

Week Four

Security, Enforcement and Human Rights

Goals

- To get a glimpse of the enormity of the human suffering caused by the U.S.' enforcement-only immigration policy
- To consider how human rights are protected (or not)

Learning Objectives

- Understand the cost of our enforcement-only immigration policy, in terms of money, lives and human rights
- Understand the process by which immigration has become criminalized over time
- Understand the relationship between state and local authorities and the federal government's immigration enforcement agency.

Handouts for Week Four

- 4.1 Militarization of the Border
- 4.2 What Happens When a Town Implodes? – Postville Raid
- 4.3 Housing Immigration Detainees in a Prison
- 4.4 Hazing Arizona – Sheriff Arpaio and the 287(g) agreement
- 4.5 Mahmod's Story – A Family Torn Apart

Workshop-at-a-Glance

1. 5" Chalice Lighting and Opening Reading
2. 10" Check-in
3. 20" Activity 1: The Border
4. 20" Activity 2: The Aftermath of a Raid
5. 20" Activity 3: Detainees Near You
6. 10" Debrief
7. 5" Closing

Chalice Lighting and Opening Reading

I walk the path that you took
hours or days ago.
Stones and slope and thorns
threaten each step with
danger.
I see where you slept
under the mesquite tree
home to spiders, snakes, ants—
familiar to coyotes, Gila monsters,
God knows what.
A piece of plastic,
grass woven into the branches
for shade against the merciless sun,
a tuna can, toothbrush,
tortilla cloth, used bus ticket -
all part of your story,
your life lost in this desert.
Nearby a tiny silver spoon
engraved, a love letter
your bible, a pair of panties,

a baby bottle, birth control pills,
breast cancer medicine,
diapers, one chancla,
perfume bottle,
a pair of pants with
a name and number written in the inseam.
O, what you leave behind
haunts me
I know you
Sister, mother, friend,
Lover, aunt.
Some day
we will all be held
accountable for
your suffering, your loss.
Some day, we will
celebrate your courage,
your story, your making
your way to the Promised Land.
Some day we will
name this crossing Exodus
and thank God that
some of you make it
across.

—Rev. Delle McCormick, *La Ruta de Mujeres*

Check-in

Participants are invited to share where they are spiritually/emotionally with respect to the class.

Activity 1: The Border

Over the years, the U.S. has increasingly militarized the border between the U.S. and Mexico, as documented in handout 4.1. What are some of the human rights abuses that have resulted from this approach? What are the mechanisms for safeguarding the human rights of migrants, if any? Who is responsible for safeguarding the rights of those who seek to immigrate from one country to another?

Activity 2: The Aftermath of a Raid

This activity depends on the ability to show a [6 minute internet video](http://bit.ly/zQwDv) (<http://bit.ly/zQwDv> - Note: make sure to hit the full screen button in the lower right hand corner of the video for easier viewing.) during the session, which means internet access and a laptop or other way to display the video. (Best to set this up before the session starts.)

Whether or not viewing the video during the session is possible, then facilitators are encouraged to lead a discussion around handout 4.2. What happens to a community in the aftermath of a large raid? Who is affected?

Activity 3: Detainees Near You

Before week four, facilitators should go to Detention Watch Network and use their [map tool](http://bit.ly/eInb5) (<http://bit.ly/eInb5>) to look up detention centers near your congregation. Print out a copy of the map of detention centers across the country and one of detention centers in your area (if any).

Ask participants whether they knew how many detention centers there are across the nation (and in your area, if any). How do folks feel about that? Based on handouts 4.3-4.5, compare

the rights of detainees in detention centers versus inmates who are being held for criminal offenses.

Debrief

Participants are invited to share anything that strongly moved them during the session.

Closing Reading and Extinguishing the Chalice

“I was a stranger and you did not welcome me, naked and you did not give me clothing, sick and in prison and you did not visit me. Truly I tell you, just as you did not do it to one of the least of these, you did not do it to me.”

—Matthew 25:43, 45

Questions for Reflection

For what reasons are immigrants arrested and incarcerated? And once incarcerated, how are individuals and families treated in detention centers?

There are international laws that protect the rights of migrants and refugees (mainly the UN Declaration of Human Rights and the Geneva Conventions). There are national laws that protect the rights of accused criminals. Are these laws adequate to protect people in the current context? Who is unprotected? Who is responsible for ensuring that human rights are protected?

Homework for Week Five

- 5.1 Don't Be Fooled: Immigration is NOT the Real Problem
- 5.2 Does Globalization Help the Poor?
- 5.3 Migrants: Pawns in Mexico-U.S. Game
- 5.4 This Alien Life: Privatized Prisons for Immigrants
- 5.5 Prison Economics Help Drive Ariz. Immigration Law

Further Study

To explore the topics covered in this session, as well as related topics, see the resources listed in [section II.D \(PDF, 12 pages\)](#) of the study guide.

Handout 4.1 - Militarization of the Border

By Timothy J. Dunn, José Palafox. 2005

The Oxford Encyclopedia of Latinos and Latinas in the United States

Border enforcement has escalated sharply along the United States-Mexico border since 1993, as the U.S. Border Patrol has implemented four major operations that mass agents and other enforcement resources at traditional unauthorized border crossing points near urban areas. The operations are Blockade/Hold the Line (1993) in El Paso, Gatekeeper (1994) in San Diego, Safeguard (1994) in southern Arizona, and Rio Grande (1997) in South Texas. The Border Patrol and its parent body the U.S. Immigration and Citizenship Services (USCIS), until March 2003, the Immigration and Naturalization Service (INS), have championed the approach as "prevention through deterrence," though the strategy also attempts to divert unauthorized border crossers into more remote, difficult terrain. It seeks to prevent unauthorized crossers, overwhelmingly Latina and Latino, from blending into largely Latina and Latino local communities, with a border police force that is approximately half Latina and Latino.

