



## Enforcement on Steroids: Homeland Security's Emerging Immigration Police State

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Last week, hundreds of Immigration and Customs Enforcement (ICE) agents, flanked by helicopters, a trail of SUVs and a convoy of buses, descended on the tiny town of Postville, Iowa. They set up a perimeter around the 60-acre kosher meat-processing plant operated by the global giant Agriprocessors, Inc. and conducted the largest workplace raid in U.S. history. Around 400 people were arrested -- most from Mexico, Eastern Europe and Guatemala -- representing 40 percent of the plant's workers and 17 percent of the town's population. Warrants for another 300 were issued.

Some would call it a victory for law and order. But a closer look at the showy example of "getting tough on illegals" offers some insight into what immigration restrictionists are *really* asking for when they call for more immigration enforcement.

During a similar sweep last year, ICE generated some bad publicity when reporters found that a number of young children had been left unattended when their parents were arrested. So 56 of those arrested last week -- mostly mothers of small kids -- were released on "humanitarian grounds." Nonetheless, a federal lawsuit filed on behalf of dozens of the Postville detainees "noted that a number of immigrant workers' children have been stranded with baby sitters and other caretakers as a result of the raid."

The suit charges that some of the detained workers are victims of crimes by Agriprocessors, Inc., which may entitle them to a visa, and accuses the Department of Homeland Security (DHS) of arbitrary and indefinite detention and violating the workers' constitutional rights.

According to the Associated Press, an attorney who interviewed some of those swept up in the raid said that the company itself "obtained false identification for immigrant workers." But in the overwhelming majority of these raids -- 98 percent, according to the *Washington Post* -- the *only* people to pay any penalty are poor people trying to earn a substandard wage working in America's growing unregulated economy.

Meanwhile, ICE charged many of the detained with "identity theft" for those faked papers, effectively giving immigration hard-liners what Congress hasn't granted them through the legislative process: serious criminal charges for what have always been misdemeanor immigration violations at most.

In this case, as in many others like it, many of the workers appear to have been seriously exploited. The AP reported that the plant's management "improperly withheld money from employees' paychecks for 'immigration fees,' didn't allow workers to use the restroom during 10-hour shifts, physically abused workers and didn't compensate them for overtime work."

According to MSNBC, workers at the plant were routinely started at \$5 per hour for their first three or four months on the job and then raised to \$6, still well below Iowa's minimum wage of \$7.25.

Iowa Labor Commissioner David Neil confirmed to the *Des Moines Register* that Agriprocessors was being investigated by the state on suspicion of wage violations, paying people off the books and hiring underage workers. A copy of the federal warrant obtained by the Register described an incident in which "a supervisor covered the eyes of an employee with duct tape and struck him with a meat hook."

It's unclear what the raids' impact will be on the ongoing investigations into the company's workplace violations. With hundreds of workers -- and potential witnesses -- carted away, Jill Cashen, a spokesperson for the United Food and Commercial Workers (UFCW), asked: "how can justice ever be served on these exploitation issues?"

Agriprocessor's management must have been pleased with the timing of the raid. Not only did it put at least a crimp in the ongoing investigations of serious allegations of abuse by the company, it also derailed an effort by UFCW to organize the plants' workers and give them a shot at bargaining with management for better working conditions.

There have been widespread reports of ICE raids coming during sensitive phases of union organizing drives. After rumors of an imminent raid emerged last month, UFCW's Mark Lauritsen wrote ICE officials urging them to follow their own guidelines by suspending "any potentially existing enforcement efforts and refus[ing] to be involved in this labor dispute." Lauritsen told the *Des Moines Register* that employers at other firms where UFCW had been organizing called in ICE raids themselves to intimidate employees before a union vote, and more generally, to associate union organizing with actions by *La Migra* in the minds of immigrant workers at other plants.

According to The Washington Post, Agriprocessors, Inc. argued in April that it could ignore a vote by workers at its Brooklyn distribution center to unionize because there were illegal immigrants at the facility who were not entitled to federal labor protections.

Sholom Rubashkin, whose family owns the company and who is described as a "top official" at the Postville plant, is a major Republican political donor, supporting the

kind of politicians who champion these kinds of immigration crackdowns.

But Rubashkin is unlikely to be troubled by the action. After the raid gave his firm at least temporary relief from U.S. labor laws and pesky union organizers, the plant opened up the next morning ready for business -- it lost *less than a single day's revenues*. If recent history is any guide, Agriprocessors, Inc. won't even be fined. Despite the fact that 80 percent of its workforce was undocumented, the company is claiming that it had no knowledge of the violations. Frank Sharry, executive director of America's Voice, released a statement noting that in 2007, DHS "fined only 17 employers for hiring undocumented workers." He added: "At least 7 million immigrants in the U.S. are employed illegally by a total of 6 million U.S. businesses, and DHS can find only 17 companies to fine?"

Enthusiasts of these kinds of crackdowns argue that they'll shrink the labor pool and help American workers. But the hundreds who continue working in the Postville plant today remain unprotected and are much further away from the kind of union representation that might have led to some decent pay, some dignity. And it's hard to imagine an experience that could give Agriprocessors more incentive to keep hiring "illegals."

