

“The sad thing is that there are so many people like me in that system”

Davino Watson, US citizen falsely imprisoned by ICE agents, speaks out

Nick Barrickman
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The US Court of Appeals for the Second Circuit decision last month denying Davino Watson, a US citizen held illegally for nearly three-and-a-half years by Immigration and Customs Enforcement (ICE), of any right to sue for damages is a travesty of the judicial process and an attack on democratic rights.

The criminal treatment meted out by the government to Watson exposes the decay of basic democratic principles within the United States. It also reveals the fascistic atmosphere being cultivated within the various state immigration and law enforcement agencies, which operate outside of the law even as President Donald Trump vows to “unshackle” them.

Watson previously served time in 2008 for a minor charge when he was detained by ICE agents and the preparations were made for his deportation, a process that would ultimately claim three-and-a-half years of his life. Efforts to provide contact information and documents proving his citizenship were either ignored or mishandled, with Watson being shuffled across the country with no access to the outside world.

In 2016, Watson was awarded damages totaling \$82,500, compensation for just 27 out of the 1,273 total days of his imprisonment. Last summer, the WSWs reported that even this minor sum had been clawed away from him by the courts, with judges stating that the two-year statute of limitations for suing the government had expired while he was imprisoned.

Watson, clearly shaken by this traumatic experience, recently spoke at length with the *World Socialist Web Site* about his ordeal and the difficulties he has faced as a result.

Nick Barrickman: You’ve been through a great ordeal. How have you been dealing with the recent court decision?

Davino Watson: It’s devastating. There hasn’t been a “sweet moment” since this thing started. It’s been horrible. It hurts to see that the government ignored a lot of things in this case. I told them from the beginning that I am a citizen and showed them evidence, which they ignored. I think that if they would have paid attention I wouldn’t have spent three-and-a-half years in prison.

As far as the lawsuit goes, this case is not so much about money, it’s about justice. I don’t feel that there was justice served. And that’s what bothers me the most.

They claim the statute of limitations ran out while I was in jail. I have a GED (General Educational Diploma). I didn’t know at the time that I could have put in a lawsuit while fighting for my freedom. You have to think about it. I’m fighting not to be deported; I didn’t have a lawyer during that time. I didn’t have any legal representation. I didn’t know what was happening. The only thing I was trying to do was stay in the country and get out of prison.

NB: Can you describe how you were able to get out of that situation of being imprisoned and in the process of being deported?

DW: My case was in the Second Circuit, which had reversed the BIA (Board of Immigration Appeals) decision. They had granted me representation from a law firm, Gibson, Dunn & Crutcher, which came on at the end of the case while I was incarcerated. They told me that I had done a good job [defending myself] so far and said they would work out some things for me. I thought the situation was improving.

Immediately, ICE started shipping me across the United States. They just told me “pack up.” Next thing you know, I’m on a plane, and then I’m pushed in a van and being dragged down a road in Louisiana. At this point, I didn’t know what was going on. I couldn’t get in contact with my lawyers; I couldn’t get in contact with anyone. Not even phone calls, nothing.

Finally, I ended up in Alabama. I was there for about three weeks in a facility in Etowah County. It was a facility where I was told they [would] try to “ship you off” in the middle of the night.

I had a cousin’s phone number I had memorized because we had been in communication so much through the whole ordeal. I eventually was able to call her to get word out and she got in touch with my lawyers.

Maybe a couple days after I made that call, I was told again to pack up, with no explanation of where I was going. They were like, “You’re free to go.” That was it. No explanation, no money, no identification, nothing. At that time, there was one bus that ran from the location where I was staying. By the time they let me out, the bus had already been gone for nearly two hours. So now I’m stranded, and that was just the beginning of things.

NB: How were you treated in these facilities?

DW: I must say that my treatment was very bad. From the beginning, when I produced my mother and father, my naturalization certificate, they ignored it. I was locked up in a cell for 23 hours a day, which is very difficult and definitely took a toll on me. It took something away from me.

