



New Haven Register

Judge finds cause for ICE raid hearings

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By Mary E. O'Leary, Register Topics Editor

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HARTFORD — A Connecticut immigration judge Monday ruled there is sufficient cause to hold hearings to determine whether the arrests of illegal immigrants last year in Greater New Haven violated constitutional protections. Attorneys for 11 of 31 undocumented residents picked up by U.S. Immigration and Customs Enforcement officials in two incidents, one in New Haven, one in North Haven, were pleased with the ruling. “I think all of our clients were delighted to be able to have a chance to tell their story, not just to the judge ... but also to the community at large,” said Stella Burch, a Yale Law School student who has worked on the case since the first raid June 6. The 16 immigrants at Monday’s hearing broke into cheers when the ruling was explained to them by their attorneys outside the courthouse.

The lawyers, all connected with the Jerome N. Frank Legal Services Organization at the law school, want any evidence gathered by ICE to be suppressed.

They contend the agents conducted illegal searches, lacked probable cause and arrested immigrants based on race, which violates the Fourth and Fifth amendments.

Leigh Mapplebeck, a senior attorney at the U.S. Department of Homeland Security, had filed briefs defending the officers’ conduct, arguing the immigrants had not proven their cases.

Constitutional protections apply to all people living in the United States, not just its citizens. The attorneys said they believed the evidentiary hearings will be the first in Connecticut, which reflects a similar trend across the country challenging actions by ICE.

Judge Michael W. Straus also granted a separate hearing in February for one immigrant



seeking asylum in the U.S.

The judge ruled he will not hear evidence gathered from a household on Atwater Street. Burch said the difference between this case and others is that the person at the door when the ICE agents entered would not testify for fear of being implicated in the proceedings.

A total of five people were arrested there, including the immigrant who applied for asylum. Straus ruled the illegal immigrants would be allowed to leave the country voluntarily within 60 days, if they lose their cases and all subsequent appeals are exhausted.

Burch said their clients at the Atwater Street house decided last year to accept the ruling, rather than pressure testimony from the housemate who was not arrested.

“This has been an incredibly traumatic experience for all of the individuals we represent,” Burch said.

Straus said he would not address claims that the First and Tenth amendments also were violated by law enforcement agents in the raids; Yale attorneys plan to appeal that ruling. The First amendment protects the freedom of speech. Under the 10th amendment, powers not delegated to the federal government by the Constitution, nor prohibited by it to the states, are reserved to the states.

Of those arrested June 6 and June 11, 17 are on the docket before Straus; five are challenging earlier deportation orders in other courts, while five have left the U.S. Burch was not sure of the status of the four others, who are represented by other attorneys.

The suppression hearings will begin Oct. 20 for households on Warren Place and Peck Street raided on June 6, 2007, with others to follow.

Christopher Lasch, an attorney with the Yale clinic, wanted to begin his case by calling ICE agents to the stand, But Straus ruled against him.

Yale student Sara Edelstein said the judge set up the format for the hearings and left open the question of whether police would be called as witnesses.



“I don’t think that the opportunity to put on witnesses, aside from our own clients, is foreclosed,” Edelstein said.

Burch said the hope is for a “full and fair,” hearing, which would entail, “calling all available witnesses who can testify to the events of June 6, 2007,” including law enforcement officials.

After the hearings, if the evidence is not suppressed, Yale attorneys plan to go to the Board of Immigration Appeals, then to the 2nd Circuit Court of Appeals in New York.

After 1984, the Supreme Court heightened the standard of proof to support a motion to suppress evidence in immigration courts to “an egregious violation” of constitutional rights. Lasch said more cases are being brought now because of the increase in ICE raids.

Mary E. O’Leary can be reached at 789-5731 or moleary@nhregister.com.