

New attack on civil liberties

US Border Patrol sets up random checkpoints in Michigan

Joanne Laurier
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As part of the Bush administration's ongoing attack on democratic rights, the US Border Patrol began setting up rotating and unannounced checkpoints November 12 in southeast Michigan near the US-Canadian frontier. The Border Patrol, part of the Department of Justice's Immigration and Naturalization Service (INS), claims authority to establish traffic checkpoints that can stop and interrogate all motorists and their passengers.

During the course of last week, the Border Patrol set up three checkpoints in St Clair and southern Wayne counties, resulting in one arrest on a charge of illegal entry into the US. The checkpoints are expected to continue in southeast Michigan and officials said they might be organized on the state's Upper Peninsula next summer.

Jim Crawford, the US Border Patrol Intelligence Agent for the Detroit Sector, told a reporter from the WSWS. "The checkpoints are now a definite thing—part of our standard operating procedure. Federal law allows us to set up a checkpoint within 100 miles of an international border."

The Border Patrol cites federal laws permitting it to operate checkpoints and stop "suspicious" drivers. Establishing internal checkpoints has been a long-standing policy in Texas and California, states along the border with Mexico, as well as (less frequently) New York, Vermont and New Hampshire.

The constitutionality of such laws, which clearly violate the Fourth Amendment protection against "unreasonable searches and seizures," has been challenged over the last several decades, but federal courts have consistently upheld the government's right to operate the checkpoints. The checkpoint issue reached the Supreme Court in 1976, which claimed that warrantless stops and searches do not violate the Constitution in areas near the border.

However, civil liberties advocates in Texas, Arizona and California have aptly described the checkpoints as "ever-expanding militarized zones." There are approximately 8,000 Border Patrol agents on the US-Mexican border.

A November 11 INS press release issued in Detroit, whose Border Patrol office oversees Michigan, Ohio, Indiana and Illinois, stated that 245 new agents would be permanently posted on the northern US border. There will also be the deployment of additional aircraft and the installation of Remote Video Surveillance Systems. The statement did not elaborate on these new systems. It described "the deployment of temporary mobile traffic checkpoints to strategic locations" as one facet of the government's "expanded enforcement strategy."

In the Detroit area, all of Oakland, Macomb, St. Clair, Monroe and Washtenaw counties, with a population of more than 4 million people, fall within the 100-mile limit. In principle, mobile checkpoints could be set up in virtually any neighborhood in metropolitan Detroit, with agents authorized to subject residents to surveillance and search.

The rotating checkpoints have the dual purpose of further intimidating and terrorizing the Arab-American community—Michigan is home to approximately 350,000 Arab-Americans—and accustoming the general population to police-state methods. As several reporters on local Detroit television stations approvingly suggested, "We'll all have to get used to the checkpoints. It's a sign of the times."

"What those reporters say about people having to get used to such things as checkpoints is a true statement," the Border Patrol's Crawford said. He denied that racial or ethnic profiling would be an aim or byproduct of these internal checkpoints, but admitted that there were no

standard criteria for agents to employ when challenging a citizenship claim.

The checkpoint scenario is as follows: everyone who passes through will be asked his/her citizenship, ostensibly to avoid profiling. Non-citizens will immediately be asked for their Proof of Alien Registration. But because citizens are not required by law to carry any proof of citizenship, agents have full authority to question, search and seize anyone they “personally” deem to be suspicious. Agent Crawford described this as the “subjective component of the process.”

Crawford stated that the INS checkpoints would not practice discrimination because they are manned by “seasoned agents who have to start their training by working on the southern borders.” This will not be reassuring to anyone familiar with the history of Border Patrol abuses carried out against undocumented Mexicans and Central Americans over the years and in particular since the government initiated its Southwest Border Strategy in 1994.

The INS and the Bush administration are making contradictory claims about the new checkpoints. On the one hand, they would like the public to believe that these are merely routine and aimed at cracking down on “illegal aliens.” On the other, they assert that the measure is part of the open-ended “war on terror.”

An INS spokesperson, Karen Kraushaar, told the *Detroit Free Press* that the program of internal checkpoints is part of the Bush administration’s efforts to increase security along the northern border. Robert Lindemann, vice president of Michigan’s border patrol union, described to the *Free Press* his previous work on checkpoints near the southern border: “We got drugs, we got aliens, we got convicts.” Kraushaar added, “The terrorism component cannot be ignored in addressing border security.”

According to the Border Patrol’s Crawford, “The main purpose of these checkpoints is to stop ‘alien smuggling,’ but it’s an extra bonus that we assist in the Homeland Security Program, as well as overall national security.”

FBI agent Dawn Clenney bluntly told the *Associated Press* that counterterrorism work was especially important in Michigan, where three men have been charged with supporting terrorism since the September 11 attacks. Offering no proof for her allegations, Clenney commented, “There are strands of Al Qaeda and Hezbollah and Hamas here in Michigan. I don’t want to narrow it down further than that.”

Kary Moss, executive director of the American Civil Liberties Union (ACLU) in Michigan, told the WSWS that her organization would be “watching” for civil rights violations or the profiling of people based on their ethnicity or accent. She gave no indication that the ACLU would challenge the constitutionality of the checkpoints, nor did she call them by their proper name: a gross attack on civil liberties.

A Bush White House fact sheet issued in January 2002 laid out aspects of what is ominously described as a “vision of the border of the future.” The Border Security budget will increase by \$2.2 billion to \$11 billion in 2003, allowing the INS to more than double the number of border patrol agents and inspectors on the northern border. The agency will also implement what is described as a “new entry-exit system to track the arrival and departure of non-U.S. citizens.”

In the section called “The Smart Border of the Future” the document states: “Federal border control agencies must have seamless information-sharing systems that allow for coordinated communication among themselves, and also with the broader law enforcement and intelligence gathering communities.” This makes clear that information gathered by such means as checkpoints will be used by other federal agencies.

Michigan Democratic Senators Debbie Stabenow and Carl Levin are both supporters of Bush’s fortification project for the northern border. They are advocates of the Senate’s Enhanced Border Security and Visa Entry Reform Act, which will put an additional 1,000 inspectors with expanded technology at the borders, and have stridently campaigned for a plan of “reverse inspections” or “pre-clearance,” which amounts to pre-border crossing checkpoints.



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