Dear Friends,

Fall 2007 marked the start of the third academic year for the Center for Human Rights and International Justice. I think it’s safe to say that the Center is no longer new to the human rights world or to Boston College. We have come a long way!

Over the past year my fellow directors and I have been busy developing ongoing Center events and projects and taking on several new endeavors. I want to update you on these. In this issue you will also read about some of the accolades Center associate directors have received.

Associate director Donald Hafner began the fall semester in his new position as Vice Provost for Undergraduate Affairs. In this position he is busy shaping the college experience for the roughly 9,000 undergraduates at Boston College.

M. Brinton Lykes, another associate director of the Center, has been on sabbatical this past academic year, developing her strong connections in Guatemala, particularly forging links with collaborators for the Center’s Post-Deportation Human Rights Project. In addition, Prof. Lykes has traveled to New Orleans to connect with other organizations for her project with African-American women and newly-arrived Latina immigrant women, Participatory Action Research in Post-Katrina New Orleans: Developing psychosocial resources for cross-community dialogue, healing, and organizing for change. She will be back at the university this fall and will lead the Center’s interdisciplinary human rights seminar as well as resume her regular teaching.

Associate director Daniel Kanstroom spent much of the fall of 2007 on a veritable book tour, giving frequent lectures on his recent book, Deportation Nation: Outsiders in American History. He presented his book’s principal ideas here on the BC campus at a session that featured New York Times journalist Julia Preston. You can read more about this event later in this newsletter. During the spring semester he was in London supervising students on the Law School’s London program. Prof. Kanstroom also continued his work on the Center’s Post-Deportation Human Rights Project.

A book I have edited has been published: Refugee Rights: Ethics, Advocacy, and Africa (Georgetown University Press). It is the result of the conference sponsored by the Center in Nairobi, Kenya, in the fall of 2006 in cooperation with Catholic Relief Services and the Jesuit Refugee Service. The Nairobi conference tackled the issue of what is owed to refugees from ethical, political, and legal perspectives. We will follow up with a second conference on November 20-22, 2008, at Boston College, which will examine the deeper causes of and systemic responses to forced migration. This conference will ask how we can address the human rights of displaced persons in a way that goes beyond ad hoc crisis management. I encourage you to check the Center’s website, www.bc.edu/humanrights, for updates on this and many other events the Center will sponsor in the year ahead.

The coming academic year promises to be as exciting as the last, as the Center continues to explore key issues of human rights and international justice and to bring intellectually challenging human rights programs to the Boston College community. We invite you to attend any and all of our events.

Sincerely,

David Hollenbach, S.J.
At a Glance: 2007 & 2008 Center-Sponsored Events

September 12 Nation of Immigrants or Deportation Nation?
A panel presentation by Julia Preston, Pulitzer Prize-winning correspondent for the New York Times, and Center Associate Director Daniel Kanstroom on the effects of immigration laws related to the deportation of non-citizen immigrants in the U.S.

October 10 When the Sahara was Green
A lecture by Farouk El-Baz, Director of the Boston University Center for Remote Sensing, on the underground lake discovered in Sudan’s Darfur region that could help end the conflict in the country’s arid region.

October 24 Ending the Crises in Darfur and Northern Uganda
A lecture by leading human rights advocate John Prendergast advocating for an end to the current genocide in Darfur.

December 4 Guatemalan Youth, Migration, and Return
A bilingual presentation by Ricardo Falla, S.J., a Guatemalan anthropologist, and Ana Gutierrez Castro, a Guatemalan educator and researcher, regarding Guatemalan youth identity and migration patterns between Guatemala and the U.S.

January 29 The Betrayal of Srebrenica: A Commemoration
A photographic exhibition presented by visiting history professor Lisa DiCaprio, featuring photographs by Paula Allen. The exhibit included photographs of Srebrenica, Srebrenica survivors, and the July 11, 2005 commemoration of the atrocities at Srebrenica attended by over 30,000 survivors and their supporters.

February 7 Peace from Africa: The Mozambique Story
A lecture by Jaime Pedro Gonçalves, Archbishop of Beira, Mozambique and Professor Andrea Bartoli of the Community of Sant’Egidio and the Drucie French Cumbie Chair of Conflict Analysis and Resolution at George Mason University on the Mozambican peace process after the 16-year bloody civil war.

