

## RESISTANCE CONTINUES TO BUILD P.3



**June 30 United Actions in Every State Defend Rights (photos p.4-7)**

### NIAGARA AIR BASE LIKELY INVOLVED

## Oppose U.S. War Crimes Against Yemen

The U.S. backed and funded coalition of forces launched a brutal attack against the main port city of Yemen, Hodeida June 13. It included an estimated 30 airstrikes within the first half hour, all guided by U.S. intelligence. The bombers themselves are refueled by U.S. planes, reportedly including those from the New York Niagara Air base.

The bombings and military assaults have continued non-stop. The port provides the large majority of humanitarian aid for the country. It is also a main port for all goods. Hodeida is also home to about [U.S. War Crimes Against Yemen • 23](#)

### IN THIS ISSUE

- **RESISTANCE MOUNTS:** Information, views and photos of broad resistance to Trump attacks on rights of children, immigrants and refugees: [1-20](#)
- **SUPREME COURT UPHOLDS MUSLIM BAN:** [21-22](#)
- **OPPOSE U.S. WAR CRIMES AGAINST YEMEN:** [23-24](#)

### SUPREME COURT SERVES AS ARM OF EXECUTIVE

## Muslim Ban Affirmed

In a 5-4 decision, the Supreme Court ruled that Trump's Muslim ban, the third version of it, was Constitutional. The ban impacts more than 150 million people, roughly 95 percent of them Muslim. It blocks travel

by people from seven countries: the Democratic People's Republic of Korea (DPRK), Iran, Libya, Somalia, Syria, Yemen and Venezuela.

The DPRK and Venezuela  
**Muslim Ban Affirmed • 21**

## In Upholding Muslim Ban, the Supreme Court Ignored International Law

*Marjorie Cohn, July 1, 2018, Truthout*

The Supreme Court's opinion in *Trump v. Hawaii*, affirming Donald Trump's Muslim ban, allows the United States to act in flagrant violation of international law.

Under the guise of deferring to the president on matters

of national security, the 5-4 majority disregarded a litany of Trump's anti-Muslim statements and held that the ban does not violate the First Amendment's Establishment Clause, which forbids the  
**Supreme Court • 20**

# July-August edition of *Voice of Revolution*

## **Editorials & Statements**

- *Oppose U.S. War Crimes Against Yemen* ..... 1
- *Muslim Ban Affirmed* ..... 1
- *Resistance Continues to Build in United Actions Defending Rights of Children, Refugees and Immigrants* ..... 3

## **Defend Rights and Organize for a New Direction: Resistance**

- *June 30 United Actions in Every State (photos)* ..... 4
- *Trump's Wholesale Attack on Human Rights of Refugees and Immigrants Met with Broad Resistance* ..... 8
- *Trump Calls for Indefinite Detention of Families* ..... 9
- *Do Not Do This In Our Name* ..... 11
- *Kids Are Still In Cages!* ..... 11
- *Lawsuit Opposes Immigrant Children Being Forcibly Injected With Drugs* ... 12
- *Veterans Join Actions at the Border to Defend Human Rights* ..... 12
- *ACLU to Court: Order the Government to Reunite the Families* ..... 13
- *Judge Orders Reunification of Separated Families* ..... 14
- *Demand Grows for Tech Giants Like Microsoft and Salesforce to Cancel Contracts With ICE and Border Patrol* ..... 14
- *Family Separation Is A Form Of Child Abuse* ..... 15
- *Migrant Children Sent to Shelters with Histories of Abuse Allegations* .. 16

## **Defend Rights and Organize for a New Direction: Civil War Scenarios**

- *Governors Refusing to Send National Guard to the U.S.-Mexico Border*.... 18
- *17 States and DC Sue Government Over Family Separations* ..... 18
- *U.S. Conference of Mayors' Bipartisan Delegation to Texas Demands Immediate Reunification of Families* ..... 19

## **Supreme Court Serves as Arm of Executive**

- *In Upholding Muslim Ban, the Supreme Court Ignored International Law*... 1

## **Oppose U.S. War Crimes Against Yemen**

- *Trump May Deport 1,200 People To Yemen As the U.S. Bombs the Country* .... 23

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# **Resistance Continues to Build in United Actions Defending Rights of Children, Refugees and Immigrants**

