

US: Report details immigrant abuse by government authorities

Peter Kloze
8 August 2009

US immigration agents have used brutal methods and systematically violated constitutional rights in raids against homes in predominantly Latino neighborhoods, according to a newly released report.

The activities of the US Immigration and Customs Enforcement (ICE) organization, the government agency charged with the enforcement of immigration laws within the United States, have been subjected to close examination by the Immigration Justice Clinic (IJC) at Yeshiva University's Benjamin N. Cardozo School of Law in New York City. The IJC, founded in 2008, represents poor immigrants facing deportation by the US government.

The data in its newly-released report, concerning home raid arrest records in Long Island, New York and New Jersey from 2006-2008, presents a damning exposure of the brutal and anti-democratic practices of the ICE in the region. Along with this data, the IJC also records examples of the agency's repressive activities in California, Texas, Arizona, Massachusetts, Georgia, and other states, suggesting a national epidemic of government-approved repression against impoverished immigrant workers.

The report, released on July 22 and entitled "Constitution on ICE: A Report on Immigration Home Raid Operations" is, according to the clinic, "the first such effort to compile and analyze the available evidence regarding the prevalence of [US Constitution] violations occurring during ICE home raids."

The IJC's assessment, which charges the ICE with unconstitutional violations for entering homes without proper consent and often using racial profiling, found that 86 percent of arrest records in Long Island from 100 raids between January 2006 and April 2008 showed no record of homeowners consenting to having immigration agents enter and search their homes. In northern and central New Jersey, it found that in 24 percent of the approximately 600 arrests made in 2006 and 2007, no record of homeowners' consent was present, and for the arrests where consent was present, the report suggests that for many, consent was doctored into arrest records after the fact.

Hispanic people were shown to represent the lion's share of those arrested. In both Long Island and New Jersey, two-thirds of the targeted detainees were Latino. Oftentimes fleeing poverty and political instability in their home countries- conditions largely created by the long history of intervention and exploitation by US imperialism- these layers of poorer immigrant workers suffer disproportionately at the hands of the US government's repressive "border security" agents.

Raids are often carried out with great force, with heavily-armed ICE agents physically pushing or breaking their way into private residences in pre-dawn or late-night hours. During these intrusions,

ICE agents regularly seize individuals who are not even targeted by the organization, whether they are "documented" or not. The report shows that in Long Island, these "collateral" arrests make up 67 percent of all arrests, while in New Jersey, they make up 63 percent. Many of these non-targeted individuals' arrest reports gave no basis for why they were seized.

In another revealing statistic pointing to the endemic racism of the organization, 94 percent of these non-targeted arrests in Long Island were Latino, with 87 percent likewise in New Jersey. These victims are usually poorer layers of the American working class. One is hard pressed to find records of home raids in wealthier neighborhoods.

Several examples of actual home raids make for harrowing reading. Many more are included in the report.

For instance, in December 2007, in Massachusetts, "eight to ten ICE agents, with guns drawn, broke through the door of a three-family apartment building at 21 Jefferson St. at about 5 AM. 'They came through and shined flashlights in people's faces. They went into each room, they told everyone to lie down on the floor, they say not to move. They checked everyone's papers. They took everybody,' one of the residents said. Evidence of ICE's illegal search included 'shards of the broken door frame they say ICE agents kicked through. A safe in one room lay open, its papers strewn all about. The men also showed the reporter another bedroom door they said ICE agents had kicked open.'"

Another story concerns, disturbingly, an older American citizen. In September 2008, in Texas, a "68-year-old woman told Action 4 News that she heard a knock at her door... But before she had a chance to get up she said ICE agents were inside her home... When she asked them why they came into her home they allegedly responded, 'Show us your papers.' She complied by showing them documentation papers proving that she's been a US citizen for 40 years."

Another pattern that emerges from the ICE home raids, according to the report, is a "lack of law enforcement professionalism," as well as "a kind of cowboy mentality." For instance, during the Nassau County, Long Island, 2007 Community Shield Operation, ICE agents were criticized for wearing cowboy hats and flaunting shotguns and automatic weapons. As befits their work, many ICE agents, openly contemptuous of the rights of both documented and undocumented immigrants, have been overheard spouting right-wing nationalist and even fascist statements.

ICE agents routinely search homes without legal authority, a clear violation of the US Constitution's Fourth Amendment, the report indicates. It states that agents are usually issued administrative warrants to search these homes, which require that the resident of the living space give his or her consent for government agents to enter.

Judicial warrants, on the other hand, which give law enforcement agencies unfettered access to private residences, are hardly ever issued.