February 13 Human Rights and a New U.N.: Academics, Practitioners, and NGOs

March 25 Boston College Law School’s Annual Owen M. Kupferschmid Holocaust / Human Rights Project Lecture: Andrew Tarsy: Recognizing Genocide: Lessons from the Past and Present
A lecture by Andrew Tarsy, former director of the New England chapter of the Anti-Defamation League and civil rights lawyer.

April 2 Human Rights and the Catholic Tradition
A discussion with Boston College political science professor David Deese and theology professor Tom O’Meara on theology professor Donald Dietrich’s new book, Human Rights and the Catholic Tradition.

April 9 The Fourteenth Anniversary of the Genocide of Rwandan Tutsis

April 16: Grandmothers of the Plaza de Mayo
A presentation by Estela Carlotto and Rosa Rosenblit of the Association of the Grandmothers of the Plaza de Mayo, a prominent human rights organization in Argentina, on their organization’s work in locating children who disappeared during the Argentine dictatorship from 1976 and 1983.
Student Research in the Field

The Center Awards Summer Research Grants for Human Rights-Based Work

This past spring the Center for Human Rights and International Justice awarded, for the first time, two summer research grants of $1,500 to Boston College students. The purpose of the grants is to help students from various disciplines who are interested in pursuing research in the field of human rights and international justice finance their endeavors. One grant was reserved for an undergraduate student and the other for a graduate student. The recipients will present their experiences and the results of their research at a Center-sponsored event this upcoming year.

The undergraduate grant recipient is Leon Ratz, A&S 2011. Leon will be using his grant money to support a research internship with the Military, Security and Police Unit at the International Secretariat of Amnesty International in London. Leon is interested in the implication of the global arms trade on human rights violations, as well as the possibility of a United Nations Global Arms Trade Treaty. Leon attributes these interests to his personal experience as a refugee from Ukraine, a country that participates in the illicit weapons trade with war zones in sub-Saharan Africa; his previous work with Amnesty International; and his courses this past year at Boston College.

The graduate grant recipient is Nancy Soukup, a Ph.D. candidate in the history department. Nancy’s interest lies in the involvement of private voluntary agencies in the post-World War II refugee crisis. She has conducted research on this topic and will use her grant to continue this research and to perform a case study on the role and functioning of the Unitarian Service Committee (USC). Nancy plans on using this research as the foundation for her Ph.D. dissertation.

CHRIJ Awards Research Grant to Students Working on the Post-Deportation Human Rights Project in Zacualpa, Guatemala

In May 2008, the Center awarded a research grant to students and professors who have been working on the Participatory and Action Research Post-Deportation Human Rights Project (PDHRP) to allow them to conduct research in Zacualpa, Guatemala. Law student Monica Valdez, Developmental/Educational Psychology Doctoral student Rachel Hershberg, and undergraduate student Colleen Silva will have the opportunity to immerse themselves in the villages and towns of Zacualpa for three weeks this summer. During this time, the BC students will be working with BC professors and three students from the University of Guatemala to research the effects of immigration and deportation on Guatemalan communities, as well as to share research methodologies and practices.

The PDHRP researchers plan to meet and interview family members and friends of the individuals with whom they have been working this past year. From these interviews, they hope to enrich their understanding of how the immigration system and U.S. deportation policies are impacting the K’che’ communities in New Bedford, Somerville and Chelsea, MA, and their families still living in Zacualpa. They will also be learning more about the actual process of deportation and the journey back to origin countries, as several of the Zacualpans with whom they have worked this past year will have been deported back to Zacualpa by the time the researchers arrive there this summer.

The researchers hope that this experience will help them gain a comprehensive understanding of the transnational impacts of immigration and deportations systems, while also getting to know the K’che Mayan culture. With the information they acquire from this summer experience, they plan on producing several papers on the transnational effects of deportation and immigration, and presenting their work to the Boston College community and beyond.
Highlights from the Year

Human Rights and a New United Nations: Academics, Practitioners, and NGOs

On February 13, 2008, United Nations Scholar Thomas G. Weiss delivered a lecture to the Boston College community titled: Human Rights and a New U.N.: Academics, Practitioners, and NGOs, in which he spoke about the role of the United Nations in protecting international human rights, and on the rising influence of academics, practitioners and NGOs on the international human rights scene. Weiss is Presidential Professor at the Graduate Center of the City University of New York as well as the Director of the Ralph Bunche Institute for International Studies, where he co-directs the United Nations Intellectual History Project. In addition, Weiss is currently the Interim Executive Director of the Global Centre for the Responsibility to Protect, which was launched by the UN on February 14, 2008.

