreds of jeering Haitians chased after it, spitting and beating on the windows.

U.S. authorities insisted to reporters at the time that the speech was meant to foster "reconciliation," but one senior official told me later that it had been a disaster: "Here we were protecting him from the Haitians when we were supposed to be protecting the Haitians from him."

Throughout the occupation, ensconced in his house, where, he says, U.S. soldiers routinely came by to check on his safety, Constant tried to reinvent his past. "We're the ones who kept this country secure for a year," he told reporters, according to published accounts. "Nobody talks about that ... Aristide needs an opposition, and ... I am the only organization right now that ... can allow us to say there is a democracy." But the incoming government took a different view—and within a few months Constant was ordered to appear before a magistrate investigating charges against him of torture and attempted murder. On the day of the hearing people claiming to be FRAPH's victims waited for Constant outside the courtroom. He never appeared. He told me later that on Christmas Eve of 1994, with a small suitcase and what money he could stuff in his pockets, he had crossed the border on foot into the Dominican Republic, made his way to the airport, and then, using a valid visitor's visa he had obtained before the coup, caught a plane to Puerto Rico. From there he flew to the mainland United States without incident, ending up days later on the streets of New York City.

He was spotted by Haitians at nightclubs and galleries, and at one point managed to get out a radio broadcast to his followers back home. "As for you FRAPH members," he said, according to a transcript of his statement, "close ranks, remain mobilized ... FRAPH people, where are you? FRAPH is you. FRAPH is me." Finally, after the Haitian government demanded that the United States do something, Secretary of State Warren Christopher wrote in a March, 1995, letter to Attorney General Janet Reno, "Nothing short of Mr. Constant's removal from the United States can protect our foreign policy interests in Haiti."

Two months later, saying that Constant had been allowed to enter the country owing to a bureaucratic error, INS officials surrounded him in Queens as he went to buy a pack of cigarettes. They forced him to the ground and frisked him. He was taken to Wicomico County Detention Center, on the Eastern Shore of Maryland. In September a judge ordered his deportation to Haiti. As he waited for the outcome of his appeal, he wrote letters to world leaders, including Nelson Mandela.

Dear Mr. President: It is hoped that this letter finds you in the best of health ... I could not hope to fill one of your footprints, yet here am I writing to one of the few men in all the world that could

understand my situation, being in a white man's jail.

He grew a beard. He read Malcolm X and Che Guevara. "I am ... a political prisoner," he wrote in a letter to Warren Christopher. At one point he was put on a suicide watch. He wrote poetry.

If my friends could see me now What would they say? They would ask themselves what the hell Am I doing in a place like this ... They would ask themselves why I am so down and why I cry at night They would want to know if I've done something wrong. And they would stay away without helping a bit. If my friends could see me now they would be so glad not to be with me. And would forget what I've done for them in the past. But one day I'll be out of jail and I'll be out there kicking too. I'll be out there stronger and wiser and I will reach my goals... That day with a smile on my lips I will ask myself: But if my friends could see me now And quickly I will answer. They wish they were my friends.

Then, in December of 1995, as the INS inched closer to deporting him, Constant decided to play the only card he had left. He threatened to divulge details of U.S. covert operations in Haiti which he said he had learned about while secretly working for the Central Intelligence Agency.

#### THE PERFECT RECRUIT

The story Constant tells begins around Christmastime, 1991. It was shortly after the coup, and he was working at Haiti's military headquarters when Colonel Pat Collins, the U.S. military attaché at the embassy, phoned and asked him to lunch. "Let's meet at the Holiday Inn," Collins said.

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#### FROM THE ARCHIVES:

##### "CAN'T ANYBODY HERE PLAY THIS GAME?"

(February 1998)

The Central Intelligence Agency is just no good at what it's supposed to be doing. So writes the author, a former CIA officer, who describes a corrosive culture in which promotion-hungry operatives collect pointless intelligence from worthless foreign agents. By Edward G. Shirley

##### "INSIDE THE DEPARTMENT OF DIRTY TRICKS"

(August 1979)

"The business of intelligence has its ugly side." By Thomas Powers

#### From *Atlantic Unbound*:

##### INTERVIEWS: "THE NUMBERS GAME"

(February 1997)

"During the Vietnam War ... a young CIA analyst ... single-handedly discovered massive fraud and political maneuvering on the part of the CIA, the military, and the White House."

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Collins, who, a government spokesman confirmed, was working for the U.S. Defense Intelligence Agency at the time, could not be reached for comment. But an associate says he was known to show up often at Haitian military headquarters. Constant says Collins was there on the night of the coup. Lynn Garrison, a Canadian who served as a strategist and adviser to the junta, told me that Collins was there in the days that followed, conferring with the new regime.

That day at the Holiday Inn, Constant says, he and Collins sat by a window overlooking the pool. Many people, Collins said, were impressed by Constant's background and suggested that Constant might play an important role in the power vacuum left by Aristide's ouster.

Constant was a tempting choice for recruitment by U.S. intelligence. He spoke impeccable English, knew his way around the military, and, as one of the new regime's top advisers, occupied an office right next to that of the junta's head, General Cedras. Since the coup Constant had taught a course on the dangers of Aristide's liberation theology at the training site for the National Intelligence Service (SIN). The service, according to *The New York Times*, had been created, funded, trained, and

equipped by the CIA, starting in 1986, to combat drug trafficking, but it had quickly become an instrument of terror (and even, according to some U.S. officials, a source of drugs).

Constant says that Collins told him in this first meeting that he wanted him to meet someone else at Collins's home. "I'm not going alone," Constant remembers saying, only half joking. "I'm going to come with a witness." He says that he and an associate drove that night to Collins's residence. Although the streets were pitch-black, owing to a fuel shortage, Collins's house was completely lit up. Constant says they went upstairs, into a small antechamber next to the master bedroom, where a man with dark hair was waiting. He had on a short-sleeved shirt, and Constant noted his muscles. "I'm Donald Terry," the man said.