Throughout that I fought because I knew I was fighting for what was right. There were many times that people told me, “Davino, just give up,” and I would say “No! This is not right, I cannot let this happen.”

There was an extreme level of racism shown toward me. My lawyers now see that and point it out. During the trial, my lawyer, Mark Flessner, told the judge that he’s been working in the Eastern District for years and has never seen that level of racism.

There was one deportation officer, and he came to my trial to testify [against me]. His name was Schraeder. At one point, I said to him: “You know what you’re doing to me is wrong and I’m going to win,” and he said, “I don’t care if you win because you’re just another nigger and all I’m going to do is replace you with somebody else.”

I think it boils down to the system. They had all the wrong information--the wrong mother, the wrong father, everything was wrong. I remember throughout the trial, the judge was looking at [the state’s attorneys] like, “How can you be this ignorant with this type of thing?”

I remember in 2007, I was in a downstate correctional facility and I was interviewed by ICE agents and gave them all the right information, so they had it all already but failed to investigate any of it. They had my mother and my father’s number, they could have called and asked about me, but they didn’t. Even when I got to Allegany County, near Buffalo, I submitted documents and they failed to even recognize them.

That showed me that they didn’t really care. They were like, “You’re just another black man, we’re just going to deport you, we don’t care about you or what you’ve got to say.”

One of the most disturbing things that happened was the deposition [at my trial]. A Mr. Joseph A. Marutollo and a Mr. James R. Chow were on the case for the government. They were both very disrespectful throughout the whole trial. During deposition they were asking me questions that had nothing to do with the case. They tried to assassinate my character, asking questions such as, “Why don’t you have kids? Do you have herpes?” and things like that.

We were discussing my being locked up. He [Marutollo] pulled out a handbook of the facility I was held at, with little pictures and things, and was like, “I looked at the facility; it doesn’t look that bad to me.” How can you say that? You’ve never even been there. I was locked up 23 hours a day! They tried to make it seem as though I didn’t suffer because the jail was clean!

I’m so emotional right now just thinking about it. I remember just crying, I mean *crying* in front of the whole court room about how I was being treated. I remember the judge. He must have slept through 80 percent of the trial. My lawyers can tell you that, he wasn’t listening to anything. I felt humiliated. I started drinking and got involved with drugs because it affected me so much and I didn’t know how to deal with these things. I mean, three-and-a-half years of my life, 23 hours a day in a cell. Who’s going to be

normal after that?

They didn’t even apologize afterward. Nobody said “Davino, I’m sorry that this happened to you.” Nothing. Just one humiliation after another.

The government actually lied and committed perjury during the case. I’ve made mistakes in my life which I’m not proud of, but I’m also not a menace, which is what they were trying to paint me to be. They forged a document saying that while I was being detained, I was caught with contraband. They forged my name and signature [on the paper]. Why do that? Why sit there, as federal agents, and lie?

NB: It’s as if the state operates as a law unto itself.

DW: Yes. And the sad thing is that there are so many people like me in that system. They get taken advantage of because they don’t know any better. They don’t have the same luck that I had. There should be legal representation for immigrants as well.

NB: Do you have anything you’d like to say to the readers of this article that you’d like them to take from hearing your story?

DW: To never give up, to fight. America is what it is because we fought for what we believe in. I believe that the truth will come out about what happened to me. It’s a horrible story. I’m just a human being. I paid for my crimes and my mistakes. To do that twice, it’s insane. It’s something that I’m never going to get back. It changed my life forever.

I’ve been trying to get employment and I’ve been unsuccessful because, in my opinion, people don’t even need to run a background check, all they need to do is Google me and see that Watson pled guilty for drug possession ten years ago. I have a GoFundMe page. I’d like you to include that in the article so that I could get some support.

NB: Of course. Thank you for your time. We are going to make sure that your story gets seen and heard widely. You have a lot more support than you might realize.

DW: Thank you so much for giving me this time to tell my story.



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