Weiss explained that he was motivated to start the Global Centre for the Responsibility to Protect by his involvement with the International Commission on State Sovereignty, an international initiative aimed to deal with mass human rights violations. The Responsibility to Protect states that the first and primary responsibility to protect citizens from genocide and other mass atrocities lies with the state itself. If the state fails to uphold this duty, the international community becomes responsible and must exercise this responsibility first by preventative, peaceful and diplomatic measures, resulting to military force as a last resort only.

Weiss also spoke about the rise of a new human rights institution. In addition to the traditional international institutions working in the field of human rights, the United Nations theater and secretariats and the United Nations civil servants, who represent member states, Weiss asserted that there now exists a third institution, comprised of activists, academics, practitioners and non-governmental organization employees, whose voices provide important information about conditions around the globe. Weiss expressed hope that this “third United Nations” would continue to scrutinize the behavior and misbehavior of sovereign states routinely to ensure that they remain accountable for their actions and that genocide and other large-scale human rights violations can be prevented in the future.

Ending the Crises in Darfur and Northern Uganda

On October 24, 2007, leading human rights activist John Prendergast delivered a lecture to the Boston College community on the ongoing crisis in Darfur. Prendergast is the co-chair of the ENOUGH project, co-author with Don Cheadle of Not on Our Watch, and former Director of Africa Affairs at the National Security Council during the Clinton administration. He has been involved in numerous peace processes throughout Africa and has worked in the field of international human rights with the U.S. State Department, human rights organizations, and think tanks.

Prendergast expressed his criticism of the lack of an effective international response to the genocide and argued for sustained pressure and diplomacy and strong action involving peacemaking, protection, and punishment. He cited a number of obstacles to ending the genocide, including a lack of concern for Africa, a region often misrepresented as murderous, corrupt and without hope; U.S. involvement in Iraq, which deters the government from the events in Darfur; and the Chinese investment in Sudanese oil.

Prendergast encouraged those present to become actively involved in putting an end to the genocide in Darfur by joining the movement, contacting elected officials, calling the White House switchboard, writing to local media networks, and being a part of divestment efforts. He stressed that people must collectively demand a solution to the crisis in Darfur in order for action to be taken by governments. Prendergast ended his lecture by demanding activism on the part of his audience, stating that “if we can collectively make the wheel squeak loudly enough, we can end the first genocide of the 21st century.”
On April 16, 2008, the Center for Human Rights and International Justice hosted a lecture by the Grandmothers of the Plaza de Mayo, a human rights organization that has been working to locate children who disappeared during the Argentine dictatorship from 1976 to 1983. The lecture began with a short video that explained the stringent political climate in Argentina that existed during the dictatorship and caused more than 50,000 people, considered “enemies” of the government, to be kidnapped. Many of the people kidnapped were young women; therefore, more than 500 children either disappeared with their parents or were born after their mothers “disappeared.”

Estela Carlotto and Rosa Rosinblit are President and Vice President, respectively, of the Grandmothers of the Plaza de Mayo. Since their organization was established thirty-one years ago, the Grandmothers have managed to locate 88 disappeared children. Carlotto and Rosinblit each shared personal stories about family members who disappeared during the Argentine dictatorship and explained their motivations for becoming politically active, noting that it was dangerous for women to look for their missing family members because the government could have chosen to kidnap outspoken family members as well.

In their concluding comments, Carlotto and Rosinblit urged the Boston College community to aid in their search for locating missing children. They pointed out that family members can be anywhere in the world, including the United States. Carlotto and Rosinblit also expressed hope that disappeared children will continue to ask questions and to look for their family members as a result of the Grandmothers’ increasingly international reputation. The women demonstrated optimism at being able to continue locating disappeared children and reuniting them with their families.

Nation of Immigrants or Deportation Nation?

