

“We can make him disappear”

America’s secret prisons for undocumented immigrants

By Andrew Joad
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There are at least 186 secret detention centers maintained by the Immigration and Customs Enforcement agency (ICE) within the borders of the US, according to an article published in the *Nation* magazine in December. Drawing on a report by Amnesty International (AI) entitled “Jailed without Justice,” it estimates that 415,000 people have been held at these facilities, which are operated under the authority of the Department of Homeland Security as so-called “sub-field offices” of the ICE. Their purpose is to deny undocumented immigrants due process and any means by which they can effectively lobby for their rights.

“If you don’t have enough evidence to charge someone criminally but you think he’s illegal, we can make him disappear,” explained ICE Executive Director for the Office of State and Local Coordination James Pendergraph at an August 2008 police and sheriffs’ conference, according to the AI report.

In October 2009 an assistant to Secretary of Homeland Security Janet Napolitano first revealed the existence of the secret prisons to the secretary, without making the locations public. The author of the December 16 article in the *Nation*, Jacqueline Stevens, obtained “a partial list” of the secret facilities from an ICE officer.

These prisons include unmarked rooms without beds, showers, toilets, or windows in office parks and commercial building spaces. Stevens reports that some 84 percent of persons arrested by ICE are at first “housed” in such sub-field offices.

For example, according to her article and Ahilan Arulanantham, director of Immigrants’ Rights and National Security at the ACLU of Southern California, an underground parking ramp at a federal building in Los Angeles is called B18 and houses up to 100 immigrants a day without any hygiene, medical, or legal services.

Legal professionals struggling to assist these people found captives chained together. They are continuously rotated between the below-ground parking ramp detention pen and locals jails, to which they are transported in unlabeled and windowless vans. This makes it extremely difficult to establish the identity or whereabouts of those being held. Relatives and attorneys have searched for family members for weeks and months to no avail.

In her article, Stevens reviews the case of Mark Lyttle, who has bipolar disorder and a learning disability. He was 31 years old when he was held at a Cary, North Carolina in an unmarked “sub-field” office in “an office park adjacent to gated communities, large artificial ponds and an Oxford University Press production plant.” He had been snatched out of “the medical misdemeanor section of a nearby prison” by ICE agents and spent his time in detention begging officials not to ship him to Mexico.

The ICE file from the FBI reportedly identified Lyttle as a US citizen. He was initially denied a hearing before an immigration judge, until he landed in Lumpkin, Georgia, where agents arranged for him to appear before the court. He had no legal representation and the judge, a former ICE prosecutor, “ignored Lyttle’s pleas ... and signed his removal orders.” His panicked mother and two brothers searched the Cary area obituary columns before they discovered that he was spending Christmas in “a shelter for *los deportados* (the deported)” in Mexico.

Conditions in the secret jails described in the AI report bear similarity to many of the illegal detention facilities maintained by the US overseas. Indeed, an attorney working for a detained immigrant compared the jails and the treatment of his client to Washington’s program of extraordinary rendition. “Jailed without Justice” identifies at least 90 people who have died in these facilities either due to abuse suffered while in captivity or medical

conditions that were left unattended.

The following incident, which had initially been reported in May 2008 by the *Washington Post*, was recounted in the AI report.

“Geovanny Garcia-Mejia, 27, from Honduras, died on March 18, 2006. He was detained at the Newton County Correctional Center in Texas. He had been placed in a medical unit, where he was found writing on the floor with his blood, internal records show. But he was returned to the jail’s general population after a psychologist wrote in his chart, ‘No idea why he is in suicide cell.’ He hanged himself 12 days later, on his 27th birthday. The local sheriff concluded that guards who should have been checking him every 15 minutes ‘made no rounds through the night...’”

Mexico, El Salvador, Guatemala, the Philippines and China are the top five countries of origin for immigrants trapped in the ICE’s detention pens. Officials take advantage of individuals’ lack of English-language skills in order to deny them due process and/or terrorize them into accepting deportation. The mental anguish created by the conditions of detention drives many to despair.

“Jailed without Justice” told the story of a 34-year-old Mexican woman arrested in front of her home and in the presence of her autistic three-year old, US-born son on a petty theft charge by local police. She was jailed for 24 days. She spoke no English, and while being interviewed by an ICE official, was urged to promptly accept deportation. In the course of her detention, fearing permanent separation from her family and loss of her child, she attempted to hang herself.

For family members, efforts to secure the release of their loved ones and fight deportation often entail huge expenditures. For example, AI reported the story of an Indian man who fled to the US in 1999 after being imprisoned and tortured several times for “political activities.” In 2006 the ICE detained him and demanded a \$15,000 bond for his release. His wife arranged the payment with a bondsman while her husband applied for asylum. Upon his release, he appeared, as required, at all his immigration hearings for over two years. After his final hearing, at which he testified as to the details of his torture, the ICE re-arrested the man and hauled him before a second immigration judge, who demanded another bond payment of \$80,000. The man’s family and friends tapped their credit cards and mortgaged their homes in order to fork over this sum.

Immigrant incarceration in the US has risen dramatically in the last ten years, from a “daily detention

capacity” of 10,000 in 1996 to over 30,000 presently. The Obama administration has continued the policy of its predecessors in this regard. The rise in immigrant incarceration over the past 15 years has been so dramatic that authorities have had to contract out the process to some 350 county and state jails.

AI estimates that about 67 percent of incarcerated detainees are jailed in these facilities, with the remainder put in the secret immigration pens and facilities run by for-profit contractors, whose reimbursement is said to be between \$60-\$90 per person a day.

The running of these facilities is increasingly becoming a source of revenue for cash-strapped local governments. As noted in an article in the *Denver Post* last April, “El Paso County Sheriff Terry Maketa has tapped a new source of revenue: illegal immigrants.” The sheriff is leasing jail space to ICE for an average of 150 immigrants a night. He has sent some 17 of his deputies to Pendergraph’s departmental training school to learn how to “initiate deportations without waiting for federal agents.” ICE is reportedly paying \$62.40 per night per immigrant, plus transport mileage, netting the jail 10 percent of its annual budget and El Paso County \$3.6 million.

The conditions in immigrant detention centers are leading to mounting anger and desperate actions inside the facilities. On January 19, ICE detainees at the Varick Federal Detention Center in Lower Manhattan went on a hunger strike. According to the *New York Times*, a Jamaican detainee in one dorm at Varick reported that “all hell broke loose” at the facility, with inmates refusing to follow scheduling protocols and passing out fliers protesting detention policies and practices. An ICE SWAT team arrived and used pepper spray and beatings to put an end to the protest, which apparently was inspired by inmates finding out about similar protests occurring at other facilities. Some people were put in isolation, while others were moved to detention centers in other states. The Department of Homeland Security issued its customary denial of detainee abuse.

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