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## **ACLU appeals Connecticut court case involving 2 immigration arrests in Lee**

By Will Whitehorn

Attorneys for the American Civil Liberties Union (ACLU) are appealing a Connecticut court's decision in a case stemming from a pair of immigration arrests in Lee.

The ACLU is in the process of appealing the defeat of a motion to suppress evidence garnered from a 2007 incident in which a pair of Hispanic men, stopped by Massachusetts State Police, residing in Berkshire County were summarily handed over to Immigration and Customs Enforcement (ICE) officials on suspicious of being illegal immigrants.

The motion was defeated in June, and attorneys indicate an appeal is being finalized for submission to the Board of Immigration Appeals.

Former Massachusetts Gov. Mitt Romney had given the state police the power to detain suspected illegal immigrants on behalf of ICE in the waning days of his administration. New Gov. Deval Patrick, however, rescinded the order as one of his first acts in office, with

Patrick saying immigration enforcement was the responsibility of the federal government, not the state.

The names of the men who had been apprehended were not released. The men were apprehended in March 2007, two months after Patrick was sworn in.

The state police's defiance of the new policy was said to be the impetus for the ACLU's involvement in the case.

Opponents of the actions contend that the Massachusetts State Police - in this case stationed out of the state barracks along Route 20 in Lee - was inappropriate.

Anjali Waikar, an attorney with Boston-based Krokidas & Bluestein and a cooperating attorney with the ACLU, said the ACLU's issue, in general, was with the state police's role in enforcing immigration law.

While allegations of racial profiling by the state police have been made across the state, there have been a heightened amount of accusations in the Berkshires, according to Waikar. Lee, in particular, has a large Hispanic population relative to other South County towns. Waikar said the appeals process could take anywhere from a couple of months to a year. "We could be in for a long wait," she said. But tense relations between the Lee barracks, ICE and immigrants is nothing new.

According to a June 2007 article in the Boston Globe, allegation of racial profiling in western Massachusetts are widespread. Officers from the Lee barracks, according to the article, were accused of targeting drivers they believed to be Brazilian for pullovers, quizzed them on their immigration status and in at least two instances handed parties over to ICE.

A Latino driver pulled over in Lenox was eventually arrested by ICE officials after being found with illegal identification. Another driver in Richmond was eventually transferred to Rhode Island after being caught with a fraudulent license.

The ACLU has maintained that the top priority of state police should not be immigration enforcement. The Patrick administration has also said that police with just cause can check immigration status, and that cooperation with immigration officials has been accepted in the past, according to the report.

Allegations of profiling are also difficult to prove, moreover, and drawing the line between cooperation between police and the feds - who provide state officials with computers to check on immigration status - is also a fine one.