On September 12, 2007, the Center hosted Julia Preston, Pulitzer Prize-winning correspondent for the New York Times, in a conversation with Center Associate Director Daniel Kanstroom on the deportation of non-citizen immigrants from the United States. Preston discussed the Mexican communities that are at the center of the immigrant surge, and the tensions that have existed throughout the history of U.S. immigration law between border enforcement and the demand for low-wage immigrant workers. She suggested that the crackdown on the hiring of undocumented workers is creating a “fugitive class” whose prospects upon entering this country are detention and deportation; that is, existence in a “constitutional netherworld” as described in Prof. Kanstroom’s new book, Deportation Nation: Outsiders in American History.

From his extensive research for Deportation Nation, Prof. Kanstroom outlined deportation within the system of U.S. immigration law, including its social functions, history in U.S. law, and the numbers of people affected; approximately one million people are deported from the U.S. each year. He explained that there are many types of people facing deportation, including those who have held legal residency status in the U.S. and suggested that the crisis in U.S. immigration related to deportations “border[s] on civil rights violations.”

Fallas is an anthropologist who has dedicated his life to documenting the lives and culture of the K’iche’ Maya and other indigenous peoples in Guatemala. His publications include Quiché Rebelde (1980), Massacres in the Jungle: Ixcán, Guatemala 1975-1982 (1994), and Alicia: Explorando la identidad de una joven maya (2006). Gutiérrez is an educator and researcher who is working with Dr. Falla in his current research in Zacualpa, Guatemala. In addition to presenting the lecture, Falla and Gutiérrez explored collaborative opportunities with the participatory action research arm of the Center’s Post-Deportation Human Rights Project and visited our community partners Centro Presente (Cambridge/Somerville) and Maya K’iche’ (New Bedford). Their visit strengthened the Center’s existing ties with the Jesuit Immigration Network.
Conversations at Lunch series

The Center for Human Rights and International Justice’s Conversations at Lunch series began on October 6, 2006, and has continued with increasing popularity. The series aims to bring together students, professors, and other members of the Boston College community with scholars and practitioners in the field of international human rights to discuss pertinent human rights issues around the globe. During the 2007-2008 academic year, the Center organized five luncheon lectures.

On October 12, 2007, the Center hosted Dr. Richard Mollica, Professor of Psychiatry at Harvard Medical School and Director of the Harvard Program in Refugee Trauma. Dr. Mollica, a psychiatrist with theological training from the Yale Divinity School, is recognized as one of the leaders in the psychological treatment of refugees and victims of trauma. He explained in his lecture that over time there has been significant progress on understanding the capacity of individuals for resilience and recovery from atrocities; however, he has also observed a regression in political and social responses to mass violence. Mollica argued that human rights work must address humiliation, as it is a fundamental aspect of the experience of violation.

On November 9, 2007, Kristin Butcher, Associate Professor of Economics at Wellesley College, led a discussion on the economics of migration. Butcher explained possible effects that immigrants have on native wages from several different perspectives.

She demonstrated that there is very little evidence that immigrants create economic hardships for native workers, explaining that when immigrants work in low-skilled jobs, native workers are freed to occupy higher status jobs. Additionally, when there is a large supply of human labor, industries may choose to hire inexpensive workers rather than adopt new technology to complete the same task. Butler also emphasized that immigrants create demand for goods and services, which contributes to the growth of the local economy.

On February 1, 2008, the spring semester series began with a visit from Peter Uvin, Academic Dean of the Fletcher School of Law and Diplomacy at Tufts University. Uvin is the author of Aiding Violence: The Development Enterprise in Rwanda and Human Rights and Development, and he is currently conducting research on Burundi. He spoke on the advantages and challenges of a “human rights-based approach” to development in post-conflict countries, arguing that a successful development strategy must use human rights as a foundation upon which to develop all other political and economic goals and practices.

On February 29, 2008, Peggy Levitt, Chair of the sociology department at Wellesley College, Research Fellow at the Hauser Center for Non-Profit Organizations at Harvard University, and co-director of the Emerging Transnational Dynamics Initiative, joined BC students and faculty in the McGuinn 5th floor lounge. Over lunch, Levitt discussed her new book, God Needs No Passport, in which she explores how four immigrant communities have used religion to cross state borders and to integrate into the social fabric of the United States and how these immigrants are changing the American political landscape. She claimed that globalization and migration have resulted in a mixing and matching of faith and cultural traditions and argued that the U.S. must embrace the immigrants in our country who can serve as religious diplomats to the rest of the world.

