

Lawsuits and investigations launched over Florida migrant flights

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In the week since Florida Governor Ron DeSantis ordered two state-chartered airplanes to fly to Texas, pick up migrant asylum-seekers there, and take them to Martha's Vineyard, an island off the Massachusetts mainland, there has been mounting evidence of the illegal and unconstitutional character of this political provocation.

Equally important, there are indications that the Biden administration and Democratic state legislators in Florida collaborated in what they are now—belatedly—denouncing as a political stunt by DeSantis. The Florida governor is a candidate for reelection on November 8, and a prospective candidate for the Republican presidential nomination in 2024, and tipped off his big financial contributors about the impending operation at a fundraiser held a few days before the flight.

Lawyers for the migrants filed the first of what are expected to be multiple civil suits against DeSantis and the state of Florida on Tuesday. The suit charges that the asylum-seekers had been duped by false promises of jobs and housing, and told they were going to Boston, not a vacation island with no jobs, no housing and no access to the immigration courts where they had filed their claims for refugee status.

Lawyers for Civil Rights filed the federal class action lawsuit against DeSantis, the state treasurer who disbursed the funds for the flight, “and other unidentified accomplices [who] designed and executed a premeditated, fraudulent, and illegal scheme centered on exploiting this vulnerability for the sole purpose of advancing their own personal, financial and political interests.”

The suit also charges that the migrant flights were unlawful because they “impermissibly interfered” with the detention and transportation of immigrants. The power “to admit, exclude, remove, or allow to remain in the United States” is reserved to the federal government under the US Constitution.

Under federal law, these powers are exercised by the Department of Homeland Security through agencies such as Immigration and Customs Enforcement (ICE) and Customs

and Border Protection (CBP), not by any state governor.

Some legal experts pointed out that from the standpoint of federal law, DeSantis is no different from a “human trafficker” or “coyote,” much demonized by the right-wing and fascist media for enabling migrants to cross the US-Mexico border and then travel to their chosen destinations within the United States.

According to the suit, the supposed “consent form” signed by the migrants “was not completely translated to Spanish: an entire paragraph about liability and transport was not translated at all, and language specifying that the journey would take place from Texas to Massachusetts was not translated at all either.”

Rachel Self, a representative of Lawyers for Civil Rights, told a press briefing that there were indications that ICE agents had worked with DeSantis operatives in facilitating the migrant flights. She said that ICE agents had processed the migrants and “listed falsified addresses on the migrants’ paperwork,” before they boarded the flights.

It appeared that this included deliberate attempts to disrupt the migrants’ claims to asylum, giving phony addresses like a homeless shelter in Tacoma, Washington, thus requiring them to pursue their asylum cases at an immigration court in the Pacific Northwest, before putting them on a flight that took them to the opposite end of the country.

“According to the paperwork provided to them, the migrants are required to check in with the ICE office nearest to the fake address chosen for them by DHS, or be permanently removed from the United States,” Self said. Some are required to check in as early as Monday morning.

“It could not be clearer that this is an attempt to have these people ordered to be removed even if they try as hard as they can to comply with the instructions provided to them,” Self told reporters.

“Their biggest concern today is that many of them have dates to appear in San Antonio Monday morning. Tacoma, Washington Monday morning. Washington, D.C. Monday morning,” Self said. “Their biggest concern is compliance.”

Tallahassee immigration attorney Elizabeth Ricci told the

Orlando Sentinel that DHS and ICE had to be involved in the migrant flights. “ICE likely conspired with the governor’s office to pull off the stunt,” Ricci said. “It couldn’t have been done without their direct involvement.”

Ricci said that by victimizing the migrants by transporting them in violation of their civil rights, DeSantis might have inadvertently given them additional grounds for seeking asylum. Victims of trafficking are eligible for “U visas,” she told a Florida television station, reserved for victims of a crime. If their asylum claims are denied, they could still apply for a “U visa.”

Last Monday, Sheriff Javier Salazar of Bexar County, Texas, which includes San Antonio, announced the opening of a criminal investigation into how the operative for DeSantis, a woman who used the name “Perla,” recruited the 50 migrants. All were from Venezuela, recently released by immigration officials in San Antonio, and told to wait in that city for their asylum claims to be heard.

In Washington, the House Homeland Security Committee sent a letter Thursday to the Department of Justice and the Department of Homeland Security, asking both to open investigations into the migrant flights.

Committee Chairman Bennie Thompson (D-Miss.) said the panel was acting on accounts that the migrants “were coerced to board the flight through false information. According to press reports, the migrants were intentionally misled into believing that the flight was destined for Boston and that they would receive shelter and expedited work permits after arrival.”

The letter asks the DOJ “whether any Federal laws were violated in the coercion and transport of the migrants.”

From DHS, it seeks information about the role of ICE and CBP in facilitating the flights, including “any coordination in their release from federal custody and any screening that may have occurred in connection to their flight within the United States.”

A second lawsuit was filed Thursday night by a Democratic state senator from Miami, Jason Pizzo, seeking to bar the Florida governor from spending any more state funds on the migrant flights. DeSantis authorized a payment of \$615,000 to an Oregon company to pick up the 50 migrants in Texas, fly them to Florida to establish a nominal presence in that state—although they never actually set foot on Florida soil—then fly them on to Martha’s Vineyard. The contract came to more than \$12,000 for each migrant, and was presumably highly lucrative.

This lawsuit is something of a double-edged sword, since Pizzo and most other Democrats in the State Senate voted to approve the budget that set aside \$12 million for the program. The funds were derived from interest payments on money sent to the state by the Biden administration under

last year’s American Rescue Plan.

While the suit claims that spending the money on the migrant flights is illegal and violates the state constitution, DeSantis’ office had a ready reply, pointing out that Pizzo and the Democratic leadership had voted for the budget which set aside the funds for precisely that purpose.

Venezuelan immigrants constitute a large portion of the Hispanic community in Florida, and their numbers have swelled under the impact of the economic collapse in their home country, precipitated by savage sanctions imposed by the US government as part of a campaign to overthrow the government of President Nicolas Maduro.

There are 6.8 million Venezuelan refugees, the second largest number of displaced persons in the world, trailing only Syrians. Most are in Colombia and other Latin American and Caribbean countries, but Venezuelan migrants have now displaced those from Central America as the second-largest group of detainees crossing the US-Mexico border.

Because of the US campaign against Maduro, which has included breaking diplomatic relations, the DHS cannot simply deport Venezuelans, since most have legally plausible cases for asylum.

Another Democratic state senator from Miami, Annette Taddeo, who is running for a congressional seat, said she had sought to exclude from the migrant flights anyone who was fleeing what she called “communist and murderous regimes. ... That is completely unacceptable.”

Despite the howling of the Republican right over the Biden administration’s supposed “open borders” policy, the actual practice of the administration is one of intensified repression, on the scale of the Trump administration, albeit without the fascist and racist rhetoric.

According to a briefing by officials on Monday, the number of “removals” over the past year was greater than any previous year, some 1.3 million people. A total of 2.1 million border crossers were arrested in the first 11 months of the 2022 fiscal year, which ends September 30. More than 745,000 deportation proceedings have been initiated in the fiscal year, twice as many as any previous year, except for 2019.



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