

ORAL PRESENTATION TO THE VIRGINIA STATE ADVISORY COMMITTEE TO
THE U.S. COMMISSION ON CIVIL RIGHTS

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Good morning. It is an honor for me to be present with you today. I am an immigration and human rights lawyer and advocate practicing in Manassas, Virginia. I have been asked to share with you my knowledge and experiences concerning the build-up to and effect of Prince William County's October 16, 2007 resolution on the civil rights of immigrants in the county. Even though this resolution was officially passed less than two months ago, its effects were felt from its inception and have culminated in many reports of civil rights abuses in the past couple of weeks.

Never would I have imagined that the abuses of our country's past civil rights struggles would be re-visited today with such venom and vigor. The civil rights violations by US government officials that I have faced with my clients, and other immigrants, are egregious and smack of governments of lesser stature. This resolution, and government actions since its passage, have destroyed trust because the community was told that the resolution would be enforced after January 1, 2008, after proper training of the police, and in accordance with the Constitution and laws of this land.

Allow me to illustrate what is happening. I need look no further than the experiences of my law partner who is a US lawful permanent resident from Eritrea and who has been pulled over by Prince William County police and Manassas police three times in the past two months for no lawfully-stated reasons.

The first time she was pulled over was on September 26, 2007 when she was driving about a block away from our law office located in Old Town Manassas. The Prince William County police stopped her for no reason and said, "What are you doing in this side of town?" Shocked and shaken, she replied that she was an attorney and was going to her office a block away." The officer looked at her registration and then let her go.

The second stop occurred on November 12, 2007. My law partner was driving with our Cameroonian asylum client. A Prince William County police officer followed her for a while and then pulled her over. The officer shown a light through the window

and asked if she had weapons and drugs in the car! After informing the officer that she was an attorney, he told her that he had pulled her over for “making a sharp right turn.” Later, that same night, while driving on Sudley Road back to her home in Alexandria, the Manassas police pulled her over. This time the stated reason was that her license plate was a little bent.

Because I do a lot of work with immigration advocates, organizers and the immigrant community, I have learned of several other cases of rights violations. For instance, on November 26, 2007 a young Latino man, who is also a lawful permanent resident, was walking out of a convenience store when he was stopped by Prince William County police. He was questioned for approximately 30 minutes and then let go without charge.

And just a week ago, a Latino man was being given a ride to work when the police stopped the driver in Manassas. The officer asked the driver for his license and when he could not produce it, the officer asked the rider, for his license. He did not have one and the police made a comment, “illegal” and proceeded to ask for other identification documents. The officer then asked him to get out of the car, searched him and cuffed him. The incident took approximately two hours. The man was charged with obstruction of justice, but released because he has lawful immigration status.

In a seminar I gave two weeks ago, two Latino women, one a United States citizen and the other a lawful permanent resident, interrupted me to talk about how they have been unlawfully stopped several times each by the Prince William County police, for no stated reason other than to be asked for their identification documentation. They asked me if white people were being forced to produce evidence of their status?

Beyond racial profiling, there are other serious and long term effects in the wake of the US federal government failing to take a leadership role on the issue of immigration and, in that vacuum, Prince William County tackling it on their own. First, Prince William County police, in the absence of a 287(g) arrangement with ICE, have no authority to stop and question anyone – US citizens or immigrants – about their status. Second, the county is ill-equipped to handle the arrest and detention of immigrants on the basis of their immigration status, while attempting to afford them equality under the law. Immigrants are being racially profiled and detained for crimes that are not usually

detainable – such as loitering. Even one day of holding on a criminal charge can be enough time for ICE to issue a detainer on them, and they are being held past the 48-hour time limit. For example, one of our client’s criminal charges were dropped and he had temporary protected status. However, the detention facility continued to hold him – past the 48-hour time limit – until we could fax in proof of his TPS status.

Once detained at the detention center, immigrants, some in lawful status, are being subjected to questioning without the presence of a lawyer. Whereas a typical criminal defendant is given a Miranda warning before questionings, immigrants are not being permitted to speak to a privately paid for lawyer before questioning. Indeed, when ICE gave a presentation on November 29, 2007 at the Circuit Court in Manassas, they said that they will delay the detainee’s ability to make a phone call if the detainee does not cooperate by answering their questions! This not only breaches due process standards but ICE’s own detention standards.

The effects of this resolution, however, go far beyond the individual immigrants that fall into its net. Families, some of whose members are US citizens, are being destroyed. Communities are dissolving and children are, in decreasing numbers not getting schooling, medical care and other essential care. In Georgetown South, in Manassas, a largely immigrant community, there are usually five houses on the market at any one time. Right now there are 79 houses. Some houses have just been abandoned as people flee for their lives in the middle of the night. Those who are left behind feel they are living in a dead community with vacant streets and vacant houses, and more desolation to come. A local elementary school principle has gone door to door to encourage parents to allow their children to come to school because the numbers are significantly lower than usual and yet he fears that supporting any kind of “know your rights” seminar would put his position in jeopardy. English as a second language classes are down in attendance by one-half, in some programs. These are effects that extend far beyond harm to immigrants – they affect all of us who live in Prince William County and beyond.

So, when measuring the impact of this resolution, please measure the full impact, including the violation of rights to come for us all, and please be reminded that immigrants, upon entry into the United States are accorded every Constitutional right,

except those expressly reserved for US citizens, such as the right to vote or to become president. Erosion of their rights is tantamount to erosion of rights for us all. Thank you.