



ICE wants to hit the delete key

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The controversy over the seizure of migrant children and another that is unfolding over the harsh treatment of the 39,000 detainees in the custody of Immigration and Customs Enforcement have obscured a battle that is raging largely off the public's radar: Whether ICE should be allowed to destroy its official records of the physical and sexual abuse of many of those detainees.

ICE's plans, first submitted to the National Archives and Records Administration in 2015 with revisions in 2017, set off a minor furor. The American Civil Liberties Union last year gathered more than 24,700 signatures in opposition to ICE's proposal and others, including members of the U.S. House and Senate, complained as well.

ICE is still tinkering with its proposal and has not abandoned its request for permission to destroy its records despite fierce opposition from such groups as the American Historical Association, which in July pleaded that the records not be destroyed.

The proposal is troubling for a number of reasons, one being the National Archives' nasty habit of rubberstamping document destruction plans like this one. The other is that the records, even if they are biased in ICE's favor, can substantially corroborate the reports of harsh detention conditions that are emerging.

Reports of harsh treatment are rampant. One advocacy group, Freedom for Immigrants, counted 800 allegations of abuse motivated by hate or bias since President Donald Trump took office.

One private migrant detention facility, in Tacoma, Wash., sits in the middle of a toxic, sludge-filled Superfund site and has been the subject of a large number of complaints against its staff for physical and sexual assault. At facilities in California, numerous incidents of sexual abuse have been alleged; in Arizona, two former detention facility workers have been accused of molesting nine migrant teens. The nonprofit news site ProPublica has documented 125 reports of alleged sexual abuse at ICE facilities for children since 2014.

Nationwide, more than half of those who have been accused of sexual abuse, including gang rape, have been Immigration and Customs Enforcement employees. LGBTQ detainees are particularly susceptible to abuse, experiencing a reported 97 times more incidents of sexual assault than other detainees. One report speculates that sexual assault and harassment in immigration detention "are not only widespread but systemic, and enabled by an agency [ICE] that regularly fails to hold itself accountable."

Elsewhere, at a Staunton, Va., facility for juveniles, migrant teens were routinely beaten while handcuffed, according to filings in federal court. In Georgia, the owner of the 1,700-bed private prison in Lumpkin is, according to a class-action lawsuit by the Southern Poverty Law Center, forcing detainees to clean, cook and perform other tasks for as little as \$1 day (and no more than \$4 for a double shift), maximizing profits. And in New Jersey, an exhaustive study by the group Human Rights First found that detainees are being given “food with maggots, dirty drinking water ... and shoddy medical and mental health care.” It also documented the use of solitary confinement for such “infractions” as requesting medical treatment and filing grievances.

At other facilities, published reports claim that detainees have been put in solitary confinement for praying and that medical care is often delayed or denied.

Further to this ongoing abuse, President Trump has called the migrants “animals” and has repeatedly cast them as gang members, drug dealers and rapists who will usher in a tidal wave of crime if allowed into the country.

Scholars dispute the president’s claims. The libertarian Cato Institute concluded in June that “the vast majority of research finds that immigrants [in Texas] do not increase local crime rates and are less likely to cause crime and less likely to be incarcerated than their native-born peers.” In debasing migrants as lurking criminals, Trump is following in the footsteps of tyrants throughout history who have scapegoated minorities, often with catastrophic results.

The National Archives should turn down ICE’s proposal. ICE’s records are official confirmation of the reports of advocacy groups, the news media and others about the deplorable conditions faced by migrant detainees, who are often treated no better, and perhaps worse, than convicted felons.

Spanish philosopher George Santayana famously observed that if we don’t learn from history, we are doomed to repeat it. But to learn from it, we need to record it first.