

Lawyers Say U.S. Acted in Bad Faith After Immigrant Raid in Massachusetts

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By PAM BELLUCK

BOSTON, March 21 — Lawyers for some of about 350 immigrants arrested this month in a raid on a leather factory in New Bedford, Mass., appeared before a federal judge Wednesday, charging that the government had acted in bad faith, moving the immigrants to detention centers in Texas too quickly and denying them adequate access to lawyers.

“The government moved them to try to interfere with their rights,” said Bernard J. Bonn III, a lawyer representing 178 immigrants who were initially taken to Fort Devens, a decommissioned Army base in Massachusetts, but flown to Texas because, federal officials said, the base did not have enough beds. “They had 11 months to plan this raid, and after two days they run out of space at Fort Devens because they needed it for someone else?”

Elizabeth Stevens, a Justice Department lawyer, said that there was no requirement that detainees be kept in their home state and that the federal Immigration and Customs Enforcement agency gave detainees a window of time to find lawyers.

“There is no bad faith or furtive action here,” Ms. Stevens said. “This is something I.C.E. told the detainees about, that they had to do based on a lack of bed space in Massachusetts.”

Judge Richard G. Stearns of Federal District Court did not rule on whether the immigrants’ rights had been violated. He scheduled a hearing in a month and allowed the lawyers to begin legal discovery.

Later, in a telephone press conference, Robert Sable, executive director of Greater Boston Legal Services, which is helping to represent many of the immigrants in a civil lawsuit filed shortly after the March 6 raid, said one motivation for the suit was to have the immigrants returned to Massachusetts because the Texas immigration court made it more difficult and expensive for them to be released on bond. That is especially true, he said, when an immigrant’s relatives are in another state.

Wednesday’s hearing was the latest fallout from the raid on Michael Bianco Inc., a leather goods factory with a federal contract to make military backpacks.

Although Massachusetts officials were informed of the raid as early as December, they said that workers from the state’s Department of Social Services did not have early enough access to the immigrants and that some immigrants were separated from their children, who had to be left with relatives or baby sitters.

Gov. Deval L. Patrick denounced the federal operation as “a race to the airport,” and members of the state’s Congressional delegation met with family members and friends of the immigrants in a New Bedford church.

“If there is ever an example or a reason for a new immigration bill, and anybody wants to know why, come to New Bedford,” Senator Edward M. Kennedy, Democrat of Massachusetts, said in a letter of complaint to Michael Chertoff, secretary of the Department of Homeland Security. “We need to change the broken immigration system.”

On Tuesday, Mr. Chertoff responded with a letter saying “I.C.E. took decisive and proper action” and “acted with compassion and only after joint planning with state officials.”

He wrote, “Precisely to ensure that children at home or school were not left unattended, I.C.E. worked closely with the Massachusetts Department of Social Services before the operation commenced and at every stage of the operation itself.”

Federal officials said that at least 60 of the immigrants were released on humanitarian grounds soon after they were arrested, largely because they needed to care for children. Another 30 were later released for child care or health reasons. Officials have also said that 55 immigrants had previously been ordered deported, and 11 had returned illegally.

On Tuesday, state legislators heard testimony about the raid from public safety and human services officials. They planned to recommend better federal coordination with states in future raids, although they conceded they could not impose guidelines on federal agencies.

Katie Zezima contributed reporting.