On March 28, 2008, the year’s Conversations at Lunch series concluded with Boston College’s own Provost, Dr. Cutberto Garza. Dr. Garza is the former director of the Food and Nutrition Program of the United Nations University and has served on numerous domestic and international committees and study groups. Garza spoke to those present of a recent project that he headed to create a new and innovative growth reference standard for children from birth to five years old. His team trained international healthcare workers on the appropriate uses and interventions associated with this new standard with the objective of using a combination of the scientific aspects of his study and proper actions and policy implications to improve the health of children around the world.
Awards and Recognitions

Associate Director Daniel Kanstroom Wins BC Law School’s 2007 Pro Bono Award

On October 29, 2007, Professor Daniel Kanstroom was presented with the Boston College Law School 2007 Faculty Pro Bono Award, based on his work on immigration and human rights. The Faculty Pro Bono award is given annually to a member of the faculty who best exemplifies the Jesuit tradition of service to others and who leads law students by example to participate in pro bono work.

Professor Kanstroom spent the spring semester in London directing Boston College Law School’s London Program, in conjunction with King’s College. He also visited BC law students at the International Criminal Tribunal for Former Yugoslavia, in the Hague, and at the War Crimes division of the Court of Bosnia & Herzegovina, in Sarajevo. Additionally, while in the UK, he met with immigration and human rights lawyers and presented a number of public lectures in London and in Oxford.

Associate Director M. Brinton Lykes Honored for Human Rights Work

On October 13, 2007, Associate Director M. Brinton Lykes was honored by the American Orthopsychiatric Association at its meeting in New Orleans, Louisiana. Dr. Lykes was awarded the 2007 Marion Langer Award for distinction in social advocacy and the pursuit of human rights. She was recognized for her "innovative scholarship and humanitarian work in development of a psychology of liberation." The award was delivered during part of a three day conference dealing with public and community psychiatry. As part of the conference, Dr. Lykes delivered a talk titled: Towards a Psychology of Liberation and Transformation: Scholarship, Activism, and Pedagogy.

Professor Lykes teaches in the Boston College Lynch School of Education where she specializes in community and developmental psychology.

Center Fellow Mary Holper and BCIAP Receive Award for Deportation Defense Work in New Bedford, MA

The National Immigration Project of the National Lawyers Guild has awarded the annual Daniel Levy Award to the team of attorneys and advocates who responded to the March 2007 immigration raid on the Michael Bianco factory in New Bedford, MA. Mary Holper, Fellow in Human Rights and International Justice and Supervising Attorney for the Boston College Immigration and Asylum Project (BCIAP), received this award as a member of the team. In the early March raid, Immigration and Customs Enforcement (ICE) agents arrested 361 people, most of whom were women. ICE released only 25 of the women that day, and approximately 25 the following day. All others were taken to Fort Devens, Massachusetts, for temporary detention at a decommissioned military fort, where a group of attorneys and paralegals spent long nights meeting with the detainees. At the same time, ICE loaded detainees onto buses and flew them across the country. As papers for a lawsuit were being prepared and filed, ICE moved the last of the 200 detainees out of Massachusetts, where the federal district court would lose jurisdiction over them. This case is currently on appeal to the First Circuit. Holper interviewed detainees at Fort Devens in the immediate aftermath of the raids and coordinated Spanish-speaking interpreters for clients. She also trained and mentored pro bono lawyers on how to represent clients before immigration judges, in order to secure clients’ release on bond. Together with Professor Daniel Kanstroom, she coordinated students enrolled in the Advanced Immigration Seminar to write legal memoranda in support of motions to terminate the detainees’ immigration cases based on Fourth and Fifth Amendment violations during the raid. Holper is the Center’s first Fellow in Human Rights and International Justice.
Two Misunderstandings About Immigration

Daniel Kanstroom

Editors Note: The following article was published in the History News Network on Monday, November 12, 2007. The author, Daniel Kanstroom, is Associate Director of the Center, Clinical Professor of Law, and Director of the International Human Rights Program at Boston College Law School.

Much current immigration debate seems based on two misconceptions: one factual, the other theoretical. As talk has increasingly turned from structured work programs with pathways to citizenship to border control and national security, one often gets the impression that virtually no enforcement is taking place. Quite the opposite is true: we are in the midst of a massive, decade-long deportation experiment that is exceptionally harsh by virtually any historical or comparative measure. Indeed, many millions of non-citizens, their families, and their communities have already felt the dreadful power of this system. A second misconception is more subtle, but perhaps more pernicious: it is the idea that the “rule of law” embodies only punishment for misdeeds, rather than proportionality, procedural fairness, and the rejection of Draconian “one size fits all” solutions to complex social problems.

How might we measure the scope and harshness of our deportation system? The numbers are surprising. According to government statistics, from 2000 through 2005, the number of “deportable aliens” expelled from the United States was over 6.5 million people (including formal removals and so-called “voluntary departures”). More than 350,000 people now face formal removal proceedings each year, and tens of thousands more are deported through summary processes, such as “expedited removal.”

The system combines two very different forms of deportation—extended control of the border and social control of otherwise legal residents. These are unfortunately often conflated in public discourse over “illegal aliens.” Many legal permanent residents have been deported for crimes—sometimes serious, but often shockingly minor. Indeed, the Supreme Court recently ruled that the government had wrongly deported people for misdemeanor drug offenses. But the Court provided no remedy for those deportees or their families.

From 1997 through 2005 more than 672,000 non-citizens were deported for criminal conduct. The majority of such deportations were for non-violent offenses. The government does not reveal how many of these deportees were legal residents, but there is no question that many, probably most of them, were. A 2006 study analyzed the use of so-called “aggravated felony” charges in formal removal proceedings against 156,713 people and found that some 70 percent of those charged had lived in the United States for more than a decade. The median length of residence was fourteen years.

Human Rights Watch has estimated that some 1.6 million spouses and children living in the United States were separated from their parent, husband, or wife because of these deportations.

Another way to assess the current system is to consider how it functions. For various reasons, deportation has long been a legal anomaly—standing outside many protective norms of the legal system. Tens of thousands of non-citizens face mandatory detention every day with no possibility of bail as their cases meander through administrative courts. Less than half have lawyers and none have the right to appointed counsel. Suppression of illegally-seized evidence is impossible in most cases. There are no “Miranda” rights; no “selective prosecution” defenses for those who may have been singled out for political or religious reasons; and no right to a jury trial. Deportation may be retroactive—you can be deported for something that was not a deportable offense when it happened. For many, there is no possibility of mercy from an immigration judge, no matter how compelling their situation. And, for a wide variety of complicated legal questions, there is no judicial review of Department of Homeland Security decisions at all.

The consequence of deportation is frequently life-time banishment from this country. Each year, our system sends many thousands of U.S.-raised young people—now rootless and without social support—to places they may have never known, facing languages they cannot speak, in cultures they do not understand.

Why has this system developed in this way? One might assume that the hardening of the deportation system was a response to the September 11 attacks but this is not correct. Though we can trace its direct roots back to the late nineteenth century exclusion of Chinese workers, the major changes in modern deportation law actually occurred in the 1990s. In the aftermath of the Oklahoma City bombing—perpetrated by home-grown U.S. citizen terrorists—unusually tough deportation laws were passed by a Congress many of whose members now admit that they had little or no understanding of what they were voting for. “Get tough” policies resonate powerfully until politicians or their constituents personally feel the brunt of harsh, unforgiving laws. Still, it is much easier to enact hard laws than to repeal them, especially in the absence of strong leadership towards a sophisticated, comprehensive immigration policy.

And what of the basic “rule of law” principle espoused by Lou Dobbs, Tom Tancredo and others? Isn’t it a simple equation: they broke the law therefore they must be deported? Well, for one thing, the procedural deficiencies in our system might give pause, as we learn of U.S. citizens who have been deported by mistake and of shockingly

(Continued on page 10)
New Books by Center Directors

Refugee Rights: Ethics, Advocacy, and Africa, edited by Director David Hollenbach, S.J., is a collection of essays by scholars, practitioners, and refugee advocates on the plight of African refugees today. Topics discussed include the fundamental right to freedom of movement, gender roles and the rights of women, the effects of war, and the importance of reconstruction and reintegration following armed conflict. The book’s contributors argue that a system of vigorous advocacy and ethical standards must be put in place to protect the fundamental human rights of the 33 million refugees and internally displaced people in today’s world.

Deportation Nation: Outsiders in American History, written by Daniel Kanstroom, the Director of the BC Law School International Human Rights Program and the founder and Director of the BC Immigration and Asylum Clinic, explores the gaps in U.S. immigration laws and practices that allow for increasing numbers of non-citizens to be deported from the U.S. at any time for almost any reason. In his exploration of American history and modern-day practices and events, Kanstroom shows that deportation has long been a legal tool to control immigrants’ lives and is used with increasingcrudeness in a globalized but xenophobic world.