There is much debate over the effectiveness of this effort. The Border Patrol has succeeded in creating an image of the United States-Mexico border as "under control" by channeling undocumented migration into more isolated areas. Border Patrol apprehensions of unauthorized crossers in the Southwest-95 percent of whom are Mexican and most of the remainder Central American-have fluctuated wildly, jumping 68 percent from 1994 to 2000 (from 979,101 to over 1.6 million) and then dropping sharply through 2002 (929,809), just slightly fewer than when the main operations started in 1994, despite roughly doubling the number of Border Patrol agents (to almost 10,000) and almost tripling the budget for INS border-enforcement efforts. There has been a "squeezing the balloon" displacement effect among the Border Patrol's nine sectors along the United States-Mexico border, as apprehensions generally fell drastically in most sectors targeted by the operations (especially San Diego and El Paso), while rising in others (especially Arizona and eastern California). Meanwhile, the undocumented immigrant population within the United States more than doubled during the 1990s to an estimated 8 to 9 million, in part because many people opted for longer stays instead of circular migration as a result of increased border enforcement.

The increased enforcement has been accompanied by a rise in the number of deaths of unauthorized border crossers in the region, as they have been pushed into more remote and dangerous areas (deserts, mountains, and brush country). Estimated border crossing deaths range from more than 1,600 from 1993 through 1997, to 1,422 from 1996 through 2000, for an average of some 300 per year. In response, the Border Patrol implemented "Operation Life Saver" in 1998 and rescued over 1,800 migrants in distress during 2002. INS (USCIS) and Border Patrol officials blame migrant deaths on unscrupulous smugglers, and they use evidence of increased migrant smuggling and fees as evidence of the success of their enforcement operations.

Beyond this, the unit has a long record of human rights abuses, as their enforcement efforts have been overwhelmingly directed against Latinas and Latinos in the border region—citizens and legal residents, not just unauthorized border crossers. However, the more recent Border Patrol operations have lessened direct agent contact with the public, reducing the potential for abuses.

Operation Blockade/Hold the Line

The operation that became the model for the rest was launched in September 1993 by the El Paso Border Patrol as Operation Blockade (later renamed Operation Hold the Line). Previously, the El Paso sector had typically been the Border Patrol's second busiest in terms of apprehensions. In a radical departure from previous tactics that had centered on roving patrols in the city, some four hundred agents in Border Patrol SUVs were placed in fixed positions directly on the banks of the Rio Grande along twenty miles of the river dividing El Paso from Ciudad Juárez. This wall of agents was supplemented by frequent, low-flying helicopter patrols, the repair of holes in border fencing, and the placement of generators and bright lights on the river near agents' locations. It has continued ever since, though on a smaller scale after the first several months.

The origins of Operation Blockade were decidedly local. Over the preceding year there had been a growing outcry from Mexican Americans and Mexican immigrants with evidence of mistreatment and rights abuses by agents, stemming from the unit's operations on the grounds of a high school and in Latina and Latino neighborhoods. Many abuse claims were validated by a federal judge's 1992 preliminary ruling in a remarkable class action civil lawsuit brought against the El Paso Border Patrol by Latina and Latino students and staff from the high school. Interestingly, the plaintiffs suggested as alternatives several measures that were incorporated into Operation Blockade, including posting agents directly on the river and patching the border fence.

The INS's new chief patrol agent for the sector, Sylvestre Reyes, implemented Operation Blockade in July 1993, in large part as a response to the rights abuses criticisms, as well as his view that unauthorized border crossing was "out of control" and brought poverty and chaos to the city. Apprehensions around El Paso by the Border Patrol dropped 80 to 85 percent in the first weeks and 72 percent in the first year.

Operation Blockade was overwhelmingly popular among El Pasoans from its inception. Two formal opinion polls of local residents over the next year found some 85 percent were in favor of the operation. Latina and Latino support was nearly equal to the overall level. A major reason for its popularity was the framing of the operation as an anti-crime measure. During the early weeks of the operation, criminal activity declined, although crime had already been dropping in the El Paso area since 1991. Although Operation Blockade was very popular, a proposal to extend it west by building a mile-long steel wall provoked a diverse and strong local opposition. Many opponents characterized it as a new "Berlin Wall" that contradicted growing binational economic integration. After much public debate, a compromise was reached to build a reinforced chain-link fence.

Operation Blockade effectively neutralized the glaring issue of rights abuses by agents that had so plagued the unit just prior to its implementation. Reports of abuses dropped drastically in the mainly urban area covered by the operation, as contact with the public was greatly curtailed. However, the problem was displaced to less visible outlying areas where agents still had direct contact with the public and the unit still employed roving patrols. By the end of the 1990s and into 2000 the problematic patrolling and questioning had shifted to Las Cruces, New Mexico, focusing on lower-income Latina and Latino areas. In addition, the deaths of unauthorized border crossers in the El Paso sector jumped 72 percent from 1993 to 1998 (from 18 to 31), which would prove to be relatively low compared to subsequent border operations.

Operation Gatekeeper

Operation Gatekeeper was launched in the San Diego/Tijuana border region in October 1994, as the first measure in the Clinton administration's 1994 Border Patrol "National Strategy," which was modeled largely on Operation Blockade in El Paso. This operation was a response to the fast-growing anti-immigrant sentiment in California during a severe regional recession and profound demographic shift toward becoming a majority-minority state. California's importance as a key electoral state for Clinton's looming 1996 re-election campaign was the motivation behind Operation Gatekeeper.