Constant says that as they sat drinking cocktails, Terry began to pepper him with questions about the stability of the current military regime, and pulled out a booklet—"a roster"—containing the names and backgrounds of officers in the Haitian armed forces. He and Collins asked Constant who were the most effective.

A few days later, Constant says, Terry asked to meet again, this time alone at the Kinam Hotel. "Why don't you join the team?" Terry asked.

"What's the team?"

"A group of people working for the benefit of Haiti." It was then, Constant says, that Terry divulged that he was an agent of the CIA. The U.S. government will not comment on any questions regarding Donald Terry; Terry himself could not be reached.

But the CIA had been deeply involved with the Haitian military and Haitian politics for decades. Constant remembers that his father served as an informal adviser to an agent who used to stop by for conferences on their porch in the 1960s. According to press reports, the Agency, after starting SIN, had planned to finance various political candidates in the 1987 presidential elections. The Senate Intelligence Committee vetoed the plan.

Constant says he eventually agreed to serve as a conduit between the Haitian military regime and U.S. intelligence. He says he was then given the code name Gamal, after Egypt's former nationalist leader, Gamal Abdel Nasser, whom he admired, and a two-way radio, with which he checked in regularly.

It is impossible to confirm all the details in Constant's account. For the record, a CIA spokesman stated that it was "not our policy" to confirm or deny relationships with any individuals; he would not discuss Constant. But there is little doubt that Constant was a paid informant. After Allan Nairn first reported Constant's connection to the intelligence community, in *The Nation* in October of 1994, several officials acknowledged it to reporters, and many have confirmed it to me recently. What has been a mystery is the nature of the relationship: just how big an asset was Constant? U.S. authorities have maintained that he was nothing more than a two-bit snitch. But interviews with several people connected to the intelligence community, together with Constant's own version of events, suggest that from the beginning he was a generous font of information, and later, according to at least some, a full-fledged operative. After the coup he helped to run a little-known operation called the Bureau of Information and Coordination, which collected various kinds of data: the number of deaths and arrests in Haiti, the number of adherents of liberation theology, and so forth. Constant says the data collection was for the purposes of

economic development, but it clearly had another purpose: military intelligence.

According to Constant and to a non-Haitian connected to the intelligence community, Constant and another BIC member were the first to enter one of Aristide's private quarters, where they found a hoard of secret documents. Some of these ended up in the hands of U.S. intelligence officers, who in turn provided the documentation for controversial reports claiming that Aristide was mentally unbalanced, contributing to the voices against him in the United States.

A former senior CIA official justified using an informant who was as potentially problematic as Constant thus: "You can't help these bad guys accomplish stuff, but you got to give 'em money to find out what's happening in groups like that. And if you're going to recruit in a terrorist group like FRAPH, you're not going to get any functional equivalent ... [of] a Western democrat ... To find out what's going on, you rather rapidly end up in the same position as the FBI with the Mafia—recruiting and paying money and even granting freedom to lower-level folks, even some high-level folks."

Another former high-ranking government intelligence official put it more bluntly: "Look, we could have gone to the nuns [in Haiti] and asked them [to give us information]. But I'm sorry—the nuns are nice people, but what they know about terrorism is nothing." This same official observed that Constant was "one of a whole range of people we had relationships with, all with the knowledge of the Administration." He said he believed that Constant stood somewhere "on the spectrum of the relationship, from someone who talked to you occasionally to tell you things he wanted you to know to someone who was a wholly owned, salaried subsidiary, who provided information even to the detriment of his cause."

Constant says that by the time he officially created FRAPH, in 1993, he had been assigned another handler—John Kambourian, a strong, no-nonsense sort, who, Constant says, would drive with him through the mountains of Petionville, exchanging information. When I reached Kambourian by telephone and asked him about Constant, he told me to speak to public affairs at the State Department and hung up. It remains unclear how involved U.S. intelligence officers were, if they were involved at all, in the actual formation and evolution of FRAPH. A CIA spokesman, Mark Mansfield, stated for the record that the "CIA had no role in creating, funding, or guiding the FRAPH organization." But Lynn Garrison told me that when Constant was trying to start a secret police force, long before FRAPH, Collins told Garrison directly, "Let's let it play out and see where it takes us." One U.S. government official involved with Haiti during the military regime goes even further, saying he thinks it was common knowledge in intelligence circles that Collins was involved with FRAPH long before it became an official organization (by which time Collins had left the country). "If he didn't found FRAPH," this official told me, "he was at least very, very close to it." Trying to explain why the CIA or the Defense Intelligence Agency might form such an alliance, this official added, "People are always looking for counterbalance, and at that point Aristide was not in power. I'm not excusing it, but they didn't quite know what FRAPH was going to become."

Despite the existence at the time of internal State Department documents portraying the organization's members as thugs and assassins, Constant says that his handlers never asked him about FRAPH's alleged rapes and murders. What's more, Constant says, the CIA and the DIA encouraged him to help derail Aristide's return and even knew beforehand about his demonstrations against the *Harlan County*, which helped to delay the invasion for nearly a year. A CIA spokesman denied to me that the Agency pushed its own foreign-policy goals in Haiti, but Lawrence Pezzullo, the U.S. envoy to Haiti at the time, along with other U.S. officials, publicly accused the CIA of exaggerating the threat of the *Harlan County*, thereby

derailing Aristide's return and, in essence, pursuing its own agenda. And Constant says, "If I'm guilty of all these things they say, then they are guilty of them too."

