

Contemporary History
Institute

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OHIO UNIVERSITY

IRU
refer to FBI?

AG 101-R0567
DA 6101-R0568
MLF

Re: Freedom of Information Act Request

Athens, OH
29 March 2001

To Whom It May Concern:

This is a request under the Freedom of Information Act (5 U.S.C. section 552). I request that a copy of the following documents, listed in the accompanying page, be sent to me.

The law states that all fees, including copying, must be waived by the agency if the material requested: "is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester." I am a Ph.D. student at Ohio University, working on a dissertation on the 1994 US intervention in Haiti, and I ask for a waiver of all fees. The material requested here will form the basis for scholarly articles and a book on the intervention, thus increasing public understanding of this period. My intent is not to make commercial use of the documents.

I would be glad to receive a response from your agency within the 10-day statutory time period, and I would like a detailed explanation of the exemptions invoked to withhold any information from release. Should any material be withheld, I am entitled under the law to be given any remaining "reasonably segregable portions" of these documents and to file an administrative appeal.

Thank you for your consideration.

Sincerely,

Philippe Girard

FOIA EXEMPTION b6

OFFICE OF INFORMATION AND PRIVACY
APR 11 2001
RECEIVED

Melanie Ann Pustay, Deputy Director
Office of Information and Privacy
Suite 570, Flag Building
Office of Intergovernmental Affairs
Department of Justice
Washington, DC 20530-0001
(202) 514-FOIA

I am requesting all records pertaining to the investigation on the murder of Mireille Durocher Bertin and Eugene Baillergeau in Port-au-Prince on 28 March 1995. The FBI sent a special investigative team to Haiti on 29 March 1995, which stayed there until August 1995. The documents I request include, but are not limited to:

- A transcript of a 28 March 1995 conversation between Joseph Medard and Lt. Pierre Lubin.
- Letters sent by Haitian President Jean-Bertrand Aristide, US President William J. Clinton and US Ambassador William L. Swing regarding the Durocher Bertin case.
- A transcript of a 3 July 1995 conversation between FBI agents in Haiti and Haitian President Jean-Bertrand Aristide.
- The final report drawn by the FBI investigating team regarding the murder.
- A copy of the cables sent from 28 March 1995 to September 1995 to or from the State Department, the US Embassy in Port au Prince, the FBI and the Department of Justice regarding the Durocher Bertin murder and investigation. The March 1995 cable traffic has already been declassified for the use of the House Intelligence Committee and should thus represent no national security threat.
- A copy of the cables sent from 28 March 1995 to September 1995 to or from the State Department, the US Embassy in Port au Prince, the FBI and the Department of Justice regarding the 28 March 1995 murder of Mireille Durocher Bertin and Eugene Baillergeau in Port au Prince, Haiti and the subsequent FBI investigation. The March 1995 cable traffic has already been declassified for the use of the House Intelligence Committee and should thus represent no national security threat.
- A transcript of the meetings held on 5 April and 20 April 1995 regarding the 28 March 1995 murder of Mireille Durocher Bertin and Eugene Baillergeau in Port au Prince, Haiti and the subsequent FBI investigation. FBI representatives, Ambassador Dobbins and Gelbard and Richard Clarke of the National Security Council participated in these meetings.
- A transcript of a videoconference held at the Department of Justice Command Center on or about 12 October 1995 between FBI Assistant Director Perry, Department of Justice officials, NSC officials (including Mr. Clarke) and Ambassador Dobbins from the State Department regarding the 28 March 1995 murder of Mireille Durocher Bertin and Eugene Baillergeau in Port au Prince, Haiti and the subsequent FBI investigation.
- A transcript of a 31 October 1995 interagency meeting held at the State Department regarding the 28 March 1995 murder of Mireille Durocher Bertin

and Eugene Baillergeau in Port au Prince, Haiti and the subsequent FBI investigation.

- A transcript of the meetings held in the US Embassy in Port au Prince, Haiti, on or about 9 April, 24 May, 30 May, 19 June, 27 June, July, 27 September and 21 December 1995 regarding the 28 March 1995 murder of Mireille Durocher Bertin and Eugene Baillergeau in Port au Prince, Haiti and the subsequent FBI investigation FBI and US Embassy officials participated in these meetings.
- A transcript of the meeting held between FBI Director Louis J. Freeh and Undersecretary of State Strobe Talbott on or about 30 June 1995, regarding the 28 March 1995 murder of Mireille Durocher Bertin and Eugene Baillergeau in Port au Prince, Haiti and the subsequent FBI investigation.
- A transcript of a 21 December 1995 meeting held in Port au Prince, Haiti, between US Embassy officials, FBI officials, an FBI Miami Division executive manager and Haitian Minister of Justice Magloire regarding the 28 March 1995 murder of Mireille Durocher Bertin and Eugene Baillergeau in Port au Prince, Haiti and the subsequent FBI investigation.

I would also like a copy of the file related to Haitian national Emmanuel 'Toto' Constant (born 27 December 1956). Emmanuel Constant entered the United States through Puerto Rico on 24 December 1994. His visa, delivered in 1991, was no longer valid. He was sent to an immigration jail in May 1995 and freed around 15 June 1996. The documents I would like to obtain are particularly, but not limited to:

- Any document justifying the decision to free Emmanuel Constant in June 1996.
- Letters regarding his case coming from the Central Intelligence Agency, the Defense Intelligence Agency, the Government of Haiti and the State Department.
- Documents related to the Haitian Government's request that Emmanuel Constant be extradited.