The San Diego Border Patrol sector, covering sixty miles of the border, had long been the highest volume site for unauthorized border crossings, accounting for roughly half of all Border Patrol apprehensions (typically around one-half million). Half of those occurred in just one five-mile stretch between Tijuana and San Diego. Gatekeeper focused initially on San Diego and gradually moved east to cover the entire California border by 1998. As in Operation Blockade, various enforcement resources were massed at the border, including a doubling of Border Patrol agents deployed in visible, fairly fixed positions along key sections, the extension of border walls (thin steel, ten to fifteen feet high) from fifteen to over fifty miles, high-intensity stadium lights, heat sensors, helicopters, and infrared telescopes. Various U.S. military agencies also provide "support." The operation deterred unauthorized border crossings near San Diego, creating a greater sense of calm there. However, it displaced such crossings progressively eastward to more remote areas. This is precisely what was intended, as a 1995 INS report noted that the operation would make illegal crossings "so difficult that aliens would be forced to areas east of the city, in more remote, mountainous terrain where it is harder to cross and where the Border Patrol has the tactical advantage" (Palafox, p. 3). Apprehensions by the Border Patrol in the entire San Diego sector were up a bit during the first two years of the operation, hovering around one-half million, and then fell steeply from 1996 to 2002. However, the unit's apprehensions spiked sharply upward in each of three sectors immediately to the east.

Gatekeeper has made the California-Mexico border much harder to cross and pushed enforcement further out of public view, but at an enormous cost in life. It is estimated that 134 migrants perished along the California-Mexico border during 2001. About 632 died there from late 1994 to 2000.

Operation Safeguard

In fall 1994 the Border Patrol announced Operation Safeguard for the Tucson Border Patrol sector, which covers nearly the entire desert-dominated, sparsely populated Arizona-Mexico border. An INS report notes that the operation was designed to "redirect illegal crossings away from urban areas near the Nogales port of entry to open areas that the Border Patrol can easily control" (Palafox, p. 2). Several years later Douglas, Arizona, became a focal point, and more recently the vast desert west of Nogales. The high-visibility posting of agents in urban border areas has been combined with roving patrols, as the number of agents more than quintupled from 1994 to 2000 to 1,535. In addition, the sector has received extensive new surveillance equipment, high-intensity lighting, and much helicopter surveillance. Border walls have been extended in Nogales and Naco and newly constructed in Douglas, ranging from two to five miles long. In 2002 the Border Patrol announced plans for the construction of 255 miles of border wall, including eighty-four miles of "secondary fencing," and almost eighty miles of high-intensity lighting. This massive proposal has sparked protests from environmentalists, border rights groups, and Native American rights activists.

Despite Operation Safeguard, the Tucson sector has been the primary displacement site for unauthorized border crossings by long-distance migrants deterred elsewhere. Between 1998 and 2002 it was the Border Patrol's busiest sector. As in Operation Gatekeeper, the death toll has been high. There has been a steep rise from 14 deaths in 1994, to 90 in 2000, to 145 in 2001, to more than 163 in 2002—roughly half the total deaths in the last two years. This growing tragedy led to a rare public criticism from within the unit, as the retired Tucson Border Patrol sector chief Ron Sanders critiqued the operation: "By every measure, the strategy is a failure. All it's accomplished is killing people." He went on to say, "But since these people are Mexicans, no one seems to care" (Moser, pp. 14, 16).

In addition to Border Patrol enforcement, armed vigilante groups such as Ranch Rescue, Civil Homeland Defense, and American Border Patrol in southeastern Arizona are trying to stop the "illegal immigration invasion" from Mexico. Using broadly applied "citizen's arrest" powers, ranchers and property owners in rural areas have detained and turned over thousands of would-be migrants to the Border Patrol and the INS.

On the other side of the issue, there is a growing movement of area citizens and even sympathetic ranchers working to help migrants in distress. Humane Borders, based in Tucson, has over two thousand volunteers maintaining over thirty-eight water stations along popular crossing routes in Arizona. Samaritan Patrol assists the water efforts and also patrols remote areas to search for migrants in need, often driving them to hospitals; the Border Patrol has threatened Samaritan Patrol with prosecution for the latter. Citizens for Border Solutions (CBS) has worked with area ranchers to reduce their animosity toward unauthorized immigrants crossing their property.

Operation Rio Grande

The last of the four major southwest enforcement efforts by the Border Patrol is Operation Rio Grande, launched in summer 1997. It is focused on the McAllen and Laredo Border Patrol sectors in south Texas, particularly the cities of Brownsville, McAllen, and Laredo. In the preceding three years, Border Patrol apprehensions had approximately doubled in both sectors, with McAllen reaching 243,793 in 1997. The operation employs the familiar tactics of massing various enforcement resources at the border (agents in high-visibility positions, miles of stadium lighting, fence improvements, brush clearing) to deter unauthorized border crossing at sites near urban areas and displace it to more isolated areas. The number of agents in the two sectors nearly doubled from 1996 to 2000, reaching 2,160. An innovative civil lawsuit brought by environmental groups led the Border Patrol to agree to modify its tactics, including placing shields on lighting and strict limits on brush clearing, to protect endangered species.

Operation Rio Grande has deterred unauthorized crossings in the main crossing zones in the cities of Brownsville and Laredo. However, a displacement effect occurred toward the west in the first three years. As in El Paso, the unit has trumpeted declining crime rates in Brownsville and Laredo as evidence of the operation's success, though again the actual relationship is not so direct. Nonetheless, there is greater calm and less traffic through city neighborhoods near the river. Yet Robert Lee Maril reports in his recent ground-breaking study that Border Patrol officials' claims of success in reducing unauthorized immigrant crossings in the South Texas region are completely detached from the reality of a growing movement of such crossers observed by local Border Patrol officers who are unable to apprehend them.

