

Trump administration holds mass trials of immigrants under “Zero Tolerance” policy

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An article published last week in the *Intercept* has exposed yet another horrifying manifestation of the cruel and inhumane anti-immigrant policies of the US government. Over the past month, federal courthouses along the US-Mexico border have become the sites of daily mass trials of immigrants charged with the crime of “illegal entry.”

These trials are a direct consequence of the new “zero tolerance” policy, which Attorney General Jeff Sessions described as “sending a message to the world” that “we are not going to let this country be overwhelmed ... If you cross this border unlawfully, then we will prosecute you.” Sessions also added that people who were “smuggling a child” would not be spared “and that child will be separated from you as required by law.”

What this has meant is that even parents who make the dangerous border crossing in order to escape violence, and so to protect their children, are treated as “smugglers.” According to the Customs and Border Patrol, in April alone, 50,924 people were detained after crossing the border without papers, including 4,314 unaccompanied children and 9,647 family units. The mass trials of the detainees have become yet another step in the policy of criminalizing migrants regardless of whether or not they are seeking asylum, while continuing the vicious federal policy of tearing apart migrant families.

The scenes in the Brownsville Federal Courtroom described by reporter Debbie Nathan are both shocking and heart-rending. On any given day in May, the courtroom was filled with about 40 migrants, “exhausted ... with hands cuffed and shackled to their waists, their legs in chains ... stumbling, shuffling, clanking, and clanging in tandem.”

The judge, whose task it is to determine whether the

defendants understand the charges against them, was forced to ask many of his questions *en masse* because of the sheer numbers he faced. This, as Nathan reports, created the bizarre spectacle of the otherwise “mute and downcast” migrants providing “thundering group responses.”

It did not appear as though the defendants, who for the most part came from impoverished and violence-ridden Central American countries and spoke only in Spanish, understood either the content of the charges or the judge’s explanation of their sentences. In addition, it was apparent that none of them had the benefit of meaningful legal counsel. On most days, public defenders were given less than two hours to talk to the whole group, which meant each defendant had at best a few minutes with a lawyer.

The spectacle of groups of shackled migrants with minimal or no legal representation being subjected to mass trials and summary sentencing has shocked even long-time courthouse employees, leading them to seek creative ways to expose the horror. While the taking of photographs in federal courthouses is prohibited, an employee leaked a photograph of a mass trial in Pecos, Texas, which shows dozens of handcuffed immigrants in orange jumpsuits, filling a courtroom.

Mass trials of immigrants have been taking place in the US intermittently since the introduction of “Operation Streamline” in 2005. However, the intensification of the attack on migrants under the Trump administration has given these proceedings both a boost in terms of sheer numbers, and also a more ominous cast.

In Brownsville, Texas, for instance, while Border Patrol agents have in the past arrested undocumented migrants, those who expressed fears about returning to their home countries were seldom charged with any

criminal offense. Both at the processing station itself and at the courthouse, migrants whose fears were deemed “credible” were referred directly into the asylum system at the recommendation of the public defenders. Only those not making asylum claims, usually from three to eight people per day, went through the criminal process. While the charge of criminal illegal entry carries a sentence of six months in prison, the judges typically tended to consider time served and order immediate deportation. Those who went through the asylum process stayed in the US, families intact, as their cases were considered by the courts.

That situation has altered dramatically since the announcement of the “zero tolerance” policy. The Brownsville courthouse now witnesses the mass trials of dozens of migrants every day, with it becoming increasingly clear that there is no distinction being made between asylum seekers and those not making asylum claims. Even more disturbing is the sheer number of children, many of them preschoolers, who are being forcibly separated from their parents.

As the *Washington Post* reported, there has been a 21 percent increase in the number of migrant children held without their parents in the last month alone, from 8,886 on April 29 to 10,773 by the end of May. The numbers released by the Department of Health and Human Services (HHS) do not specify how many of these children were forcibly separated from their parents as a result of the “zero tolerance” policy. However, an official for US Customs and Border Protection testified at a Senate committee hearing that 638 adults were referred for prosecution between May 6 and May 19 under the new zero tolerance effort and that they brought 658 children with them.

In recent days, officials have announced a new information sharing agreement between HHS, the government agency formally responsible for safeguarding the children pending custodial arrangements, and the Department of Homeland Security (DHS). This agreement gives the DHS access to personal information of parents, relatives and other adults seeking custody of the children. Spokespersons for the administration have attempted to present this as a measure geared towards protecting children, while refusing to answer the question of whether DHS would use the information garnered to target more adults for

arrest and deportation.

In a typical comment, Steven Wagner, Acting Assistant Secretary at the HHS Administration for Children and Families, declared: “If somebody is unwilling to claim their child from custody because they’re concerned about their own immigration status, I think that de facto calls into question whether they’re an adequate sponsor and whether we should be releasing a child to that person.” This pious declaration would be more credible if it did not come from the same person who was forced to admit to a Senate subcommittee that the Office of Refugee Resettlement was “unable to determine with certainty the whereabouts of 1,475 unaccompanied children.”

The many faces of the “zero tolerance” policy—be it mass trials of migrants or the forcible separation of parents from children—are not only inhumane, but in fact criminal. The removal of children, in particular, is strongly reminiscent of the Nazi policy of “hostage taking,” as both reprisal and potential deterrent against attacks aimed at the Third Reich.

White House Chief of Staff John Kelly admitted as much when he stated that family separation was meant to serve as a “tough deterrent” to border crossings. It is a frightening sign of the deterioration of bourgeois democratic norms that measures found to be a violation of both international law and “fundamental concepts of justice” at Nuremberg more than 70 years ago are now part of US domestic policy.



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