#### THE BREAKUP

**T**oto Constant's relationship with U.S. intelligence, according to both Constant and several CIA officials, continued undisturbed until the spring of 1994. It was then, Constant says, that Kambourian called and said they had to meet. He told Constant to bring the radio. "I'm sorry," Constant remembers Kambourian's saying, "but we can't see you anymore."

"Why?" Constant asked.

Kambourian said that in the wake of the *Harlan County* incident and Constant's rhetoric against the President, Washington wanted to sever its ties.

U.S. officials say that intelligence ties to Constant were more or less cut at this point. Cooperation between FRAPH and the U.S. military was eventually curbed, and in October of 1994 American forces stormed FRAPH headquarters. Afraid for his life, Constant went to meet Lieutenant General Henry Shelton, who was in charge of the occupation. Constant recalls, "I told Shelton straight out, 'I'm a son of a general, and I inherited his honor and dignity, and that's why I'm here to ask what the rules of engagement are, because I don't understand them.'"

The answer he got seems to have been a blunt one. General Shelton, who is now the Chairman of the Joint Chiefs of Staff, declined my requests for an interview, but his staff provided me with the transcript of an oral history, which Shelton recorded during the invasion and in which he vividly describes at least part of the encounter with Constant.

"I had no desire at all to meet with Constant ... as far as I was concerned, we had potentially disarmed and disabled his organization from top to bottom." But he said that Constant had been pushing for a meeting for weeks, and eventually he and Major General David Meade decided to see if they could get from him what they wanted: first, that he provide a complete list of FRAPH members and the location of their weapon caches; second, that he call each one of his key thugs and tell them to surrender their arms; and third, that he publicly accept Aristide's return and transform FRAPH into a peaceful political party.

"We were using a little bit of psychological warfare on Constant," Shelton, in his oral history, disclosed. "I sent Meade in first. Meade was to go in and tell [Constant] that he was getting ready to meet the big guy ... I gave Meade about twenty or thirty minutes to set the conditions, and then I arrived and my security guy, the seal, entered the room ... rattling the doors and kicking on doors to make sure the place was secure before I came in, as they always did. But Constant saw all this, and it was kind of like seeing a meeting with the Godfather being set up ... and so he got very nervous at that time, and his eyes got very big." It was then, Shelton said, that Meade walked out and he walked in. "[Constant] immediately stood up and smiled and stuck out his hand, at which time I just said to myself, 'Remember two things—force and death they understand.' So I looked at him and I said, 'Sit down!' and he immediately sat down, and the smile left his face ... and I said to him, 'I understand that you have agreed to all the conditions that we have set for you to keep us from hunting you down and members of your organization.' And he said, 'Oh, yes, yes, I have no problem with any of that.' And then he started, 'But

Haiti is ...' and he started into his role about the history of Haiti and how important the FRAPH is. I let him get about ten seconds into that, and I cut him off and told him very curtly that I was not interested in hearing any of that right now."

The very next day Constant gave the speech accepting Aristide's return and casting himself as the new leader of the democratic opposition. According to a highly placed U.S. official, the speech was outlined by Constant's old CIA contact, Kambourian, and handed over to the U.S. embassy, which in turn dictated it to Constant, who apparently accepted it without his usual bravado. "He could have been imprisoned," the official told me, "but the judgment was made that as long as we could get out of him what we wanted, it would be okay for him to walk around."

General Shelton may have wanted little to do with Constant, but other elements of the U.S. government seem to have done more than just keep an eye on him. Immigration authorities told me it was "impossible to believe," as one put it, and "totally bogus," as another put it, that Constant could have entered the United States at that time on a valid visa without either help from someone in the U.S. government or forged documents. "Everyone knew he was a killer," says one former INS official. "His picture was everywhere." Constant told me that he didn't ask for any help in getting out, but that he did alert certain U.S. officials before he left, and "it's possible they did something." A high-ranking intelligence-community source, although not commenting directly on Constant's case, described the background mechanisms: "On the high end of the spectrum, the director of the CIA can bring in fifty to a hundred people in the top spy category. These are people to whom we owe a lot, because they have risked their lives doing things of great value to our nation, so it is [if] you want to get out, we will get you out; you want to get in, we will get you in, get you a house, whatever ... Lower down, you can do everything from a little help around the edges to supplying visas."

#### HOW TOTO GOT SPRUNG

**S**itting in Wicomico County Detention Center, on the verge of being deported with the full support of the State Department and the INS, Constant leveraged the potential exposure of his old connections to save himself. Threatening to divulge the details of his relationship with the CIA, he filed a \$50 million lawsuit against Warren Christopher and Janet Reno for wrongful imprisonment. "CIA operatives collaborated with the Plaintiff," his lawyer maintained in the suit. To underscore his warning he appeared on *60 Minutes* in December of 1995 in his prison jumpsuit. "I feel like that beautiful woman that everybody wants to go to bed with at night, but not during the daytime," he told Ed Bradley. "I want everybody to know that we are dating."

It was at this point that Benedict Ferro, who was the district director of the INS in Baltimore at the time of Constant's incarceration, began to see things that he had never seen before and that were, as he puts it now, "off the scale." Ferro had worked for the INS for more than thirty years, and he was used to working on cases that involved sensitive government issues. After Constant made his threats, Ferro says, highly placed officials throughout the government began to get involved, even though the Administration had already publicly and privately indicated that Constant would be returned.

A cover page from a May 24, 1996, Justice Department memorandum titled "Emmanuel Constant options" indicates that those consulted in the process included Samuel Berger, the deputy national-security adviser; Strobe Talbott, the deputy secretary of State; Jamie Gorelick, the deputy attorney general; and David Cohen, the deputy director of operations for the CIA. (The cover page was one of several released to the National Security Archive through the Freedom of Information Act;

the memo itself was not released.) "Look, they came out of the woodwork when [Constant] started singing," says Ferro, who is now the president of INSGreencard.com.