Despite these relative successes, the operation has also had its human-rights problems. Deaths of unauthorized migrants increased as much as 1,181 percent from 1996 to 2000 for the entire Texas-Mexico border. The largest single incident, as of 2003, was in May 2003 in Victoria, Texas, where nineteen Latino immigrants were discovered suffocated among a larger group packed into a semi-truck's sealed cargo trailer. Operation Rio Grande had forced more unauthorized immigrants to turn to smugglers, who have increasingly used this dangerous method to evade detection. Other human-rights problems have also arisen with the operation. There have been reports of continuing stops, questioning, and harassment of local Latina and Latino residents, even a federal judge, as agents patrol transportation points and low-income Latino and Latina neighborhoods outside central zones of border cities. The vigilante issue has also surfaced. In McAllen, two men who were part of an armed group patrolling a ranch were arrested for beating unauthorized Latina and Latino border crossers in March 2003.

Military Participation

Although immigration has been the main target of enforcement efforts along the United States-Mexico border since the early 1990s, the drug enforcement emphasis that had grown so markedly during the 1980s and early 1990s continued as well. However, in Texas in 1997 a Chicano high-school student was killed by a marine who mistook him for a drug scout. The incident prompted the Pentagon to cease all deployment of drug-enforcement ground troops, pending review.

The use of armed ground troops was merely the most militaristic of a wide range of military activities on the border that date back to the early 1980s. In 1999 the Pentagon issued a new policy that armed ground-troop missions required the approval of the Secretary of Defense or his deputy, while all other forms of military support could continue. This support takes many forms: engineering and construction (for example, road and border wall building), equipment loans, military training for police (from first aid to raid planning and execution to suspect interrogation), aerial surveillance, intelligence support, and more. Most visibly, the military has built border walls at various sites in Arizona and California. The Border Patrol has been the main beneficiary of this military support for civilian police anti-drug efforts.

Virtually all military support for drug enforcement spills over into immigration enforcement. The latter occasionally becomes the main focus. In early 1996 the Clinton administration directed some 350 troops to temporarily directly aid the Border Patrol immigration enforcement along the California and Arizona sections of the border, and in 1994 governor Pete Wilson requested the same of the California National Guard. The military itself generally has not been eager to involve itself in such matters but has become more willing to do so in the post-September 11 context. For security reasons, these efforts are less likely to be made public. Also following September 11, there were increasing calls in Congress to deploy troops on the border, and even to grant them arrest power.

Illegal Immigration and Human Rights

The vast buildup in enforcement along the United States-Mexican border has coincided with rising human rights problems, as enforcement operations have largely diverted unauthorized crossings and related human-rights problems away from urban areas to more remote, environmentally harsh areas, resulting in over three hundred deaths per year. Although it is a human-rights tragedy, this outcome is entirely legal under national law. U.S. border enforcement officials have denied any responsibility for the situation, blaming smugglers instead. They praise the operations for other successes, though these are more apparent than real. On the other hand, the new wave of border operations has generally reduced civil-rights infringements among Latina and Latino citizens and legal residents in border-urban areas by limiting agent contact with them.

This clash between national sovereignty and the human rights of immigrants has inspired several activist groups to file suit against U.S. border enforcement policies with the Inter-American Court of Human Rights (part of the Organization of American States). However, Joseph Nevins points out that such critiques question the means but not the ends of such border enforcement, and leave aside more profound human rights concerns entailed in those ends. The tragedy of border-crossing deaths is likely to continue unless greater legal avenues for migration are opened up and much more is done to address the conditions that compel unauthorized immigrants to take such risks to come here in the first place. If "squeezing the balloon" the entire length of the border with ever-increasing

enforcement eventually leaves nowhere for unauthorized crossers to go, the balloon might burst, with unforeseeable consequences.

See also Border, The; Immigration; Immigration and Naturalization Service; and United States Foreign Policy.

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Handout 4.2 - What Happens When a Town Implodes? – the Postville Raid

By Betsy Rubiner. Time Magazine, Jan. 28, 2000
(<http://www.time.com/time/nation/article/0,8599,1874205,00.html>)

During a bitterly cold January week, penniless women and children stream into a Catholic church in the northeastern Iowa town of Postville that has served as their refuge since May 12, when 389 workers were arrested during an immigration raid at the Agriprocessors Inc. meatpacking plant. The women are among 26 former Agriprocessors workers, most from Guatemala and Mexico, charged with immigration violations and fighting deportation. Released on humanitarian grounds but required to wear electronic ankle bracelets, the women, as well as about 59 children, now depend on the community, especially St. Bridget's church, which operates a Hispanic ministry from a worn brick house.

One woman needs medical care for her anxious 12-year-old son, who has started wetting his bed. Another needs legal help for her husband, who was arrested during a return visit to Agriprocessors by immigration agents last fall. "I am very sad and worried," says Irma Lopez, 28, a former Agriprocessors worker who remains in limbo with her young daughter while her husband is back in Guatemala, one of many arrested workers deported in October after serving five months in prison. "I worked since I was 8 years old, and now I feel worthless. I can work, but I'm not allowed to."

Eight months after the Agriprocessors raid, Postville is still grappling with what its leaders call a "humanitarian and economic disaster," compounded by the recession and a harsh winter. Life isn't much easier for "legal" workers. Inside a faded community hall serving as a relief center are Michael Barner, 47, and Patricia Williams, 41, who moved to Postville last month to work at Agriprocessors but had to leave their jobs soon after because of illness. They have arrived with an eviction notice and are seeking help to return to Dubuque. "We came here. We tried. I got sick. We just have to go back home," says Barner.

Almost 400 families, many with lost jobs and wages, have dropped by the center since the community opened it in late November to connect people to resources like food stamps, legal aid and unemployment benefits. "It's just snowballed," says Maryn Olson, the coordinator. "People need decent jobs with a secure income, decent housing. There is hope here, but there are so many uncertainties that there's a lot of fear."

