

Mark Dow's *American Gulag: Inside U.S. Immigration Prisons*

DETAINING ALIENS IS A COMPLICATED BUSINESS. Should only criminal aliens be detained? Should there be exceptions for those deemed not a danger to society? Should aliens be housed in state prisons with other criminal prisoners? Should private companies be used to run the facilities? In *American Gulag: Inside U.S. Immigration Prisons* (University of California Press: \$27.50, softcover), reporter Mark Dow depicts an immigration prison system that has grown much too fast. Dow's thesis is that this trend has led to a pattern of abuses.

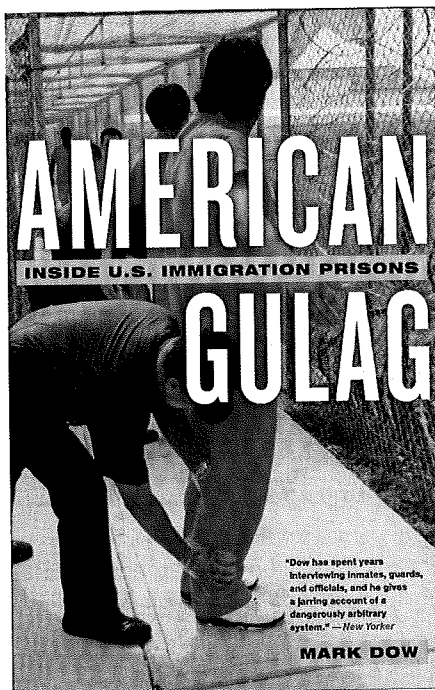
In 1973, INS held 2,370 aliens. Ten years later, the number doubled to 4,062. In 2001, the figure rose to 19,533, and as of the book's 2004 publication date, there were 23,000 people detained on any given day, and about 200,000 annually. While it is impossible to do a clear cost/benefit analysis of increased detention, Dow does make a forceful and detailed argument that abuses have occurred as a result of a lack of scrutiny and planning.

In the course of documenting his case, the author also provides a systematic review of the last 20 years of immigration history. Key decisions such as *St. Cyr* are presented in context and with sophistication. U.S. Supreme Court arguments are interspersed with details of the plaintiff's case—this is a book that anyone wanting to understand the development of today's key immigration issues should read.

Dow explains that the federal Bureau of Prisons has spent years developing detailed guidance and training for its employees. In contrast, the immigration prison system is young and lacks sophisticated answers to the questions above. The lack of accountability that permeates the immigration system is clear here. Developing guidance means losing flexibility and being more open to challenges from advocates and the public. Conducting training is expensive and time-consuming in a system that is "graded" by how many aliens are held and removed.

No One's in Charge

A striking example of the lack of guidance or oversight is shown by the use of medications to tranquilize inmates. In great detail, public health nurses working in immigra-



tion prisons recount being pushed to medicate alien detainees for the guards' convenience. The issue is not resolved, however, as Dow's interviews find U.S. Citizenship and Immigration Services (USCIS) saying the agency allows the U.S. Public Health Service (PHS) employees to make their own decisions for the medical benefit of the inmate, while PHS states that USCIS gives the orders.

Looking back over the past few decades, a pattern emerges of using national concerns (drugs, crime, terrorism) to tighten the controls on alien rights and to detain many more aliens for minor immigration violations. Three months after the attacks on New York and Washington, D.C., then-Attorney General John Ashcroft testified that

through "a preventative campaign of arrest and detention of lawbreakers, America has grown stronger—and safer—in the face of terror." Arguably, this strategy worked for former New York Mayor Rudy Giuliani in reducing crime in New York City. However, New York City had an established system of courts and prisons, with safeguards and appeal procedures. Unfortunately, the immigration service was not ready for the job it was given of detaining and holding thousands of prisoners.

Furthermore, detaining noncriminal aliens, or those not yet convicted of crimes, often means housing them with hardened criminals. State prisons have an incentive to house immigration detainees because they receive a per diem (from the figures in the book, it seems about \$45 to \$65 per day) that helps offset their own costs and fill unfilled beds. Several sections of the book are devoted to the private prisons, run by companies such as Wackenhut or Corrections Corporation of America (CCA), which operate without adequate oversight and also mix immigration detainees with the general inmate population. In 2003, about 60 percent of detainees were in local prisons or private contract facilities.