By the time of the memo Constant had already been held in prison for just over a year, and there was confusion about how long the United States could detain him under what many legal experts consider to be an extremely murky part of immigration law.

It was then—"at the eleventh hour," as Ferro recalls—that government officials received information regarding a plot to assassinate Constant when he was returned to Haiti. At least some at the INS maintained that, even if true, the report merely meant that Constant should remain in a U.S. prison until a later date. "We have Cubans from the Mariel boatlift who remain in jail," Ferro says. "We have people from the Middle East who are in jail who can't be sent back. This is not a new process." But according to several officials involved in the deliberations, the information swayed the senior decision-makers. "I didn't want to send someone, even a killer like Constant, to his summary execution," one person involved in the case told me. When I asked one senior official who it was that had uncovered the plot on Constant's life and prepared the classified report, he answered simply, "Reliable U.S. intelligence sources."

Ferro and several of his colleagues at the INS made one last attempt to press their views, insisting that they could not in good conscience send a suspected terrorist into a community where he might harm U.S. citizens or where, just as likely, U.S. citizens might harm him. But it didn't matter. The final decision was hammered out over several days, and senior officials from the Justice Department, the State Department, and the National Security Council participated. "To this day I can't understand why he's not rotting in a U.S. jail," Ferro says. "We were not reinventing the process. He was just treated differently than any other murderer or terrorist."

Ferro himself gave Constant the good news.

"They called me at the prison and said I could get my things and go," Constant says today, still surprised.

"I basically just read from the script," Ferro says. "This guy was believed to have murdered and assassinated all these people, and we released him into our society. It was outrageous."

A copy of the legal settlement that set the terms for Constant's release, which I obtained from Constant, reveals certain conditions: Constant must live in his mother's home in Queens and must remain within the confines of the borough except for visits to the INS office in Manhattan; he must check in with the Immigration and Naturalization Service every Tuesday; and he must not talk about, among other things, Haitian politics or the details of the legal agreement. "I like exposure," he says, "so this is the worst thing they can do to me, this gag order." (As may be now be apparent, Constant takes an expansive view of the restrictions.) Constant's formal legal status is this: he is under an outstanding order of deportation whose execution has been withheld on the advice of the State Department.

When I recently asked Warren Christopher about the deal with Constant, he said he could not recollect the details of what had happened and would try to call me back. Later his assistant called and said that he still didn't have "sufficient recollection of the matter that you discussed to comment, and unfortunately it would entail flying back East to look at his old paperwork, and unfortunately he is not able to do that at this time."



Constant's lawyer, J. D. Larosiliere, who has continued to cite the threat to his client's life and the protection to which Constant is thus entitled under the UN Convention Against Torture, says, "I knew that he wasn't going to be deported, but I needed a hook in the legal system to allow them to have a way out. Plausible deniability. That's all this game is about. Plausible deniability." Indeed, to many Haitians and human-rights workers the real motive for Constant's release was clear even without knowing precisely what had occurred behind closed doors: to shield the CIA's association with FRAPH, the U.S. government needed Constant's silence.

#### A "TELL ALL AUTOBIOGRAPHY"

"My conscience is clear," Constant told me last October as I met with him in his lawyer's office. When I pressed him about FRAPH murders and rapes, he said that there was no evidence implicating him and that he could not be held accountable for every member of such a sprawling operation. "If somebody the day of the vote killed another individual in the street of New York, and they found he just voted Democrat, they're not going to make Clinton responsible," he said.

He leaned back in his chair, as if trying to think of his next point, and then, as if it had just dawned on him, he pulled out a piece of paper and began to scribble on it. Trying to illuminate the logic of the military regime, he drew a circle in the center and wrote the word "army" inside it. Then he drew two circles orbiting around the first—one marked "the people" and the other "FRAPH." "In Haiti our democratic instrument has always been the army since 1804," he said, pointing to the first circle. "When the people are fed up with the government, it is the army which represents that same populace that overthrows the government. The army is the extension of the people." He said all this without a hint of insincerity. Indeed, he seemed happy to be telling his side of the story, and at the conclusion of this first interview he invited me to his house in Queens, where he was living, as he put it, "like a hostage."

Part of a long row of nearly identical English Tudors in Laurelton, the house looked on the outside like a dump: the façade, once white, was weather-stained, the front steps needed paint, and the storm window overlooking the porch was shattered. Haitians had told me, among other things, that Constant kept the bones of his victims in his room, practiced late-night voodoo rituals, stored CIA arms in the basement, and shot trespassers. Some people were afraid to walk past the front yard, and one neighborhood kid told me that his friends dared one another to sneak up on the porch and look in the window at night, where they could see "the devil" sitting by himself.

As I hesitated on the stoop, the front door suddenly opened and Constant appeared, holding a cigarette. "Come on in," he said. I followed him into the living room, which was musty and dimly lit, the walls covered with Haitian art, the couches and chairs draped in plastic. Constant sat across from me in a rocker, swaying back and forth as he smoked. He handed me several piles of documents that, he said, established his innocence, including FRAPH speeches, cables between the U.S. embassy in Port-au-Prince and the State Department, and a letter Constant had written to President Clinton. "There's a lot more," he said, "but I've lost a lot of things since I came here."