That's what makes the approach so fruitless. Cesar Jochol, a native of Guatemala who runs a small market in Postville, told the *Post*, "You take away a hundred people. A couple hundred more will come tomorrow."

That's what workplace-based immigration enforcement without deeper reform looks like.

### **Postville and the Politics of Distraction**

The Postville raid came at an opportune time not only for the plant's owners, but also for the Bush administration. The same week, a series of high-profile media reports by *60 Minutes* and the *Washington Post* -- as well as the *New York Times* -- began focusing public attention on America's nightmarish system of immigration "detention centers."

Two weeks earlier, as the *New York Times*' Nina Bernstein reported, a group of former detainees had sued Michael Chertoff for putting "hundreds of thousands of people a year in substandard and inconsistent conditions while the government decides whether to deport them, leaving them subject to inadequate medical care and abuse."

Activists charged that the Bush administration staged the raid to draw attention from those stories, a strategy it is well known to employ when critical attention threatens its policies.

It's impossible to know whether that was the case, but clearly DHS and the administration would prefer to have eyes trained on images of ICE agents "enforcing the law" than on the investigation into America's detention practices conducted by the *Washington Post* and *60 Minutes*.

The investigation uncovered "life, death and often shabby medical care within an unseen network of special prisons for foreign detainees across the country," as health care was routinely denied to immigrants being held by ICE. "The medical neglect they endure," wrote Dana Priest and Amy Goldstein in *The Post*, "is part of the hidden human cost of increasingly strict policies in the post-Sept. 11 United States and a lack of preparation for the impact of those policies."

The reporters -- the same team that uncovered the shabby care that veterans face at Walter Reed Medical Center -- unearthed internal documents showing that ICE officials have "a tendency to conceal the truth by withholding complete medical records or by offering misleading public explanations." The documents they found revealed a pattern of what can only be called grievous human rights violations. (The U.N. has condemned the United States' immigrant detention system, saying that it "denies migrants basic due process and human rights, and violates international law.")

Among the cases intentionally covered up by ICE officials was that of Francisco Castaneda, who arrived in the United States as a refugee from El Salvador when he was 10 years old. Before his mother could get legal papers for her son, she died of cancer. Castaneda had lived in the United States for 24 years when he was detained by ICE.

When he was taken into custody, Castaneda had a bleeding lesion on his penis, which medical personnel suspected to be cancer. They requested a biopsy, "but the Division of Immigration Health Services headquarters in Washington denied the procedure for 10 months." During that time, Castaneda was given ibuprofen to deal with the growing lesion. "I am in a considerable amount of pain and I am in desperate need of medical attention," he wrote in June of 2006. After pressure from the ACLU, the agency finally scheduled a biopsy for February of 2007, but Castaneda was suddenly released just "days before the surgery, sparing the agency the cost." Shortly thereafter, Castaneda's penis was amputated. Despite undergoing chemotherapy, he died a year later.

According to the *Los Angeles Times*, a federal judge ruled that Castaneda's treatment was "beyond cruel and unusual" punishment. Timothy T. Shack, head of health care for ICE, said, "In my opinion, the care provided to this detainee was ... timely and appropriate."

The *Post* also told the story of Joseph Dantica, a Baptist minister from Haiti who fled the country after receiving death threats from a local gang. Dantica, 81 years old, entered the United States with a valid visa and applied for asylum. ICE detained him along with his son, pending the resolution of their cases. Sickly and speaking through a voice box, Dantica complained of ill health, but ICE officials said he was "faking his symptoms." The minister was denied visits by family members, who begged ICE officials to give him the medicine he required. He died five days after landing in Miami, in an infamous immigration prison in Florida.

Both the *New York Times* and the *Washington Post* featured stories in recent weeks about dozens of deaths in ICE custody. The *Times*' Nina Bernstein told the story of Boubacar Bah, "a 52-year-old tailor from Guinea who had overstayed a tourist visa"

and subsequently died in ICE custody. His relatives "never saw the internal records labeled 'proprietary information -- not for distribution' by the Corrections Corporation of America, which runs the New Jersey detention center for the federal government," Bernstein wrote. "The documents detail how he was treated by guards and government employees: shackled and pinned to the floor of the medical unit as he moaned and vomited, then left in a disciplinary cell for more than 13 hours, despite repeated notations that he was unresponsive and intermittently foaming at the mouth."

The *Post's* investigative team also found that the "U.S. government has injected hundreds of foreigners it has deported with dangerous psychotropic drugs against their will to keep them sedated during the trip back to their home country." Involuntary drugging of "detainees, unless there is a medical justification, is a violation of some international human rights codes," the *Post* noted.

Taken together, these and other reports paint a picture of a system that treats immigrants to the United States -- and not just "illegal" immigrants -- as subhuman. That's what enforcement absent real reform looks like.

*This is part one of a two-part series. Be sure to read the second installment tomorrow.*

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