# Bearing Witness

***In an Era of Legal Confusion, Exposing Civil Rights Violations to the Light of Day***

At the outset of a workshop held on an August evening in the western Minnesota community of Montevideo, Nick Olson attempted to provide some assurances to the over two-dozen people gathered in the Land Stewardship Project's office on Main Street. "It's okay to feel nervous. It's okay to feel out of your comfort zone," he said.

What Olson, an LSP organizer, was about to talk about was how to stand up for the rights of undocumented immigrants who are being snatched off the streets, out of their homes, and from their places of employment and imprisoned by agents working for U.S. Immigration and Customs Enforcement (ICE). As has been well-documented, this flurry of activity has sometimes been characterized by the suspension of basic constitutional rights, such as the right to be brought before a judge to determine if someone's detention is legally valid. Immigrants with no criminal records are being labeled as violent offenders and shipped off to detention centers such as the so-called "Alligator Alcatraz" in Florida, or deported to countries they are not native to. The ICE agents are often masked and recordings show them refusing to identify their official capacity.

It turns out undocumented immigrants, along with everyone else residing in this country, are guaranteed certain civil rights when being arrested, including the right to seek legal counsel, the right to remain silent and not sign documents, and the right to refuse entry into one's home by law enforcement without a warrant signed by a judge.

This summer and fall, LSP partnered with the Immigrant Defense Network (*see page 3*) to offer rural residents trainings as "constitutional observers." (The training in Montevideo was co-sponsored by CURE.)

## Give it a Listen

In LSP's *Ear to the Ground* podcast episode 373, COPAL's Ryan Perez talks about the long history of immigration in a state like Minnesota, how the current environment around immigration is impacting organizing for a group like his, and what farmers and other rural residents can do to support their immigrant neighbors: landstewardshipproject.org/series/ear-to-the-ground.

Developed by Communities Organizing Latine Power and Action (COPAL) and South Dakota Voices for Peace, these trainings provide participants the tools to observe and document law enforcement interactions with immigrants and to inform the detainees of their civil rights during the interactions, as well as to provide them resources such as contact information for legal services.

At the Montevideo workshop, several of the rural residents gathered said they were seeking the training because they were concerned about how ICE activities threatened their immigrant neighbors, friends, and co-workers.

"I'm just sickened by what's going on — I have friends from Mexico," said a woman whose family raises corn and soybeans in the area.

Serving as a constitutional observer (*see sidebar below*) does not make someone an expert on the law who can provide legal advice. And it does not involve obstructing justice or otherwise participating in civil disobedience. Rather, it's a way to be a practitioner of a "civil initiative," as the Immigrant Defense Network puts it.

Olson acknowledged that recording an ICE action can be stressful; in some cases, ICE agents have reacted aggressively to observers. But he reminded training participants that as American citizens, they are less at risk than those being detained.

"We're in times where this type of action is needed," he said.

Besides the direct impact ICE's aggressive campaign is having on detainees who are separated from loved ones with no notice, there is the atmosphere of "fear" it's spawning. Such an environment threatens to instill a sense within the general public that all immigrants are a danger to society and thus enforcement actions that at times violate their civil rights are justified. Olson said it's the job of all of us to resist that fear and to get to know our immigrant neighbors as fellow human beings rather than as faceless "villains."

"Immigrants have stores on Main Street, go to church, have kids in our schools, are an active part of the community, and yet anti-immigrant folks continue to pound this message into us that we are supposed to be afraid of them," said Olson. "How do we shift this narrative?" ❐

*See page 3 for more on LSP's involvement with the Immigrant Defense Network.*

## Being a Constitutional Observer

When arriving on the scene of an immigration enforcement action, identify yourself as a constitutional observer and do not interfere with the arrest in any way (constitutional observer ID badges are available from the Immigrant Defense Network). Although members of the general public have the right to record law enforcement actions taking place in public, they are required to provide a certain amount of space between themselves and the arresting officers. If you touch a federal agent, you can be charged with assault, which is a felony. The buffer requirement can vary by state, but a good rule of thumb is eight feet. If you are ordered to step back even further, record yourself complying to that order.

It's best not to share your recordings immediately on social media, etc. — those images may put detainees at risk. Create a back-up file of any recordings and contact the family of the detainee and/or an immigration rights organization or a reputable journalist about the documentation you have.

Constitutional observers should carry "Red Cards" that list an immigrant's civil rights that they can present to detainees or read aloud to those present during an enforcement action (Red Cards in multiple languages are available at ilrc.org/redcards).

At times, ICE agents have lashed out at people recording their actions, even threatening to arrest observers or to confiscate telephones. The best response is to ask two questions: 1) "Am I being detained?" 2) "Am I free to go?" In general, this is enough to end a threat of arrest. However, if arrested, say, "I want to remain silent and speak to a lawyer."

For a copy of the *Handbook for Constitutional Observers* and information on being trained as a constitutional observer, see immigrantdefensenetwork.org.