The hope — a cautious hope — is that Agriprocessors, which went bankrupt in November, will soon be sold. An Israeli firm, Soglowek Nahariya Ltd., made a \$40 million offer this month to buy Agriprocessors and a smaller subsidiary plant in Nebraska. "A sale is likely," says Joseph Sarachek, a court-appointed trustee temporarily overseeing Agriprocessors' operations. "This is a real buyer." But he adds that the offer is the opening bid in what will probably be a March auction for the plant, which was once the nation's largest kosher meat producer and once Postville's major employer, with 968 workers. He predicts it will be a few months before the plant is sold and run by a new

owner. Agriprocessors does hope to ramp up hiring and production soon, especially to meet Passover demand. After the raid, the plant ran at reduced capacity but shut down in November, reopening in December with about 300 workers.

Former Agriprocessors CEO Sholom Rubashkin faces federal charges including defrauding a bank, helping illegal immigrants obtain false papers and money-laundering. (He has made no comment on the charges on advice of counsel, but his lawyer Guy Cook says, "Whether it's 99 counts or 9,000 counts, he's pled not guilty.") Other managers face criminal charges, and the plant faces millions in state fines for alleged workplace violations.

Meanwhile, Postville waits.

Help has come primarily from community groups and churches, with donations from near and far. The local food pantry is now open Sundays as well as Wednesdays, serving about 150 people. But some leaders say the help is not enough and worry about shortages and increasing hardships, especially evictions. In December, a citizens' group faxed a letter to state and federal leaders that said, "Postville is a community in turmoil, a broken, hurting place ... If Postville was reeling after the raid, recent events have brought the town to its knees. What happens when a place implodes?"

With Agriprocessors' future uncertain, so too are the prospects for farmers who are owed money for cattle and workers owed back wages. Postville's faltering small businesses have lost customers. The town, already facing over \$300,000 in unpaid property-tax and utility bills, could be liable for millions more if Agriprocessors completely shuts down, because the town is responsible for paying the balance of a federal loan used to build a sewage-treatment lagoon for the meatpacker.

While other Iowa communities devastated in 2008 by floods and tornadoes have received government aid, relatively little is available for Postville, once a vibrant community of some 2,300 people. "They don't have money for an economic humanitarian disaster. Believe me, we've asked," says Darcy Radloff, the city clerk. Two AmeriCorps Vista volunteers were recently assigned to Postville, and the town, known for its inflated rental properties, has received almost \$700,000 in government grant money to help residents pay rent and utilities (although reported problems include landlords' reluctance to accept the payments because they're lower than the rent they charge). However, undocumented people are not eligible for government programs, so they must rely upon the community and especially St. Bridget's, which also is helping 25 "witnesses" — Agriprocessors workers returned to the Postville area after prison to serve as potential witnesses in a trial against Agriprocessors managers, scheduled for September. (The "witnesses" have been granted temporary work permits.)

Some former Agriprocessors workers like Lopez hope to remain and work legally, although they long to be reunited with relatives sent back to their native lands. Many townspeople hope a responsible buyer will revive the plant. "We'd like to see somebody who buys it and makes it an honest business," says Radloff.

Handout 4.3 - Housing Immigration Detainees in a Prison

After Accepting NYC's Immigration Detainees, Hudson County Correctional Tries to Make Jail Feel 'Civil'

by Colin Asher. Jersey City Independent, July 9th, 2010

“Usually they're pretty alert when they get here, then they get discouraged, then disillusioned. Then they get depressed.”

Greg Sullivan is speaking about the 355 immigration detainees being held in the Hudson County Correctional Center in Kearny, most of whom were living in New York City before they were detained. Inside the facility, they have minimal contact with family and friends, and little to do but wait for their cases to be heard by a judge.

“They're just sitting in their dorm, not knowing what their status is,” Sullivan says.

Sullivan is the program director of First Friends, a nonprofit that began sending volunteers into the jail to visit detainees in March, when Immigration and Customs Enforcement (ICE) transferred them from New York City.

Though the jail is less than 10 miles from Manhattan, the detainees held inside are, in every meaningful sense, much farther removed. Making calls from the jail costs a small fortune, and talking to family is a rich indulgence. Visiting hours are limited. And though there are but few miles between the jail and New York City, crossing them is no simple task. Traveling from upper Manhattan requires a subway ride, and then a PATH ride, and then a trip on NJ Transit's Number 1 bus. If everything goes smoothly, during rush hour, when trains arrive and depart at a brisk pace, the trip takes just under 2 hours.

The result of this distance, both measurable and experienced, is alienation. And though the jail's administration has been accommodating to their immigrant charges, immigration advocates say no ameliorative measures can make the situation acceptable. ICE announced in January that New York City's detainees would be transferred to Hudson County Correctional. At the time, immigrants, their families, and advocates vocally opposed the decision, claiming that the move to New Jersey would make it more difficult for detainees to stay in contact with their families, and lawyers. Even elected officials joined the fray. Sen. Charles Schumer of New York opposed the transfer on the grounds that forcing families to travel nearly two hours on public transportation — the only option for many — would violate the detainees' right to due process.

Persuasive as the arguments against moving the detainees were, the argument in favor was more so. Housing immigration detainees in Hudson County costs the federal government \$111 a day, less than half of the \$253 per day it cost to house them in Manhattan. And, though the move was bemoaned, conditions at Varick, the facility they were being transferred from, were not acceptable. Detainees held there had no access to outdoor space, and the medical facilities were seen as inadequate.

And so, the transfer took place in early March, amid dire predictions.