As I started to ask him questions about his past, he took a tape recorder from his pocket and said that he was working on a book about his life. "I'm in the midst of writing," he said. "I went to take a class about self-publishing your book, and one of the things the guy told me was if you're talking about your past, then record yourself." I thought perhaps he just wanted to

make sure I quoted him correctly, but a moment later he showed me a book proposal: "This proposal offers a 'hot' new 'tell all' expose on Emmanuel 'toto' Constant code name 'gamal,' and FRAPH ... The market analysis suggests that with at least 2 million Haitians in the U.S. and at least 50,000 others in the U.S. who have interest in Haiti ... this book could easily sell over 1 million copies." The proposal promised that the book, tentatively titled *Echoes of Silence*, would serve as a treatise on what Constant called the "poli-military organization." He had even drawn up a dummy book jacket that said,

Emmanuel "Toto" Constant, notorious leader of FRAPH ... and alleged murderer, rapist, and terrorist thug, breaks the yoke of silence. Speaking from his heart, he exposes the real man behind the villainous images. Interesting, provocative, informative and sensitive, *Echoes of Silence* candidly portrays the complexities of life in Haiti, where nothing is simple. It might lead one to conclude: The political frenzy in Haiti, as addictive and dangerous as any narcotic, keeps the masses alive mentally and emotionally even while it kills.

This was Constant's latest attempt to earn a living. Since his release from prison, as I would learn during our talks, he had tried all sorts of ways to set himself up. He had taken computer classes. He had sold used cars. But each time he had found an opportunity, the other Haitian immigrants in the community had risen up and driven him from his job. "I'm a prisoner," he said. And then, "The worst time is when they came in front of the real-estate office ... because I really had a good situation."

Since that day, last August, he had become what he called an "investment consultant," which mostly meant selling and renting properties as covertly as he could. Whenever I was with him, his cell phone rang. Usually he slipped into Creole, but occasionally he'd say things like "I can show you the place tomorrow. No problem. Heat included. Okay. *Au revoir*."

He told me he was concentrating on credit reports, because a lot of Haitians were unfamiliar with them. "I need to establish some kind of income here," he said.

Once I listened to him raise and lower his voice like an auctioneer: "*Hello. Oui. Oui ... I saw the apartment ... They were asking one thousand, one hundred dollars, and I'll bring it down to a thousand ... Everything is included ... Okay? ... It's Cambria Heights, very nice neighborhood, very quiet, very, very safe ... I'm working very hard for you.*"

His wife called one day, from Canada, where she had gone with their four children out of fear for their safety. "My wife is leaving me," he said when he hung up, lighting another cigarette. "We're having discussions about the kids. I wanted them to come the way they used to, and she doesn't want them to. So we're having an argument, but everything will be okay."

After a while his phone rang again, and I asked if I could look around the place. "No problem," he said. I headed upstairs, past several cracked walls and closed doors. Constant's room was on the third floor. It was small and cluttered with videos and men's fashion magazines. By his bed was a framed picture of him from his appearance on *60 Minutes*. In one corner was a small shrine. Candles and figurines of Catholic saints, which often play a role in voodoo, were arranged in a neat circle. As I bent down to inspect them, Constant called out my name. One of the statues was the patron saint of justice; on its base was inscribed, "Be ever mindful of this great favor and I will never cease to honor thee as my special and powerful patron." Constant called my name again, and I hurried downstairs. "Let's go out," he said, putting on a leather jacket.

The Haitian community in New York, as in Haiti, is segregated, largely according to class. The poorest Haitians are in Brooklyn, and those of greater wealth and status have fanned out into more-affluent settlements like Laurelton and Cambria Heights. As we walked through Laurelton, I could smell roasting *griot*, or pork. The sound of *compas*, Haitian dance music, blared from grocery stores. We passed several men smoking in the cold, chatting in Creole. "I need some meat," Constant said, heading toward a butcher shop. The store was packed, and we could barely fit inside. A small circle of Haitians were playing cards in the back. As Constant pressed up against the counter, I realized that everyone was staring at him. "I need some goat," he said, breaking the sudden silence. He pointed at some enormous hind legs hanging from a meat hook. He glanced at the back, where several people seemed to be saying something about him, but he appeared unfazed. The butcher began to cut through the bone and gristle of a goat leg. His thick arm pushed down, slicing in clean strokes. "Everybody here knows who I am," Constant said on the way out. "Everybody. They've all read about me or seen my picture." He darted across the street to a barbershop. A closed sign hung on the door, but he could see the barber inside, and Constant banged on the window, pleading with him to take one more customer. "There's another barbershop down the street," he told me, "but if I went there they'd slit my ..." His voice trailed off as he drew his fingers across his throat and let out a strange laugh.

#### A COURTHOUSE IN HAITI

**T**he trial was more than a thousand miles away from New York. On September 29 of last year a Haitian court began trying Constant on charges of murder, attempted murder, and being an accomplice to murder and torture—charging him, in effect, with the Raboteau massacre. I went there with J. D. Larosiliere in October, as the trial was reaching its climax. Twenty-two people—mostly soldiers and FRAPH paramilitaries—were being prosecuted in person. Constant and the leaders of the junta were being tried in absentia.

As the last U.S. troops prepared to pull out, the country was, as ever, a shambles. Although the Clinton Administration's policies had stemmed the bloodshed, success in "nationbuilding" was elusive. Eighty percent of the people were unemployed, and two thirds were malnourished. Gangs still roamed the streets. Drug-running planes took off and landed with impunity. Even the heralded new democratic system was believed to be rife with fraud. Aristide, after having put his protégé René Préval in power, was running for the presidency again amid allegations that he was trying to pack the parliament with his supporters. Political thuggery and assassination, this time from both the right and the left, were beginning to occur again. "Now everyone knows I was right," Constant told me later. "Everyone has seen what has happened under Aristide."

The trial itself was a potential flash point for violence. The U.S. embassy warned Americans to stay away from the area for fear of "large scale demonstrations, tire burnings, rock throwing and worse." As our plane landed, Larosiliere told me that he had been warned about potential assassination attempts. "If they attack me, it will only help me prove my case," he said. "If I'm not safe, then how can my client be safe?"

At the airport we met a large man with mirrored sunglasses and a military bearing, who would serve as Larosiliere's "attaché." "You cannot depend on the police to have security," the attaché told me. "So you need to be armed to protect yourself." The attaché pushed our way through a crowd of taxi drivers, bag handlers, beggars, and pickpockets. I smelled flesh and sweat and food, and as we rushed to the car, I tried to deflect the arms outstretched to help me with my things.

