

US security chief defends police-state measures against immigrants, visitors and citizens

By Patrick Martin
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In more than two hours of testimony before a Senate committee Wednesday morning, Secretary of Homeland Security John F. Kelly defended the Trump administration's sweeping attacks on democratic rights, directed against immigrants, visitors and US citizens and permanent residents. Kelly is a retired Marine Corps general who most recently headed the Southern Command, controlling all US forces in the Caribbean and Latin America.

Kelly confirmed the substance of a report in the *Wall Street Journal* Tuesday that the Department of Homeland Security is considering requiring visitors to the United States to hand over their cellphones and social media passwords when they apply for a visa. They could also be asked about their views on political and social issues like the status of women. Similar requirements could also be applied to visitors from the 38 countries that now participate in the US Visa Waiver Program, including most European countries, Australia and Japan.

Gene Hamilton, a senior counselor to the Department of Homeland Security (DHS), told the *Journal*, "If there is any doubt about a person's intentions coming to the United States, they should have to overcome—really and truly prove to our satisfaction—that they are coming for legitimate reasons."

Kelly claimed that this "extreme vetting" would be carried out only rarely. He presented it as the extension of an existing policy, already carried out under the Obama administration, where visitors can be pulled from the line during immigration screening at airports and other ports of entry and required to turn over their devices and passwords.

Several senators criticized this policy during their questioning of Kelly, including Democrat Claire McCaskill of Missouri and Republican Rand Paul of

Kentucky. McCaskill, the top Democrat on the committee, pointed out the likelihood that other countries would impose similar security requirements on American visitors. "Every ambassador in Washington called back to their country" after the article on extreme vetting appeared in the *Wall Street Journal*, she said.

She asked whether Kelly expected Americans to turn over their cellphones and passwords as a condition of visiting London or Tokyo, suggesting that the result of such requirements would be a general collapse of travel and tourism.

Rand Paul asked Kelly about recent press reports that US citizens and permanent residents had been required to turn over cellphones and passwords as a condition of reentering the country. "I could be travelling abroad and denied entry to my own country," he said, calling such a practice "obscene," and a violation of the Fourth Amendment, which bans arbitrary searches.

Kelly claimed, "It's not happening to citizens. In some cases, it's happening to non-citizens, but not routinely." He spoke unemotionally, as though the Bill of Rights did not apply to non-citizens, or that an occasional, rather than continuous, trampling on the Constitution was somehow acceptable.

The DHS secretary also confirmed the statement issued Tuesday by his department spokesman David Lapan that Immigration and Customs Enforcement agents would continue to arrest crime victims and witnesses inside courthouses where they had come to participate in judicial proceedings, if they were undocumented.

The DHS spokesman said at a press briefing, "Just because they're a victim in a certain case does not mean there's not something in their background that could cause them to be a removable alien." He added, "Just because they're a witness doesn't mean they might not

pose a security threat for other reasons.”

Senator Kamala Harris of California raised the subject, which has become a major political issue in California after a series of such arrests. State and local government officials in California complained that immigrants are refusing all collaboration with local police and prosecutors because of fear they will be arrested when they go to court to make a complaint or testify.

California Chief Justice Tani G. Cantil-Sakauye sent a letter to Kelly and Attorney General Jeff Sessions protesting, “Courthouses should not be used as bait” in the enforcement of immigration laws. Kelly and Sessions replied with a letter defending the policy on the grounds that this was necessary to overcome resistance to ICE operations by local jurisdictions, so-called “sanctuary” cities, counties and states.

This policy exposes the cynical hypocrisy of Trump’s claims that his anti-immigrant crackdown is aimed at defending the rights of victims of crimes committed by “illegal” immigrants. In one recent case, a Houston woman was arrested by immigration agents when she filed to obtain a protective order against violent abuse by her citizen husband.

Kelly spoke extensively on two other important issues involving the US border with Mexico, comments which were immediately portrayed in the media as indicating a softer or more reasonable and pragmatic approach.

In response to suggestions from both Democratic and Republican senators, he declared that Trump’s promise of a wall between the US and Mexico did not mean a physical wall along every inch of the nearly 2,000-mile border. Border control could be established through walls, fencing, electronic detection or aerial patrol, he said. The most important locations for physical walls would be in urban areas, he said, and those identified by Border Patrol agents as particularly sensitive. (This practice, also developed under Obama, forces immigrants to cross in more dangerous areas, increasing the number of deaths in transit.)

These comments were hailed by Democrats like McCaskill and Jon Tester of Montana, who flattered Kelly as “being the adult in the room” when it came to the discussions within the Trump administration.

Kelly also indicated that the DHS was revising a policy of separating women and children from Central America when they came across the southwest border seeking asylum in the US. This policy was introduced earlier this year, with the aim of intimidating refugees and deterring them from fleeing violence in their home countries.

The DHS chief flatly declared that children would not be separated from their mothers unless “circumstances” indicated the mothers were a danger to them, such as drug addiction. However, he emphasized that the decision to flee from Guatemala, El Salvador and Honduras and attempt the long journey to the United States was itself endangering the children—a potential loophole for reinstating the separation policy at some point in the future.

In response to questions from Harris, Kelly also elaborated on the new latitude that the Trump administration has given to ICE agents, going well beyond the prioritizing of undocumented immigrants with criminal felony convictions. He made it clear that ICE agents now have discretion to target virtually anyone who they suspect of being undocumented.

Kelly smugly declared that by virtue of this policy, ICE agents were now being “allowed to do their job,” with a corresponding dramatic improvement in morale. In other words, the border and immigration police are happy because they have been given the green light and unleashed on a defenseless population.

The increasingly repressive methods being employed against immigrants will be used against the entire working class. This is not a matter of speculation, or prognostication, but accomplished fact. Kelly told the Senate hearing that the DHS would push ahead with the “Real ID” program, which requires state governments to adhere to federal standards in the issuance of drivers’ licenses, with a deadline of mid-January 2018.

There are 23 states likely not to be in compliance with Real ID by the deadline, according to Kelly. Residents of these states will not be able to use drivers’ licenses to board a domestic airline flight. They will have to show a passport, border card or military ID, or they will be denied passage.

The Real ID program is a major step towards the establishment of a national ID card, for the first time in US history, laying the basis for a massive government database on every citizen and resident.

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