The reports' authors point out that the ICE has in fact admitted that the vast majority of the warrants it is issued require a homeowner's consent. Yet, as the report shows, the agency regularly violated this vital stipulation from 2006-2008, and received only a slap on the wrist for doing so. For instance, a federal judge in Connecticut ruled in June 2009 that federal agents violated the constitutional rights of four undocumented immigrants in a 2007 raid. The judge showed that immigration agents went into the immigrants' homes without warrants, probable cause, or consent, and ordered a stop to deportation proceedings against the four defendants. The ICE was left untouched. For all intents and purposes, the agency was allowed to continue to operate above the law.

"Violations of constitutional expectation of privacy"

"These are violations that go to the very heart of the Constitutional expectation of privacy in this country," said Peter Markovitz, IJC director and one of the report's authors. "The widespread illegality by a law enforcement agency should be ... shocking to anybody."

The "widespread illegality" of the ICE shouldn't be shocking to anybody who has even a cursory understanding of the agency's background. (See: "More details of immigration raid in Mississippi, US" and "Aftermath of US slaughterhouse raid: Fear and repression grip Iowa town") Bound up with the anti-democratic nature of the ICE and its activities is the decaying nature of democratic rights in general in the US, a phenomenon that has escalated ever since the start of the George W. Bush's bogus "war on terror" in 2001, and has not been halted by the present administration of President Barack Obama.

The ICE was created in 2003 as part of the Department of Homeland Security, and is held responsible for enforcing immigration laws within the US. As the report outlines, up to 2006 the ICE used a number of strategies in its stated goal, including "coordinating with local criminal justice systems to identify deportable immigrants who have been arrested on criminal charges, coordinating with the US Citizenship and Immigration Services agency to identify deportable immigrants who have applied for some form of immigration benefit, and conducting traditional criminal investigations of persons suspected of violating the criminal provisions of the Immigration and Nationality Act (INA)."

During the last two years of the Bush administration, however, the ICE moved towards a more confrontational approach to enforcing reactionary US immigration laws. According to the report, it increased its use of "high-profile swat-style raids on homes and workplaces targeting civil immigration violators." In early 2006, ICE increased each Fugitive Operations Team's (FOT) annual arrest quota from 125 arrests per year to 1000 without any attendant increase in the size of the teams. Overnight, the report says, "FOTs were expected to become eight times more efficient." In fiscal year 2008 alone, the report shows these teams as having made more than 34,000 arrests.

As of this moment, the ICE has approximately 100 FOTs throughout the US, which are held responsible for targeting individuals with orders of deportation, and are the units that usually conduct home raids.

The report appraises the situation today under the Obama administration. While present Department of Homeland Security Secretary Janet Napolitano has made merely cosmetic changes to Bush's policies, such as issuing a directive calling for an "internal review and assessment" of ICE's FOT program, if this should ever materialize, and a decrease of FOT annual arrest quotas to 500 per year-still a four-fold increase over the 2006 quota.

Since his inauguration, President Obama has called for an intensified militarization of US borders, along with further economic persecution of immigrants in the form of delayed amnesties with heavy fines, long waits, and policies that foster assimilation into English-speaking culture. As is the case with his economic policies, Obama's policies on undocumented immigrants are in essence a continuation of his predecessor's.

As the *New York Times* noted this week, despite Obama's campaign promises to adopt a more human approach to immigrant workers, "his administration is pursuing an aggressive strategy for an illegal-immigration crackdown that relies significantly on programs started by his predecessor." Meanwhile, there is no indication that the administration is taking any steps to implement Obama's pledge of an "immigration reform."

While well-researched and well-intentioned, the report's authors make recommendations which are hardly commensurate with their findings. They call for limiting the use of home raids to a last resort aimed against those who pose a serious risk to "national security" or have violent criminal records. Such supposed threats, however are routinely invoked to justify dragnets that ensnare large numbers of innocent workers. As to what constitutes a danger to "national security," that will be determined by the very same layers who were responsible for fomenting the lawless environment in which the ICE operated in the first place.

The report's authors also recommend, oddly, the use of judicial rather than administrative warrants. If actualized, this would essentially give the anti-democratic nature of the ICE's raids a legal cover.

The report also calls on the Department of Homeland Security Office of the Inspector General to conduct an investigation. Any "investigation" by such a reactionary institution as the Department of Homeland Security, created by the George W. Bush administration for the express purpose of fighting the bogus "war on terror" after the 9/11 attacks in 2001, will either evaporate into the air, or, should it be pursued, lead into a dead end.

The struggle against these attacks on immigrant workers is a fundamental task of the American working class and requires the struggle for the right of workers of every country to live and work where they choose, without being persecuted under reactionary immigration laws.

The report can be accessed here as a PDF file.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact