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1 be looked at when developing strategies and policies
2 to prevent rape in immigration detention centers.

3 CHAIRMAN WALTON: Thank you very much for
4 your testimony. I neglected to have this panel
5 sworn. So could you please stand?

6 Do you solemnly swear or affirm that the
7 testimony you have presented or will present during
8 this hearing will be the truth, the whole truth, and
9 nothing but the truth, so help you God?

10 MS. SHIU-MING CHEER: I do.

11 MR. BRYAN LONEGAN: I do.

12 MS. ANNE WIDEMAN: I do.

13 CHAIRMAN WALTON: Thank you.

14 Mr. Lonegan.

15 MR. BRYAN LONEGAN: Yes, Judge. Thank you.

16 I would like to thank the entire Commission
17 for not just inviting me here today, but for
18 actually investigating expanding the scope of your
19 investigation into immigration detention.

20 In the world of U.S. prison industrial
21 complex, I think immigration detention is akin to
22 the neglected child of an already dysfunctional
23 family.

24 I had a statement prepared, and I'm going
25 to forego that after the powerful testimony of the

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1 last --

2 CHAIRMAN WALTON: We'll make that a part of
3 the record.

4 MR. BRYAN LONEGAN: All right.

5 But there were just a couple of things I
6 wanted to discuss that were raised in previous
7 panels.

8 First of all, I should tell you that I
9 actually represent oftentimes the bad guys in what
10 you're looking at. I represent criminal aliens.
11 These are persons who are being faced with detention
12 and deportation because of their criminal
13 misconduct.

14 Now, as a criminal defense attorney, I
15 thought I couldn't represent a more despised group
16 until I started representing just immigration
17 criminal aliens. Even within the immigration rights
18 community, this is a group that people would prefer
19 would just go away.

20 But notwithstanding the moniker "criminal
21 alien," the problem is that that's such a broad
22 category.

23 My clients can run the gamut between
24 somebody who's been convicted of a violent rape to
25 somebody who is being deported for jumping the

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1 turnstile of the New York City subway system.

2 So in actuality, the most severe cases
3 of -- the people who are the most violent are
4 actually not coming through my intake process.
5 They're actually being held in the prisons in
6 Upstate New York and are being deported from those
7 prisons as part of a program instituted by ICE.

8 Most of the people I'm representing have
9 really small or limited criminal convictions,
10 usually petty larceny. Fifty percent of the times
11 it's going to be because of a drug problem.

12 That being said, there are some who come
13 through with -- who -- well, last week, for example,
14 ICE rounded up 45 people as part of Operation
15 Predator, which is a special program ICE has to look
16 for people who have been convicted of sex crimes.

17 Now, the problem with Operation Predator is
18 that it casts a very wide net, includes the person
19 who may have jumped out of the bushes and attacked
20 somebody. But it also includes people like the one
21 client I had who eight years before had been
22 convicted of sexual abuse of a minor. He was 18 and
23 the girl was 15.

24 And he was picked up by Operation Predator,
25 reporting to his probation officer, and he was

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1 actually -- because of his offense, he was deemed an
2 aggravated felony, he was ordered deported. The
3 kicker here was that at the time of his hearing, the
4 victim was his wife and the mother of his two
5 children.

6 So the Operation Predator program can
7 sometimes be misleading.

8 That being said, when those people were
9 detained last week, they were all held in the same
10 jail with the people who were jumping the
11 turnstiles, people who were there for shoplifting or
12 drug offenses. And I interviewed some of them. And
13 some of them were clearly dangerous individuals and
14 some of them clearly not.

15 The point is, is that within the jails that
16 I work in northern New Jersey, there is no way to
17 distinguish potential violators from the people who
18 would be violated.

19 One thing I wanted to address was
20 Commissioner Kaneb's question about access to the
21 courts.

22 The immigration detainees, for the most
23 part, will at some point see an immigration judge.
24 But the immigration judges have absolutely no
25 jurisdiction over the conditions of their detention.

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1 They can't -- they -- I can go to a judge and
2 complain that somebody's being beaten. There's
3 nothing the judge can do about it.

4 The only access to address complaints would
5 be through a civil complaint, a prisoner complaint
6 typically in federal court or sometimes state court.
7 There's a law review article cited in my testimony,
8 by Margaret Taylor, which discusses the problems
9 behind that.

10 I mean, generally speaking, the bottom line
11 is, is that it's even harder for an immigration
12 detainee to seek redress in the court system for
13 abuse complaints.

14 Additionally, I don't -- the facilities I
15 work in, the three jails I work in in northern
16 New Jersey are not particularly isolated. They're
17 far away from where I work, but they're not
18 isolated.

19 One of the problems, though, is that for
20 the entire city of New York, I am the only free
21 nongovernment attorney visiting these jails to
22 discuss various issues with them; not just
23 conditions, but mostly my job is to focus on
24 providing them with advice and assistance in their
25 immigration deportation case.

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1 So the point being that there is very, very
2 little external oversight over these jails that
3 operate on government contracts.

4 I think one of the things that I found most
5 hopeful today was to hear Secretary Hutchinson say
6 that he endorsed the idea of making the detention
7 standards into regs. I almost fell out of my chair.
8 I was ready to get out and call home and alert the
9 media.

10 I mean, this is just an amazing development
11 that I would really hope this Commission would
12 embrace because ICE is incredibly resistant to this,
13 with this kind of perverse bureaucratic thinking
14 that somehow it's going to make it harder for them
15 to address conditions.

16 The standards are already inadequate, but
17 they're a lot better than what exists, which is
18 nothing.

19 And, just frankly, I've had detainees who
20 went from the criminal portion of the jail to the
21 immigration detention center of the jail, and they
22 said it was night and day. They were less fearful
23 when they were in criminal custody than in
24 immigration custody.

25 Because the general feeling they felt was,

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1 you're all going anyway. I mean, if ultimately
2 you're going to get deported, then we don't have to
3 worry about what we do to you because who are you
4 going to complain to? There's no lawyers here, you
5 can't get to court, and you're all going to get
6 kicked out in the long run.

7 And there's some truth to that. And
8 that's -- I think the major problem is that there's
9 a certain sense of impunity.

10 Finally -- I don't mean to beat up on ICE.
11 I think that they have an incredibly hard job and
12 they're not being given adequate resources. I think
13 part of the problem is that Congress decides to
14 pander, for a lack of better terms, to public
15 attitudes and is constantly seeking to escalate
16 enforcement without providing ICE with the necessary
17 resources to do it properly.

18 But not -- beyond that, it's also -- in
19 terms of the criminal deportation issue, the
20 deportation of lawful permanent residence because of
21 crimes, they completely have overreached and they've
22 given ICE an almost impossible task.

23 And I think part of the problem is for
24 Congress to get a little bit more realistic on what
25 they expect to do in this realm.

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1 But that being said, I am not -- ICE
2 recently issued a statement saying that they were
3 going to -- or they've implemented a new oversight
4 body or they're beefing up their oversight of the
5 detention facilities.

6 I'm not sanguine about that. Just -- and
7 I'll conclude with this just brief story. But last
8 week I went to the Bergen County jail.

9 And when I got there, the guard said, oh,
10 are you the ICE inspector?

11 And I said, no. I put that to rest right
12 away. But then the ICE inspector came.

13 So I thought to myself, great. Here's a
14 great opportunity for me to introduce myself, open
15 up a channel of communication. I stuck out my hand,
16 introduced myself, he grunted and walked away.

17 During the three hours that we were both in
18 the immigration wing of the jail, I saw him inspect
19 the facility rather thoroughly, looking at the
20 showers, the toilets, the cells. He was talking to
21 the guards, reviewing paperwork. At no time did he
22 ever speak to a detainee.

23 And, in fact, when I spoke to detainees at
24 the jail, they said, oh, ICE comes here all the
25 time, but they never come to speak to us.

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1 So I'm not very hopeful about this new
2 program.

3 Rather than continue to jabber on, I think
4 I'll just pass the microphone. Thank you.

5 CHAIRMAN WALTON: We appreciate your
6 testimony, but what Congress does to ICE is what
7 they do to Article 3 courts also.

8 MR. BRYAN LONEGAN: Yeah. Exactly.

9 CHAIRMAN WALTON: Ms. Wideman.

10 MS. ANNE WIDEMAN: Hi. My name is Dr. Anne
11 Wideman. I'm a clinical psychologist. I live in
12 Arizona.

13 And for the past seven years I've worked as
14 a volunteer for Doctors of the World Human Rights
15 Clinic and The Florence Immigrant and Refugee Rights
16 Project. And in this capacity I've met with dozens
17 of both adult and child immigrants in various
18 detention settings.

19 Additionally, I've also spent a lot of my
20 career working in prison settings, including a
21 forensic state hospital. And I have a background --
22 I have been the clinical director of a rape crisis
23 center, working with sexual trauma victims.

24 And the thing that I know is that sexual
25 violence thrives in shadows. If you look at all the