



PO Box 1317
Helena, Montana 59624
406-443-8590
www.aclumontana.org

July 9, 2018

Representative Greg Gianforte
7 West 6th Avenue
Suite 3B
Helena, MT 59601

Dear Representative Gianforte:

We are extremely disappointed to see a member of our federal delegation respond so weakly to one of the most egregious abuses of immigration enforcement in our nation's history. The family separation policy implemented by the Trump administration required bold action and opposition by all members of Congress. Your tepid disapproval did not reflect the values of Montanans – your constituents – who watched in horror as children were ripped from their parents' arms. Complacency is tacit approval.

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 federal agents' abhorrent behavior. Other federal and state agencies and state and local law enforcement are often cooperating with these abusive actions.

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 detainees 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 a member of our national delegation, you must:

1. Publicly acknowledge that the crisis of family separation was created by the Trump administration;
2. Admonish the administration for not only tearing families apart, but utterly failing in its attempts to reunify those families and, in some cases, literally losing track of children it has separated from their parents;
3. Oppose any immigration policy that continues to detain families either separately or together and push for immigration reforms that will allow families to remain free until their hearing or removal dates.
4. Support immigration policy reforms that rein in ICE and CBP enforcement in Montana, including required use of body cameras by agents, deprioritizing enforcement against immigrants who have no history of violence or crime, and a prohibition against stopping or detaining a person simply for speaking Spanish.

It is well past time to stand up for Montanans, immigrants and U.S. citizens alike.

Sincerely,



Caitlin Borgmann
Executive Director
ACLU of Montana

Kim Abbott and Rachel Carroll-Rivas, Co-Directors
Montana Human Rights Network

Sarah Howell, Executive Director
Montana Women Vote

Kelsen Young, Executive Director
*Montana Coalition Against Domestic and Sexual
Violence*

Shawn Reagor, Co-coordinator
Transvisible Montana

Reverend Kendra Wilde, President
Montana Association of Christians

Shahid Haque, President
Montana Immigrant Justice Alliance

Rebecca Weston, Co-Director
Montana Immigrant Justice

Heidi Wallace, Executive Director
Empower MT

Mary Poole, Executive Director
Soft Landing Missoula

Judith Heilman, Executive Director
Montana Racial Equity Project

Martha Stahl, President and CEO
Planned Parenthood of Montana

Rachel Huff-Doria, Executive Director
Forward Montana