

**Book Review of *Detained, Immigration Laws
and the Expanding I.N.S. Jail Complex***

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***Detained, Immigration Laws and the Expanding
I.N.S. Jail Complex***

By Michael Welch

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WASHINGTON – Human rights and immigrant advocates condemned a new policy from the Department of Homeland Security that calls for extended detention of individuals from mainly Muslim countries who are seeking political asylum in the United States (LA Times, March 19, 2003)

Detained is a timely new book on the anti-immigration legislation and policies of the United States, since 1996. It provides a detailed and well-documented account of the major events that culminated in the recent “anti-terrorists” laws that allow immigration officials, among other policing authorities, to enforce laws without permitting judicial review. Based on the meticulous and exhaustive use of original documents, library research, actual interviews, and fieldwork, this is a book for everyone interested in understanding the relationship between policy and law enforcement, and the impact of the current immigration legislation on the lives of ordinary immigrants and their families.

Michael Welch argues that it is useless to pose the current debate on immigration in bi-partisan terms because there are conservative and liberal factions within the major political parties within the United States. Some democrats, for example, support more restrictive immigration legislation, while, contrarily, there are some republicans who do not. It is far more useful to study the topic in terms of the underlying and contentious ideological viewpoints of the various members of both political parties. Ideologically, the conservatives within both parties may be closer to each other than they are to members of their own party when it comes to their stand on the immigration issues. For example, proponents of the free market system advocate immigration policies that promote the free flow of labor (capital and goods) because they believe this will lead to greater economic prosperity. On the one

side, members of the Buy American Made movement oppose immigration policies that allow new immigrants to enter the United States because they compete with citizens on the job market. White supremacy movements (Ku Klux Klan and the various hate groups), on the other side, push for tough anti-immigration legislation that prohibits the influx of peoples of color because they, more blatantly, harbor racist views. Adversely, there are civil rights and human rights (pro-peoples’ movements) groups that oppose immigration laws that discriminate against peoples of color. In contrast, some environmentalist groups take a stand against immigration because they believe that it will lead to overpopulation that will place too much strain on the natural resources. So, there are various and contrary views surrounding the controversy over immigration that cut across the major party lines.

However, there is one big consideration that enters every angle of the debate over immigration and that is economics. The revised immigration laws of 1996, invariably, were influenced less by sound analysis and policy making and more by political hype that portrayed a false and ill-founded notion of immigrants as posing a threat to the prevailing social and economic order of the United States. Michael Welch, in his ground breaking study, uses a time tested sociological theory of mass hysteria and moral panic in analyzing the current wave of immigration policies and practices governing immigration. In the process, he calls law makers, enforcers, and citizens, alike, to account for the gross mistreatment of many immigrants, today, who have committed no serious crimes but who are, needlessly, lingering and suffering inside the criminal justice system of the United States.

The backlash of anti-terrorist legislation that has come into hegemony since the bombing of the World Trade Center on September 11, 2002, in part, stems back to the proposed “Dole-Hatch Comprehensive Terrorism Prevention Act” and “Alien Terrorist Removal Act” of 1995, both of which failed to pass the legislature, until recently in new guises. Many may remember the bombing of the federal building in Oklahoma City in 1995. At that time, there was a popular misperception (based

on a false and dangerous stereotype that causes unnecessary harm to innocent lambs) that the bomb was planted by a Moslem terrorist group, when, in fact, it was a nativist (Timothy McViegh) who committed this atrocious crime. Along side this murderous act, the domestic crime rate was going up at an increasingly alarming rate. This prompted many politicians to advocate anti-terrorist legislation that would enhance the powers of the federal government to freely deport “aliens” “suspected” of engaging in terrorist acts without making public the reasons why. Also, politicians proposed to give law enforcement agencies more money and resources. For example, the “Alien Terrorist Removal Act” would have made it a crime to knowingly or unknowingly provide support to terrorists who carried out functions of foreign groups designated by the president to be engaged in terrorist acts. However, what if it is the so-called terrorist groups who are the peoples’ movements that stand boldly against their own government for abusing citizen’s rights and for being a dictatorship that is backed by the United States? It is well known in the Philippines, for example, that the United States government supported the Ferdinand Marcos dictatorship for many years. Also, the United States (e.g., under the administrations of President Ronald Reagan and President George Bush, Sr.) sanctioned the use of paramilitary forces in the Philippines that were used to suppress cause-oriented groups (human rights activists; environmental rights activists, and pro-democracy movements, etc.).

The Anti-Terrorist Removal Act and Dole-Hatch Anti-Terrorist Act of 1995 did not make it through the congressional house because they veered in the direction of violating citizen’s most cherished rights and freedoms by threatening every citizen who would speak against the government. However, this victory was short lived as the Illegal Immigration Reform and Immigration Responsibility Act and the Antiterrorism and Effective Death Penalty Act was passed by Congress in 1996 (pg. 2). Under these laws, the Immigration and Naturalization Service enjoyed enormous powers to arrest any immigrant who had committed even a minor crime in the past or present. This led to numerous new detentions and deportations as Michael Welch (*ad passim*), tediously, documents using primary sources and case study materials. What is most striking about his study is that he allows the detained immigrants and their families to speak for themselves. He tirelessly tracked down representative cases documented in the newspapers and legal files to see, firsthand, the situation of the innocent immigrants trapped inside the prison system, and to let their “voices” be heard. The result is a poignant and well-written account of their plight. Moreover, the epilogue contains a well-written and balanced coverage of current legislation passed since September 11, 2002. No serious scholar, who is interested in the application of legal knowledge to the solution of social problems, can afford to not to read this articulate appraisal of the immigration system of our times.

Immigrants with mental disabilities are unnecessarily detained in a system ill-equipped to care for them, sometimes arbitrarily transferred away from their communities, often denied basic due process in a complex immigration court system, and all too frequently released from detention or removed from the United States with little concern for their safety and well-being. Texas Appleseed and the law firm of Akin Gump Strauss Hauer & Feld LLP have worked for the past year to identify and document the scope of the problems facing immigrants with mental disabilities. Our study focuses on Texas, immigration detention policies and expanding practices since the late 1990s. At present, most countries utilize some form of detention as part of their immigration and border control policies, although the structures, functions, and purposes vary. What most countries share, however, is a predominant focus on "unauthorized" migrants—those "irregular," "illegal," "alien," or "undocumented" persons who lack formal immigration. The ethnic make-up of detained populations in countries such as the UK and US speaks to long-standing connections between empire, colonialism, and imperialism. For example, in the UK, the detention estate has large populations of ex-colonial subjects from Bangladesh, Pakistan, India, and Nigeria (Home Office 2013). In the US, Mexican immigrants are the world's largest community for readers. In 1996, Congress passed expansive laws to control illegal immigration, imposing ... Detained: Immigration Laws and the Expanding I.N.S. Jail Complex offers sensible recommendations for reform along with an enlightened understanding of immigration. In an epilogue, Welch examines closely the government's campaign to fight terrorism at home, especially the use of racial profiling, mass detention, and secret evidence. Recently, the INS, particularly its enforcement and detention operations have expanded dramatically. This book will offer many readers their first look inside that system. It will be an invaluable guide to thinking through whether the system is fit to take on t