Widespread Abuse and Disorganization

The abuses in the book are documented with detailed footnotes. Some facilities, such as Miami's Krome Detention Center and the former Hillsborough Country House of Corrections in Manchester, NH, merit their own chapter. Yet, it is impossible to know how widespread the abuses are. As the author discusses, the quality of →

detention facilities varies tremendously, and some are much better than others. Periodically, new management or media attention leads to improvements in a bad situation. However, Dow clearly provides support for his main thesis—the lack of oversight and guidance has allowed abuses to occur and to continue.

American Gulag portrays an immigration prison system that lacks an organized plan for its detainees. This reflects a weakness of the immigration system as a whole. Noncriminal aliens or prospective asylum-seekers can be held for long periods, thereby weakening their resolve to pursue their claims. Dow writes that “abuse is a word that can be abused, and sometimes over the years, I have wondered how often detainee stories are exaggerated to make a point. A beating might make the newspaper; despair probably won’t.”

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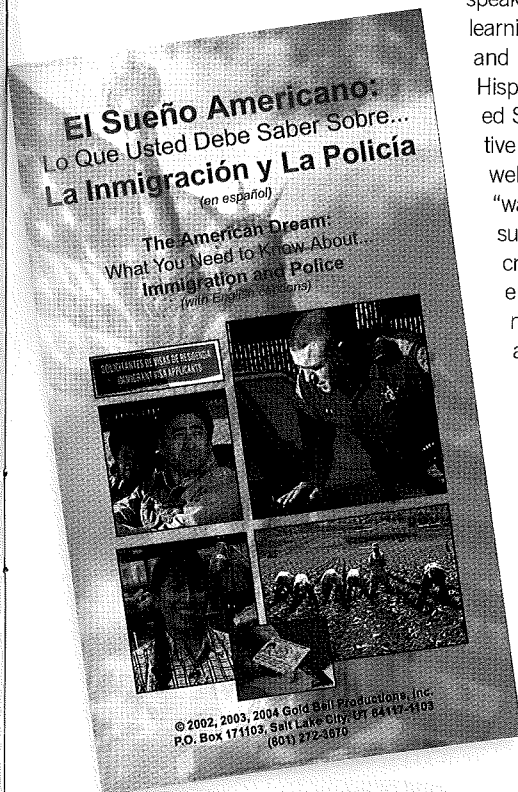
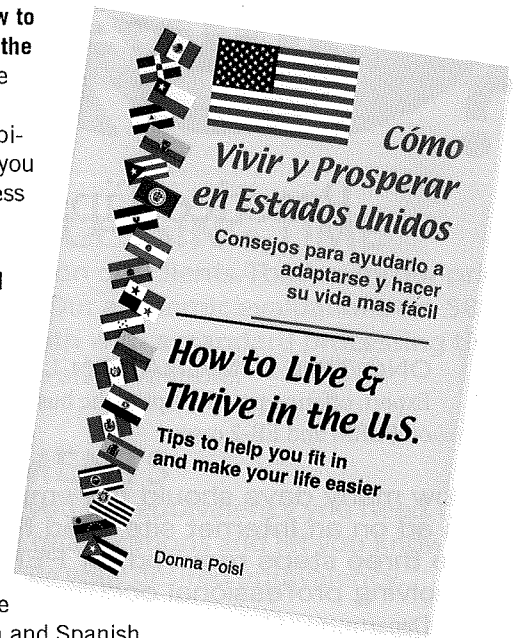
Books in Brief

“**The American Dream: What You Need to Know about Immigration and Police**” (or *El Sueño Americano: Lo Que Usted Debe Saber sobre La Inmigración y La Policía*) is a videotape designed for English- or Spanish-

speaking audiences interested in learning more about immigration and other legal issues affecting Hispanic immigrants to the United States. According to the Active Parenting Publishers, Inc., website, *El Sueño Americano* “was developed in careful consultation with immigration and criminal defense attorneys, law enforcement officials, community outreach workers, and most importantly, many people from the Spanish-speaking community who, in their own words, tell the newcomer the reality of life in the United States.” The video offers advice on issues ranging from how to avoid immigration fraud, including fraud perpetrated by “notarios,” to the impact of a criminal conviction—such as domestic violence or driving under the influence—on your eligibility

for residency in the United States. It details the role the police play and how one should conduct him- or herself in the presence of law enforcement. *El Sueño Americano* is 49 minutes long and is published by Gold Bell Productions, Inc. (\$89).

Donna Poisl’s **How to Live and Thrive in the United States** (Live and Thrive Press: \$16, soft cover spiral-bound) walks you through the process of learning how to live and function in the United States—from finding schools and ESL classes, to choosing a bank, to learning your rights as a tenant in a residential leasing arrangement. Written for the Latino market, the book is in English and Spanish.



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