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Senator Jon Tester
Capital One Center
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Dear Senator Tester:

Thank you for cosponsoring the Keep Families Together Act in June and for penning a letter to Kirstjen Nielsen opposing the implementation of the Trump administration's family separation policy. We are grateful for your stance against that particularly inhumane and abusive immigration enforcement tactic.

We write to you now to ask for more. Abuse at the hands of Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) is not limited to children or relegated to the southern border. Since January 2017, the Trump administration's immigration policies, including the implementation of "Zero Tolerance," have exponentially increased the power and discretion of ICE and CBP. Their agents are operating more frequently and with greater audacity and arrogance in Montana. The ACLU of Montana and other immigration attorneys and advocates have been bombarded with reports of abhorrent behavior by federal agents, often with the cooperation of other federal agencies and with state and local law enforcement.

Aggressive deportation:

On August 2, 2017, ICE agents arrested Audemio Orozco-Ramirez, a Mexican national. Audemio was the victim of a brutal sexual assault while being held by Jefferson County, Montana, on ICE's behalf in 2013. He has been in the United States for 20 years and is the father of seven children, all of whom are either U.S. citizens or have other valid immigration status. In August 2017, ICE broke protocol and immediately transported Audemio to Utah to speed his deportation. Instead of being granted a "U-VISA" for victims of crime, ICE arrested and deported Audemio as retribution for his lawsuit against that agency and Jefferson County, for which he was awarded a \$125,000 settlement. Audemio was forcibly removed from his family and Montana simply because he held the government accountable for its actions leading to his assault.

ICE "detainers":

In the fall of 2017, Arturo Valerio-Gonzalez was arrested on a misdemeanor criminal charge in Gallatin County. Because his skin was brown and his English imperfect, local law enforcement called ICE, which responded by instructing the county to place a 48-hour "hold" or "detainer" on

Arturo, without bail. This is just one of many detainees being honored by local law enforcement across the state, including in Yellowstone, Cascade, and other counties. Local officials are under no obligation to comply with these detainer requests, yet they are wasting local resources to hold immigrants as a favor to ICE. ICE detainers require no judicial approval or probable cause. An immigrant being present in Montana is not in and of itself a crime, yet individuals are jailed for no other reason than suspicions about immigration status.

Administrative abuse:

From January to May of this year, ICE has fished employment records of Montana businesses from the Montana Department of Labor and Industry with the hope of hooking undocumented immigrants working in the state. ICE has sent a total of eight subpoenas to DLI thus far – twice the number sent in 2017 and nearly three times the number sent in 2016. This is quite obviously becoming a favored ICE tactic that is harming immigrants and Montana businesses. DLI is not legally obligated to comply with subpoenas, yet they continue to do so. ICE is abusing its authority and threatening state autonomy by accessing business records as a tactic for identifying potentially undocumented immigrants.

Aggressive raids:

ICE and CBP, in cooperation with other federal agencies and local law enforcement, have become so aggressive in their desire to root out undocumented immigrants that their “raids” have become more frequent, sometimes turning physically abusive. On May 31 of this year, CBP, ICE, the U.S. Forest Service, and the Mineral County Sheriff’s office raided a commercial mushroom picking camp near Superior, Montana. Despite the camp having the appropriate permit, officers from these agencies converged on the camp, kicked people in their tents, threw people to the ground, and handcuffed a pregnant woman. One agent went as far as to pull a picker’s head back by his hair and put the barrel of his gun against the picker’s head. Many of these people were later found to be in the country legally and were released, having suffered this abuse for no discernible reason.

Racial profiling of U.S. citizens:

CBP and ICE aggression is not limited to the immigrant community. It has led to racial profiling of American citizens based on nothing more than skin color or speaking Spanish in public. In May of this year, a CBP agent detained and interrogated Ana Suda and Martha Hernandez in Havre *only* because they were speaking Spanish. Montana Highway Patrol (MHP) has been cooperating with CBP and ICE by racially profiling Montanans, including U.S. citizens. MHP agents have been identifying undocumented immigrants and keeping them as long as necessary during a traffic stop until a federal agent can arrive. In May of this year, an MHP officer racially profiled Zuri Moreno, the ACLU of Montana’s Advocacy and Policy Assistant. Although Zuri was merely the passenger in the automobile, the officer demanded their ID and asked if they had weapons in the vehicle.


When viewed separately, each of the above incidents could appear to be isolated. When viewed collectively, it is impossible to pretend that is the case. We have entered an era of immigration enforcement in Montana that threatens the safety and security of immigrants and American citizens alike. As an elected official sent to Washington D.C. to protect *all* Montanans, you must do more than respond weakly when a deplorable immigration policy like family separation

becomes a national disgrace. You must be proactive in your efforts to protect people from abuse and racism at the hands of government, both nationally and within Montana. As the most senior member of our federal delegation and a respected member of the Senate Appropriations Committee, you must:

1. Oppose increased funding for the wall and more border patrol agents not just in public statements, but in practice; actively speak out and vote against budget proposals that funnel money to Trump's egregious enforcement policies but provide no funding for body cams and other means of increasing transparency at the border.
2. Oppose and vote against the funds transfer request for more immigration detention capacity.
3. Follow through on your commitment to work with elected officials and local law enforcement on the Hi-Line to reduce CBP and ICE abuses.

Your constituents are looking for leadership on immigration reform and you are in a position to provide it. We ask you to stand up for Montanans, immigrants and U.S. citizens alike.

Sincerely,



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