

# “We need to take away the children”: Top Justice Department officials drove Trump’s anti-immigrant family separation policy

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Top officials at the Department of Justice (DOJ) were not only fully aware of the “zero tolerance” policy pursued by the Trump White House, which separated migrant children from their parents at the border but were in fact the main driving forces behind it.

A review of DOJ Inspector General Michael Horowitz’s 86-page draft report by the *New York Times* provides a clear picture of the complicity of the Justice Department in one of the ugliest episodes in the ongoing war on immigrants being waged by President Donald Trump.

From May to late-June 2018, the Trump administration officially embraced a policy that called for the criminal prosecution of all adults crossing the border into the United States without the necessarily legal documents, heedless of the conditions leading to the migration. Practically, this meant the tearing apart of families that had already been through the trauma of forced migration, with children, regardless of their age, being placed under the dubious care of Health and Human Services (HHS).

Following massive public outcry and mass protests, the policy was officially abandoned though its horrific effects have continued to resonate especially for the children, who remained separated from the families or guardians for months at end. The Trump administration admitted that during this period, 2,737 children had been separated from their families. As CNN reported last year, a 2019 inspector general report found that the administration in fact had no idea about how many children had in fact been placed in the HHS network, and the number was perhaps “thousands more than previously acknowledged.”

Many of those officials involved in the crafting and

implementation of this policy quickly distanced themselves from it, casting the Department of Homeland Security (DHS) and its then-chief, Kirstjen Nielson, as the primary movers. The draft report obtained by the *Times*, however, shows that DOJ officials—in particular then-Attorney General Jeff Sessions and Deputy Attorney General Rod Rosenstein—were involved every step of the way, putting pressure on prosecutors to be even more industrious in carrying out the designated task of ripping children away from their parents.

To make sure there were no doubts about the task at hand, Sessions apparently told a group of prosecutors in a conference call: “We need to take away the children.” One of the participants, who recorded Sessions’s directives in shorthand, added this: “If [the immigrants] care about kids, don’t bring them in. Won’t give amnesty to people with kids.”

Rosenstein followed up on this directive a week later by berating prosecutors for having failed to pursue two cases in which the children involved were mere infants. Following the call, John Bash, the departing US attorney in western Texas who had declined the cases, wrote to his staff: “Those two cases should not have been declined. ... Per the A.G.’s policy, we should NOT be categorically declining immigration prosecutions of adults in family units because of the age of a child.”

Among the other revelations of the draft report is the fact that a secret pilot program in 2017 had already tested family separations as a policy in Texas. When revealed to government prosecutors, they had reacted with horror, with one writing to his superiors: “We have now heard of us taking breastfeeding defendant

moms away from their infants. ... I did not believe this until I looked at the duty log.”

Not all involved viewed the five-month pilot program in the same light. The report cites a letter from a Border Patrol official to the US attorney in New Mexico, dated Oct. 28, 2017: “It is the hope that this separation will act as a deterrent to parents bringing their children into the harsh circumstances that are present when trying to enter the United States illegally.”

Sessions was firmly in this camp. He pushed aggressively to expand the program across the entire southwestern border, insisting in a May 3 meeting of top cabinet officials: “We must vigorously enforce our criminal immigration laws to ensure that there are consequences for illegal actions and to deter future illegal immigration. ... That means that an illegal alien should not get a free pass just because he or she crosses the border illegally with a child.”

Given this paper trail, the backtracking and outright lies peddled by Sessions and his assistants seem even more egregious. Following an outpouring of mass public outrage within and outside the United States, the Trump administration officially rolled back family separations, with Sessions telling CBS News, “we never really intended to separate children [from their parents].” The draft report clearly reveals this to be a lie.

These latest revelations reaffirm the complicity of the particular heinous cast of characters that have held positions of power in the Trump administration before falling out favor. Cruelty and inhumanity have been, and continue to be, the hallmark of the US government’s anti-immigrant policies.

In the past month alone, a number of women have come forward to reveal the horrific abuse—including forced surgeries and hysterectomies—perpetrated in the guise of medical care provided to detainees while in ICE custody. The abuse, first revealed in a whistleblower complaint filed on behalf of Nurse Dawn Wooten, who had worked in a medical capacity at the Irwin County Detention Center in south Georgia, is frighteningly reminiscent of not just the medical experiments practiced on inmates in the Nazi concentration camps, but the oft-papered-over history of forced sterilization predominantly targeting working class women in the United States in the 20th century.

The administration’s cruel policies are not restricted

just to the treatment of those who are herded into detention camps. There is a concerted effort to attack groups that have attempted—against the odds—to persist in providing humanitarian aid to migrants crossing inhospitable desert border regions.

Activists connected to “No More Deaths” (NMD) have been subjected to relentless surveillance and harassment by US Border Patrol agents, subjected to criminal prosecutions and military-style raids on their camp. Early this week, more than a dozen vehicles—including some bearing the insignia of BORTAC (the elite tactical unit deployed against police violence protesters in Portland, Oregon)—and a helicopter landed in Byrd camp, a humanitarian refuge run by NMD since 2004, as part of a federal raid. Agents tore through the camp, destroying tents and first aid equipment and confiscating cellphones and personal belongings of the volunteers, before arresting 12 migrants. This is the second such raid in three months and points to a dangerous escalation in the war against immigrants, and the assault on democratic rights more broadly.



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