Refugee Rights: Ethics, Advocacy, and Africa is available at the Boston College bookstore and online at www.press.georgetown.edu.

Deportation Nation: Outsiders in American History is available at the Boston College bookstore and online at www.hup.harvard.edu.

The Center Welcomes New Affiliated Faculty Members

The Center would like to welcome its new affiliated faculty members for the 2008-2009 school year! Professors Lisa Cahill, David Deese, James Keenan, David Rasmussen and Leigh Patel Stevens will join current affiliated faculty members Ali Banuazizi, Judy McMorrow, Stephen Pope and Qingwin Xu this fall. The Center would also like to thank outgoing affiliated faculty members Janet Helms, Ramsay Liem, John Michalczyk and Devin Pendas for their service during the past two years.

Lisa Cahill
College of Arts and Sciences, J. Donald Monan Professor of Theology

James Keenan
College of Arts and Sciences, Theology Department

David Deese
College of Arts and Sciences, Political Science Department

Leigh Patel Stevens
Lynch School of Education, Teacher Education

David Rasmussen
College of Arts and Sciences, Philosophy Department
wide disparities in decisions among immigration judges. More fundamentally, those of us who support a robust vision of the nation of immigrants and a rich, humane version of the rule of law do not—and should not—minimize the concerns about border control and respect for law. These are major, core responsibilities of the national government. But this does not mean that government agents should be given carte blanche to ignore basic legal protections. As James Madison put it, when critiquing the Alien and Sedition Acts, “[even if] aliens are not parties to the Constitution, it does not follow that the Constitution has vested in Congress an absolute power over them.”

True national security requires more than fences, walls, and harsh deportation raids. Consider the recent workplace raids in New Bedford, Massachusetts, not far from where I live. As part of “Operation United Front,” the New Bedford raid mobilized hundreds of Immigration and Customs Enforcement (ICE) agents from around the country to arrest some 360 non-citizen workers. The irony of the operation’s name surely would have struck the deportees, their families, and communities. Mothers were separated from babies; husbands were unable to contact their wives, causing what community groups called “a humanitarian crisis.” Many were summarily transferred to detention centers in Texas before lawyers could meet with them. Indeed, in an unusual reversal of the typical state/federal relationship in immigration matters, Massachusetts social workers felt compelled to travel to Texas immigration detention facilities to ensure that the children of the detainees were receiving adequate care. Many of those children and other family members are U.S. citizens. Is our national security really enhanced by the destruction of their families? Shouldn’t the law embody at least the possibility of humane discretion and proportionality?

As we continue to debate what it really means to be a nation of immigrants, we must pay more attention to the growing deportation system and its devastating effects on families and communities. Deportation is a clumsy and brutal back-stop for failed border control and ineffective bi-lateral economic policies with Mexico. It evokes the maxim that, when the only tool you have is a hammer, everything tends to look like a nail. Moreover, it continues to have corrosive effects on legal protections we have developed over many centuries. As Supreme Court Justice Frank Murphy once wrote: “Only by zealously guarding the rights of the most humble…and the most despised among us can freedom flourish and endure in our land.”

1. Voluntary departure is something of a euphemism, as the alternative is forced removal. 2. These charges are the most serious in terms of consequences, but very minor crimes, such as petit larceny and drug possession, can be aggravated felonies. See 8 U.S.C. § 1101(a)(43) (2000). 3. TRAC Immigration, How Often Is The Aggravated Felony Statute Used? (2006), http://trac.syr.edu/immigration/reports/158.

Our Leadership

Directors

The Center’s Director is David Hollenbach, S.J. The Associate Directors are M. Brinton Lykes, a community psychologist in the school of education, law professor Daniel Kanstroom, and political science professor Donald Hafner. Elizabeth King, Esq. is Assistant Director of the Center.

Administration

During the ’07-’08 year, the Center maintained a student staff of one undergraduate student, one graduate student, a webmaster, and a small team of volunteers. The Center would like to thank research assistants Harriet Hoder (L ’10) and Amanda Del Balso (A&S ’08), and web editor Sarah Popper (A&S ’10) for their work this year.