The next month, a report entitled "[Locked Up But Not Forgotten](#)" was released. Researched and written by immigration advocates and NYU law students, and published by the American Friends Service Committee (AFSC), the report examines conditions in six New Jersey detention sites, including Hudson County Correctional. The document paints a dispiriting picture of what life is like for immigration detainees being held in New Jersey.

While research for the report was taking place, detainees in Hudson County could only see their families in no-contact booths. Visits were limited to 30 minutes, between 3 and 7 pm from Monday to Thursday. A person had to arrive by 6:15 pm if they wanted to be allowed inside, meaning that visiting was a virtual impossibility for anyone with a day job.

Detainees were required to list their visitors ahead of time, and the names they supplied were written on cards that could hold no more than five names. The cards, detainees were told, would only be updated once every three months. Phone service at the time was provided by a contractor that charged 89 cents per minute for calls to or from New York, after a \$1.75 connection fee had been assessed.

As detailed in the report, detainees at Hudson County Correctional have also filed official complaints about a lack of kosher and halal meals, inadequate medical care, and the pepper spraying of a mentally ill detainee.

But the distance imposed by detention was the report's primary concern. Detention, the report says, "amounts to near total isolation from the outside world, often for prolonged periods of time."

That isolation is the result of detention is especially troubling because the justification for detaining immigrants without legal status is different than the justification for holding accused criminals. Immigrants are held to ensure they will abide the dictums of the court system, while people accused of crimes are held for reasons of public safety. Detention is a civil matter, not a criminal penalty. In some of the cases featured in "Locked Up," it is hard to imagine the reasoning behind the decision to hold them pending trial.

Take Persian Gulf War veteran Warren Joseph, a Trinidadian-American, who was detained for 3 years before a court lifted his removal order and he was released to his home. Or Pauline Ndize, a mother of 3 U.S. citizen children, who had been living in the country for more than 20 years when she was detained in the fall of 2008. She was held for five months before being released.

Because ICE does not have the capacity to hold nearly as many detainees as they take into custody, most are housed in jails and prisons, like Hudson County Correctional. Their detention then feels like a criminal penalty, though technically it is not.

“In effect, immigration detention is punishment — not just for the immigrants in detention, but for their families and communities as well,” the report reads.

The feeling of being punished is only more pronounced the further removed detainees are from their families, their communities, and for those who have them, their lawyers. And being separated from family and community is especially fraught for immigration detainees because they have no constitutionally guaranteed right to legal counsel.

Only 14 percent of the country’s detainees are represented by lawyers as they wind their way through the immigration courts system, a February report from the American Bar Association found. The other 86 percent construct a legal rationale for remaining in the country on their own, or with their families. No simple task, and one made more difficult when phone calls are unaffordable and family can’t visit. Constructing a defense, and remaining hopeful, is hardest, of course, for detainees who have no one to visit them. They, the report says, “easily lose hope of staying in the country — regardless of the strength of their claims to remain in the U.S.”

It is easy to imagine becoming depressed inside Hudson County Correctional. Detainees held there live in rooms with a 65 person capacity, separated from the normal jail population. The available outdoor recreation space is a caged unit attached to a dormitory door. Communal televisions turn off at 9 pm. And by all reports, the food available to detainees and inmates alike is nutritionally sufficient, but terrible.

“It’s a degrading and demoralizing atmosphere,” First Friends’ Sullivan says. “There’s not really that much they can do.”

Almost the moment they arrived from New York, the detainees being held at Hudson County Correctional began agitating to improve their circumstances. They threatened a hunger strike, and sent a petition, signed by more than 180 people, to the American Bar Association. They complained about the phone rates, inadequate health care and mistreatment by guards. In response to their protests, and those of their advocates, conditions inside the jail improved, even before “Locked Up” was released in April.

As a jail, Hudson County Correctional normally functions as a short term facility. The introduction of New York’s detainees necessitated the review of some policies, including visiting and phone service. James Kennelly, Hudson County’s spokesperson, says early complaints by the detainees transferred from Varick came during a period when the jail was in the process of making changes to accommodate the new arrivals.

“We’ve tried to accommodate Varick detainees as best as possible,” he says.

Phone rates dropped to about 30 cents per minute, and they might get lower when a new service contract is negotiated. And contact visits were instituted so detainees can see their loved ones without a Plexiglas barrier separating them. The limit was removed from visitor lists, and weekend visiting hours were added. Computer kiosks that allow

detainees to request medical treatment, file complaints, and add the names of visitors to their list are being installed in the detention facility.

“The last thing Hudson County wants to do is fail to live up to our responsibility to treat our detainees humanely,” Kennelly says of the changes.

The story told by immigration advocates is one of a flexible jail administration, forced to contend with a situation that is ideal for no one and dispiriting for the people held in its custody.

Rev. Eugene Squeo, a pastor at St. Patrick’s Assumption in Jersey City, is a member of NJ Advocates for Immigrant Detainees. He has toured the detention facilities at Hudson County Correctional, and attended meetings with jail officials to discuss making changes to jail policy.

“I’ve been pleased by the willingness of officials at the correctional center to work with advocates,” he says.

Like many other advocates, his quarrel is not with Hudson County Correctional — it is with the system of immigration detention itself. The jail is just the low-hanging fruit.

“There should be no massive and arbitrary detention of immigrants,” Squeo says. “But as long as that’s the policy of ICE we want to make sure the conditions are as good as possible under the circumstances.”

Acknowledging they will only be satisfied by a tidal shift in federal policy leaves advocates with few options, and there is a danger in even making some demands. The Varick Detention Facility was the source of bitter complaints because it provided no outdoor space for recreation. But the shift to Hudson, though it allowed access to outdoor space, was not necessarily an improvement for detainees.

“We’re challenged by arguing for closure of facilities,” says Amy Gottlieb, the immigrant rights director of AFSC for the New York metropolitan region.