"Welcome to Haiti," Larosiliere said.

The city of Gonaïves, where the courthouse was located, is only seventy miles from Port-au-Prince, but it took us half a day to get there. Nearly all the roads in Haiti are unpaved. The Americans started to build a paved road after the invasion, but they gave up and the road now ends abruptly on the edge of a slum. We rumbled past Aristide's new estate on the outskirts of the capital, where he increasingly secludes himself; past the old Club Med, abandoned since 1999, along with almost all the other tourist sites; past irrigated plains where peasants rolled up their pant legs to wade through fields of rice. Then we headed north, past arid, desolate land where nothing seemed to grow but cacti, until we came upon Gonaïves.

The courthouse was in the center of the city, surrounded by tractor-trailers—a makeshift barricade to prevent mobs from rushing in. We entered a small, squat building, where armed guards searched us for weapons; the attaché told me he had left his gun behind, but he stayed close to Larosiliere's side. We passed through one room and then another; finally, to my surprise, we headed into an open courtyard, where the trial was being held under a billowing white canopy. The judge sat at a table, wearing a black robe and a tall hat with a white band. He had a bell in place of a gavel. To one side of him, sitting in neat rows, were the prosecution and the jury; to the other side were the defense and the twenty-two accused, behind a cordon of armed guards. Larosiliere joined the defense, and the attaché and I sat at the end opposite the judge, with the scores of observers and alleged victims.

I had barely sat down when a lawyer for the prosecution began to scream at Larosiliere, jabbing his hand in the air and demanding that Larosiliere tell the court who he was and why he was there. The attaché, who had been at my side, was on his feet before Larosiliere answered. The crowd filled with murmurs: "*Toto Constant! Toto Constant!*" People looked around as if Constant might be under the canopy. The lawyer began to bark again at Larosiliere; the attaché now stood by Larosiliere's side, his arms crossed on his chest.

Most of the alleged victims had already testified that on April 22, 1994, soldiers and FRAPH members had descended on the village of Raboteau, known for its staunch support of Aristide. They described being driven from their homes, forced into open sewers, robbed, and tortured. In past attacks the villagers had fled to the sea, where their fishing boats were tied up. But when they did so this time, they said, the attackers were waiting for them in boats and opened fire. "In order to escape ... I took to the sea," one of the villagers, Henri-Claude Elisme, had said in a sworn deposition. "I climbed aboard my boat; I saw Claude Jean ... fall under the soldiers' bullets." Abdel Saint Louis, a thirty-two-year-old sailor, said, "I fled ... into a boat. At sea I saw another boat arrive. Thinking they were people trying to escape, I came closer to them. I then saw Youfou, a FRAPH member, piloting a group of soldiers. They fired in my direction. I called for help. They arrested me, beat me, and forced me to guide the boat. Seeing other people in a boat, the soldiers fired in their direction and hit two girls: Rosiane and Deborah."

By the end of the assault, according to the prosecution witnesses, dozens of people were wounded and at least six were dead; the prosecution estimated that the actual toll was much higher. Most of the bodies had allegedly been buried in shallow graves along the sea and either eaten by animals or washed away. "When I went down to the shore I saw [my brother's] boat covered in blood," Celony Seraphin testified. "I only found him on April 28 ... tied up with Charité Cadet; both had been murdered. I was not authorized to remove the body ... I demand justice for my brother."

The testimony occasionally elicited angry shouts from the spectators, and the judge would ring his bell, trying to quiet the courtyard. That afternoon Karen Burns, a forensic anthropologist from the United States, was sworn in. A Canadian expert on DNA was scheduled to follow her. It would be the first time that forensic evidence and genetic evidence were introduced in a Haitian court, and the courtyard fell silent. Burns stood in the center of the gathering, surrounded by the skeletal remains of three people, excavated from the edge of the sea in Raboteau in 1995. As she spoke, spectators and jurors craned their necks to look at the bones. Burns held up one and said, "This is the pelvis right here." She put it down and picked up another bone. "This individual was found with a rope tied around his neck, and this is the rope that was retrieved." As she held up the rope, there were several gasps.

Larosiliere—who, like his client, maintains that the massacre was fabricated as propaganda to discredit FRAPH and the military regime—remained unimpressed. "I live for testimony like this," he told me that night, drinking a glass of rum, as we sat with the attaché at the hotel restaurant. "It's bullshit. Come on! [This wouldn't be allowed] in an American courtroom with the federal rules of evidence! She did a scientific study on a site with no integrity. Everyone and everybody walked around it. Come on. You know I can go to graveyards and pick up skeletons from anybody and put them down."

Refilling his glass, Larosiliere said that the prosecution's entire case was preposterous. If there had been any organized military involvement at all, he said, no evidence would have been left on the beach. "Those bodies would be put on a truck, and they'd be taken out on the Rue Nationale—"

"You got it," the attaché agreed.

"—or the highway—"

"At night," the attaché added.

"—and dumped into—"

"The Source Puante," the attaché said.

"Sulfur ditches," Larosiliere explained. "The best place, because the sulfur eats the body."

As he spoke, several international human-rights observers sat down next to us. They stared at Larosiliere, whom they recognized from the courtroom. His voice seemed to grow louder as he noticed them. Finally one of them began to argue with him about Constant. "If for one instant, sir, I believed that Haiti could sustain a true trial for my client, I'd be the first one to throw him on the plane," Larosiliere said.