Pushing for ICE to drop their contract with Hudson County Correctional might be tempting, but no one is making that demand because there is no way to know where detainees would be moved. Chances are, they’d be transferred even farther from home.

John Morton, the head of ICE, has stated publicly that he intends to improve conditions in immigration detention facilities. His expressed desire is to make detention “truly civil.” But Gottlieb is dismissive of his stated goal.

“It’s hard for me to imagine a setting in which it doesn’t feel like a criminal penalty,” she says.

The only way to significantly improve conditions for immigrants awaiting the conclusion of their court proceedings, she argues, is to “find a way to release people.”

When it was announced that Varick was closing, and detainees would be transferred to Hudson County en masse, a group of 16 advocacy organizations suggested another course of action. They volunteered to collectively review the cases against every individual detainee, to determine who among them would be good candidates for electronic monitoring or parole. Those detainees who were unlikely to flee should be released while their applications were pending, they suggested.

ICE rejected the offer out of hand.

(<http://www.jerseycityindependent.com/2010/07/09/after-accepting-nycs-immigration-detainees-hudson-county-correctional-tries-to-make-jail-feel-civil/>)

Handout 4.4 - Hazing Arizona

By Aura Bogado Mother Jones, July 2010.

(<http://motherjones.com/politics/2010/07/sheriff-joe-arpaio-maricopa-county-sb-1070>)

Long before the state passed its anti-immigrant law, Sheriff Joe Arpaio was taking border enforcement into his own hands.

David de la Fuente might still be alive if his pal David Salazar hadn't been short on cash one day. Both men lived in Phoenix, where they'd settled after making their separate ways north from the Mexican farming village of Colonia Emilio Carranza many years earlier. Salazar and his family came across legally in 1974, while de la Fuente arrived during the 1990s, traversing the desert on foot to cross the border illegally near Nogales, Arizona. De la Fuente, a plumber, and Salazar, a delivery driver, eventually became good friends. Their families grew close, too, often spending weekends and holidays together.

But that all changed one morning in May 2009, when Salazar asked de la Fuente for a ride to the ATM. They hopped into de la Fuente's green Nissan Maxima and drove to a nearby Wells Fargo. As they were about to turn into the parking lot, a Phoenix squad car driving behind them hit its flashers.

By Salazar's account, officer Matthew Prutch asked de la Fuente for a driver's license. When he produced a fake, Prutch had him step out of the car and handcuffed him. Salazar asked the officer whether he'd pulled them over because of their skin color; Prutch, he says, replied that he was just doing his job. (In [his report](#) (PDF), Prutch wrote that he ran the Nissan's plates while following the car and found no driver's license data associated with the registered owner. "He appeared to be a Hispanic male," Prutch added, "and under reasonable suspicion I believe [sic] the driver to be driving with no valid license.") Minutes later, another officer arrived and asked Salazar for his license, even though he hadn't been at the wheel. Prutch then delivered de la Fuente to the police station for booking. From there, the 35-year-old was taken to Maricopa County Sheriff Joe Arpaio's notorious Durango Jail, and charged with using a fake ID. A month later, he was dead.

Before SB 1070, the Arizona law that allows police officers to detain anyone they suspect might be in the country without papers, there was 287(g). That's a 1996 amendment to the Immigration and Nationality Act under which the feds can deputize state and local law enforcement to capture and detain undocumented immigrants. Some 71 agencies in 26 states operate under [287\(g\) agreements](#)—Arpaio signed up in 2007.

The man who calls himself "America's toughest sheriff" has long had a knack for drawing media attention—reviving [chain gangs](#) (PDF), for instance, and humiliating county inmates by forcing them to don [pink underwear](#) (PDF). He grew obsessed with illegal immigration in 2005, when the state's "coyote statute" took effect, making it a felony to smuggle people for profit anywhere in Arizona. As interpreted by then-county prosecutor Andrew Thomas, the law freed sheriff's deputies to round up undocumented immigrants—after all, hadn't these people conspired to smuggle themselves into Arizona?

So Arpaio began sending out posses of citizens and lawmen to conduct immigration sweeps. "I'm not going to turn these people over to federal authorities so they can have a free ride back to Mexico," he [told](#) the Washington Times. "I'll give them a free ride to my jail."

It was Arpaio's zeal that compelled me to spend five months on his home turf last year. I wanted to see firsthand how his tactics affected the Latino residents who make up 31 percent of the county's population. I heard story after story—from citizens, legal immigrants, and undocumented residents alike—about encounters with deputies and cops determined to play Border Patrol. It got to the point where I raced home in a panic one morning after heading out for a jog without ID—what if a deputy, seeing a Latina running down the street, decided to haul me in?

Native Americans told me they were targeted because deputies mistook them for Latinos. Latinos told me of being stopped randomly on the street and shouted at—or worse—by officers demanding identification. Alex, a third-generation US citizen, was at a Circle K buying water while his parents waited outside. He ran out when he heard a group of Arpaio's deputies yelling at them to produce their papers. Then, Alex said, they demanded to see his ID, too, explaining, "The law says everyone here has to be legal." (Fearing retaliation, Alex asked that we not use his real name.)

Then there was Celia Alejandra Álvarez, who told me deputies broke her jaw during a raid at the landscaping company she worked for. Álvarez said she was denied adequate medical care during her three-month detention—a common complaint that has been the subject of [hundreds of lawsuits](#) against Arpaio. Even after surgery, she added, her jaw still isn't back to normal—during our interview she paused periodically to readjust it. (In 2008, the National Commission on Correctional Health Care [yanked](#) (PDF) Maricopa County's accreditation, saying its jails failed to meet national standards.)