Later I asked Brian Concannon, an American human-rights lawyer who had spent most of the previous five years in Haiti spearheading the trial, if he thought Larosiliere's concern about the fairness of the tribunal was legitimate. Concannon said he thought it was not. He told me that the judicial system, which had received more than \$25 million in American aid for reform, had slowly and steadily evolved in recent years. The judge and one of the prosecutors, for instance, had gone through a training program funded in part by the United States; another prosecutor had gone to France, where he studied at a judicial academy. Concannon said that although it had taken years to accomplish, the trial was extraordinarily fair by any standard. Indeed, he said, it had become a kind of prototype for the judicial system in Haiti. Perhaps most important,

despite fears by Constant that he would be killed, not a single defendant so far had been harmed in prison or in a courtroom. "The defendants were given the benefit of all their rights under Haitian law and under international treaties to which Haiti is a party," Concannon said. "They were allowed to present witnesses, alibis, and exculpatory evidence."

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From *Atlantic Unbound*:

**FLASHBACKS: "NUREMBERG REVISITED"**

(November 1995)

Two articles from 1946 consider the precedent set at Nuremberg.

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As for Constant, Concannon said, the case was based on the same legal precedent used to prosecute Nazi leaders after World War II and, more recently, war criminals in Yugoslavia and Rwanda. "Constant started an organization that was specifically designed to [carry out]—and in fact carried out—massive violations of human rights," he said. "Constant then provided that organization with training, money, and weapons. He has liability as a commander. It was the same with Nuremberg. He was

in charge of a criminal organization and is responsible for the crimes of that organization." Though there was no evidence that Constant had been on the scene at Raboteau, Concannon said, there was indisputable evidence that FRAPH members participated in the attack and systematically terrorized the community. And, he said, there was probably more evidence against Constant in the thousands of pages of secret documents confiscated by U.S. soldiers in their 1994 raid on FRAPH headquarters, documents the Clinton Administration had so far refused to return to Haiti—fueling allegations that Washington was trying to conceal its ties to FRAPH and Constant.

On the second day of our visit Larosiliere decided to stage a protest. In the middle of the proceedings he rose from his chair and stood stiffly in the courtroom. The trial came to a halt, and everyone stared at him. Then he marched out the door, the attaché a few feet behind him. There was an angry chorus of murmurs. A prosecution lawyer denounced the move as merely a ruse, a sign that Constant's lawyer had intended from the outset not to use the tribunal for justice but only to discredit it. ("My understanding of an adequate murder defense is that you spend more than a few hours at the trial," Concannon told me. "We've worked on this case full-time for four and a half years.") After Larosiliere left, I sat for a while and stared at the dozens of alleged victims sitting on the back benches. Many of them had bought suits for the trial. The young women, some of whom had been shot, wore white dresses that somehow stayed pristine in the dusty heat; they sat with their backs perfectly straight. On several occasions these people had walked miles to the capital to pressure their government for justice. They had written songs about what had happened. And they sat there now, as rain began to fall, and as a clerk collected the bones strewn on the table, and as rumors filled the country that another coup attempt had been thwarted in the capital. As I finally rose to go, a young man who had seen me arrive with Constant's lawyer stopped me; before I could say anything, he spat at my shoe and walked away.

#### THE VERDICT

"They tried to get me to come out to beat me up," Constant told me shortly after I returned. He was eating a piece of chocolate cake in a Queens diner. Tensions in the community had intensified since the beginning of the trial. Larosiliere had told him to leave the house during such demonstrations, to avoid confrontations. But Constant always remained nearby. "I have to protect my mother and aunt in case one of them go crazy," he told me. Ricot Dupuy, of Radio Soleil d'Haiti, told me candidly, "There are Haitian groups who have toyed with the idea of taking the law into their own hands and killing him." Constant claims he has a small coterie of supporters who keep an eye out for him. "I can tell you, when they come in front of my place, fifty percent of the people out

there are my people," he said. "They pass by in case there is any trouble."

Though it is hard to know the precise numbers, Constant maintains some hold over a small following of former FRAPH members, Tonton Macoutes, soldiers, and Duvalierists who also live in exile. Demonstrators say that in at least one instance a car showed up outside his house to monitor them. "They came by taking pictures of us, and we took pictures of them," Ray Laforest told me.

"I don't want to play a deadly game," Constant said of Laforest, "but I have stuff on him, and ..." He let his thought trail off.

One day I was sitting with Constant in his house, reading a copy of his book manuscript. Someone had helped him write the first few chapters.

My media image, both internationally and in the U.S., has been a source of anguish for me. Topics that suggest my alleged involvement with the CIA, being a human rights abuser, operating "voodoo politics," being a bogeyman, making Haiti "a place of fear," being a "tough guy," a "gunman," "dog," an "attaché," and, last but not least, a "spook," an "S.O.B." and a "double spy" have been a source of wonderment about why I have been so suddenly accused in the media.

As I was reading, the phone rang in the kitchen. Constant went to it, and I could hear him speaking in Creole. A moment later he walked back into the room. "You're here for a part of history," he said. "The verdict came out. I've been sentenced to life imprisonment and to hard labor, and they're taking over all my property in Haiti."

He dropped into his rocking chair, looking around the room. He lit a cigarette and rocked back and forth. Apparently the jury had deliberated for four hours and had found sixteen of the twenty-two defendants in custody guilty, twelve of them for premeditated murder or being accomplices to murder. All those in absentia were convicted of murder and ordered to pay the victims millions of dollars in damages. "I hate to lose my things back home," Constant said, "because eventually my mother has to go back there." He lit another cigarette and pulled on it deeply. "I better call J.D.," he said, referring to Larosiliere. He picked up his cell phone, trying to concentrate. "They have a verdict against me," he said into the phone, leaving a message for his lawyer. "I need to speak to him. Okay? They have sentenced me to life and hard labor!"

A few minutes later the phone rang, and Constant picked it up in a hurry. But it was a reporter asking him for a comment. He stumbled through something and hung up. The phone rang again. It was Larosiliere. "What do you think's going to happen here?" Constant asked nervously. "Okay ... yes ... *okay*."

He handed me the phone. I could hear Larosiliere's voice crackling through the receiver before I put it to my ear. "I have one word to say about all this: bullshit." Larosiliere said that the Haitian government would now try to extradite Constant, claiming that a legitimate tribunal had convicted him with the blessing of international observers. But, he said, they still had to show that the verdict was fair and prove in a U.S. court that Constant deserved to be sent back. It is important to point out that under Haitian law, if Constant surrenders or is arrested, he will have the right to a new trial.

Constant called me a few days later. His voice was agitated. "There are all these rumors out there that they're about to arrest me," he said, "that they're coming for me." He said he had to check in with the INS the following day, as he did every

Tuesday, but he was afraid the authorities might be planning to seize him this time. "Can you meet me there?"

By the time I arrived at the INS office in Manhattan the next morning, he was already standing by the entrance. It was cold, and his trench coat was wrapped around him. He told me that his mother, who was in Florida, had called to tell him that other Haitian exiles had been arrested. I could see circles under his eyes. Pacing back and forth, he said that he had stayed at a friend's house the night before, in case the authorities showed up at his house to arrest him.

I followed him into the elevator and up to the twelfth floor. The room was filled with immigrants. Constant tried to check in at the front desk, where a poster of the Statue of Liberty hung, but the woman there said they weren't ready for him yet. He sat down and started to ponder why he had been kept free for so long. "This is what I'm trying to find out and that nobody has been able to analyze it with me. Why are they keeping me alive? I don't know why, in fact. A friend of mine told me one day, he works for intelligence here, and he said there is somebody, somewhere, that is following everything about me, every court paper, every legal action, every immigration matter, and this is the only person that really knows why they are keeping me alive."

A few minutes later someone yelled out his name, and he leaped to his feet. He approached the desk with his INS form and checked in, as always. The woman took the sheet of paper and walked into a back room, where she consulted with somebody. Then the woman returned and, just like that, Constant was smiling, leading me to the elevator, calling his mother to say he was okay, and rushing across the street to buy a new suit in celebration of his freedom.

The next week two dozen Toto Watchers gathered outside the INS carrying signs that showed alleged FRAPH victims: a murdered boy with a shirt pulled over his head; two men lying in a pool of blood. "We are here to demand that Toto Constant be sent back to Haiti to stand trial for crimes against the Haitian people," Kim Ives, a writer for the Brooklyn-based newspaper *Haiti Progrès*, yelled through a bullhorn. "If you're opposed to war criminals and to death-squad leaders living as your neighbors in New York City, please join us." Human-rights activists began to join the protesters. There was a sense that this was the last chance to persuade the U.S. government to send Constant back to Haiti—that if it wouldn't do so now, after the conviction, it never would. A UN expert on Haiti, Adama Dieng, who had served as an impartial observer at the trial, had already called the verdict "a landmark in [the] fight against impunity," and in one of the last moves of the Clinton Administration, according to two U.S. officials, the documents confiscated during the raid on FRAPH headquarters had been sent back to Haiti. So far the files have not been made public, but they may contain more evidence of FRAPH's crimes and could add to the case for Constant's extradition. Still, most activists remain skeptical. Brian Concannon told me after the trial, "The presence of such a horrible killer in the U.S. shows that the U.S. supports those activities. There is, unfortunately, no other credible explanation."

Outside the INS office several in the crowd were bent over, trying to light candles in the freezing wind. "How can they not send him back?" a Haitian man asked me. "He has been found guilty by a Haitian court. Why is the CIA protecting him?" Suddenly there was a loud, unified chant from the crowd: "Toto Constant, you can't hide! We charge you with genocide!"

**AU REVOIR?**



**A**t one of our last meetings, after Jean-Bertrand Aristide and George W. Bush had each been sworn in to their respective offices, Constant called and said he had to see me. His legal status remained unchanged. He had been talking to his "advisers," he said, and he needed to tell me something. The political terrain had shifted in both countries, he said. There was more and more resistance to Aristide, even in Queens. Bombs had recently exploded in Port-au-Prince, and the regime had blamed Constant. He denied any role, but he said that Haitians from all over were calling, waiting for him to act, to step up.

At the Haitian restaurant where we met, he told me that people had "been publishing articles, and they say, 'Look at this guy who has been convicted for murder in Haiti and he's getting stronger and stronger every day.'" He sipped a glass of rum. "A lot of people in Haiti are watching me. They haven't heard from me. They don't know what's going to happen, but everyone has their eyes on me, and people are sending me their phone numbers from Haiti. People here try to reach me. Political leaders are trying to reach me. There is a perception that if ... Aristide is on the go, *I'm* the only one that can step in. I can't let that thing get to my head. I have to be very careful and analyze it and make it work for me."

As people entered the restaurant, Constant looked over his shoulder to check them out. He waited for two Haitian men to sit down, and then he turned back to me and said that he had to do something dramatic or he would be a hostage in Queens for the rest of his life. "If I stand up and make a press conference, and even if I don't say anything but I just attack Aristide, that's going to give strength to the opposition down there, that's going to give strength to the former military, that's going to give strength to the former FRAPH members, that's going to give strength to everyone who didn't have the guts because they didn't see who would take the lead." He had recently received a new spate of death threats, he said. Someone had gotten hold of his cell-phone number and had warned, "I'm going to get you no matter what you do." I asked if he was afraid of what might happen if he so brazenly broke his gag order and called a press conference. He said that he wasn't sure what would happen, but it was his destiny. "I've been prepared since young for a mission, and that's why I've stayed alive," he said. He glanced over his shoulder again, and then he leaned toward me. "I'm either going to be President of Haiti," he said, "or I'm going to be killed."

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