Maurilio (who also feared giving his real name) is a construction worker who has lived in the United States without papers for 21 years, raising two kids who are US citizens. He said his family was camping at a lake over the Fourth of July weekend in 2008, when a fellow camper started yelling something about "too many Mexicans" and called the sheriff's office. The deputies, Maurilio and his wife told me, threw him down in the presence of his six-year-old son and shoved his face into the ground. They then yanked his head up by his hair and pepper-sprayed him as they cuffed him. After a few weeks at Durango, he was deported—and immediately headed to the desert to walk back north.

To most anyone who even looks Latino in Maricopa County, the long arm of the sheriff seems inescapable. Indeed, Arpaio's tactics have put his agency at the center of an ongoing [civil rights investigation](#) (PDF) by the Department of Justice. Last fall, without explanation, the Department of Homeland Security [rescinded](#) Arpaio's authority to arrest people under section 287(g)—although deputies can still check the immigration status of people arriving at the jails. In anticipation of the crackdown, Arpaio held a press conference. "We have arrested 1,600 illegals that have not committed any crime other than being here illegally," he boasted. "The secret is, we're still going to do the same

thing—we have the state laws, and by the way, we'll still enforce the federal laws without the oversight, the policy, the restrictions that they put on us."

When David de la Fuente arrived at Durango, his friends and family say, deputies immediately began grilling him about his immigration status. One of his sisters visited twice, as did Salazar. Each told me that de la Fuente was deteriorating quickly. The guards, he told them, kept dragging him back and forth between the prison yard (where temperatures reached 107 degrees) and the frigid jail—leaving him queasy and disoriented. He also complained of severe chest pains, but fearing the guards might retaliate, told his family not to press the authorities about his condition. Eventually, de la Fuente was hauled before a judge, who fined him and put him on probation for giving an alias to the police. After three weeks in custody, he was turned over to federal immigration authorities, who delivered him the next day to Nogales, Mexico, about 700 miles north of his hometown. By that time, he was gravely ill.

He arrived in Colonia Emilio Carranza three days later, stumbling and barely able to speak. His family got him to the hospital, where he was diagnosed with acute pneumonia. Based on the stage of his illness, the doctors determined that de la Fuente had contracted it about 15 days earlier—roughly a week into his jail stay—according to medical paperwork and an interview with the hospital director. The doctors did what they could, but de la Fuente was too far gone. His cousins and a sister stood vigil as he dwindled and eventually fell into a coma. He was pronounced dead on June 23—exactly four weeks after the traffic stop.

We may never know what exactly happened to David de la Fuente inside Durango. To see his health records, family members would have to file a signed release and affidavit—something they are, not surprisingly, scared to do. What is clear is that Arpaio's flavor of law enforcement will spread around the state if the ACLU (which [filed suit](#) in May) fails to stop SB 1070 from taking effect. "The intent of the law was that it would be used disproportionately against people who have certain physical attributes," notes Michael Wishnie, a professor at Yale Law School. "Police on the ground understand that and will act accordingly."

This past September, during my visit to Colonia Emilio Carranza, Norberto Alvarado Santana said little as he showed me his cousin's grave, in a humble cemetery adorned with plastic flowers and Virgen de Guadalupe figurines. A stout, reserved man, he measured his words cautiously before finally breaking the silence. "There's a word for what happened to my cousin David," he said. "It's homicide."

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Handout 4.5 - Mahmud's Story – A Family Torn Apart

From the Detention Watch Network website, June 2, 2008



Introduction - Mahmud is a Palestinian national who lawfully entered the United States in 1996. For the past six years he has been married to Ree—a U.S. citizen who works for a branch of the Department of Homeland Security—and has been stepfather to her five children. Mahmud was denied lawful permanent residency solely because he supported the Palestine Liberation Organization while a college student in Jordan twenty years ago. Though his support was limited to collecting donations and distributing leaflets, and he has had no involvement with the PLO since that time, Mahmud was deemed “inadmissible” to the U.S. for having “engaged in a terrorist activity” and ordered removed to Jordan.

Experience of Detention - Mahmud was imprisoned at the Rolling Plains Detention Center in Texas for twenty months while he sought federal court review of the decision. He posed no danger or flight risk and had repeatedly offered to submit to electronic monitoring or even house arrest so that he could be with and support his family while he litigated his case. The government refused to consider his release, never provided him with a bond hearing, and did not even conduct the in-person custody review required by their own regulations. Meanwhile, Mahmud’s wife and stepchildren suffered enormously, both emotionally and financially, because of his absence. His wife was forced to declare bankruptcy, and his older stepchildren were forced to put aside their studies in order to help support the family.

Conditions in Detention - While Mahmud was in detention he was treated worse than American prisoners doing sentences for criminal activity. As an American prisoner he would have been guaranteed rights and been supplied with the internet, library, cable TV, decent food, and medical care. However in immigration detention none of these are provided. The food was horrible with very small portions. Many of the detainees suffered from stomach problems. The nurse at the center had never been to nursing school and the doctor who visited weekly was a veterinarian from town. Before being taken into custody, Mahmud was told by a dentist that he needed at least 2 root canals and crowns, yet the detention center doctor gave the diagnoses of "beautiful teeth" when he complained of pain in the teeth.

Conclusion - Mahmud served 2 more years in detention, but was eventually released with electronic monitoring to his family. After 2 months at home, he was asked by ICE to report to an office to repair his ankle bracelet but instead was taken into custody. Mahmud had lost his appeal to the 5th Circuit and faced a protracted legal fight with a slim chance of success or removal to Jordan. Tired of fighting the government, he and Ree chose to allow for his deportation. Mahmud now lives in the United Arab Emirates with family. His wife Ree misses him greatly but has been able to visit him. At the same time, she has 5 children in the United States, two of whom are older, and she knows that if she decides to move to the Middle East she will miss many important events in their lives.