Hundreds of thousands of people from all walks of life joined demonstrations all across the country on June 30, affirming the human rights of children, refugees and immigrants and rejecting the government's brutal and wholesale attacks on them. Everywhere the stand was clear: *Separation of Families is a Crime Against Humanity; Separation is Child Abuse; Children Are Not Criminals; No Human Being is Illegal; Asylum is a Right; Reunite Families NOW! Stop Government Terrorizing of Families; Detain Trump, Not Children; Caging Children is a Crime; No Concentration Camps; End Detention.*

Many families participated with their young children, who often made the signs. From Juneau, Alaska to Orlando, Florida, people in sizeable united actions in cities and towns large and small took their stand. More than 35,000 marched in DC, 30,000 in New York City, 60,000 in Chicago and 70,000 in Los Angeles, with more than 750 actions in all. More than 180 organizations participated in mobilization. Demonstrations also took place across Canada and in many other countries worldwide.

The many immigrant and refugee families directly impacted played a main role in organizing and participating in the actions, standing unafraid and demanding justice. Women and young girls also played an important role. So too did large numbers of white workers, like steelworkers, healthcare workers, teamsters, and many others. As one organizer put it, he'd never seen so many people from diverse backgrounds come forward to defend immigrant and refugee rights. In this manner, the disinformation spread with the Trump election, that white workers are backward, racist supporters of Trump and government brutality, was exposed. The united stand of all, from the many nationalities making up the single U.S. working class, was clear: These attacks are unacceptable and we will not be silent!

## **Not Our President, Not Our America, Not Our Democracy**

Another feature of the many actions was the stand that basically there are two Americas contending: the one represented by the rulers and their representative Trump, and that of the people represented by their many organized actions of all kinds, like demonstrations, meetings, petitions, and more. Many of the signs in different places reflected this battle: *This is Not Who We Are or Should Be; Chaining Babies Not My America; We Are What We Do, So Which Are We* (with two pictures, one jailing children and one welcoming refugees). Since the Trump election, which was and has been broadly opposed by the large majority, the view that the country is headed in the wrong direction and one that is harmful to the people here

and abroad, has grown. As many now put it: *Not Our President, Not Our America, Not Our Democracy.*

This growing consciousness and readiness to act on it is a serious problem for the rulers and their ability to maintain their rule. The U.S. state demands a passive and pliant population at home so as to better wage war abroad while increasing repression and impunity at home. Immigration is one of the fronts where the rulers are broadly imposing this impunity, targeting immigrants and refugees for now, while striving to have the rest of the population identify with the rulers and what they put forward as the national interest. Immigrants are to be seen as separate, as criminals without rights. Everyone else is to support the notion that the border must be militarized, families and communities terrorized, children criminalized — in the name of protecting the national interest or national security.

The Supreme Court recently acted as an arm of the executive in pushing this same view: ruling 5-4 that the executive legitimately imposed a ban on Muslims as part of exercising the president's authority to protect the national interest (see p.1).

The rulers need people to identify with the national interest as determined by them. To accomplish this they set in motion not only the coercion of force, but also the coercion of denying the people their own thinking and outlook — denying them of a way of looking at the world from a vantage point that favors them. The rulers intervene, using the presidency, cabinet, governing institutions and monopoly media, all so that people look at the world from their vantage point and identify with the notion that the national interest of the rich and the people are the same.

The ruling elite most certainly does not want the people to instead identify with their own interests, individual, collective and the general interests of society — such as defending the human rights of all at home and abroad. They do not want people to envision a society in the image of the working class, with its identity that is pro-social, pro-equality, and pro-empowerment. So every effort is being made to try and divide, divert, and block the people from advancing the struggle for the rights of all.

The June 30 demonstrations, like those of the students before them, are all indicating that the people will not accept this backward direction of the rulers and are striving to themselves be the decision makers — to have a country that serves their interests and those of all humanity.

Conditions are making clear that a new democracy of our own making is required. The fact that many hundreds of thousands have expressed their determination to take the country in a different direction twice in the last three months is an indication that such a democracy can and must be done.

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## JUNE 30 UNITED ACTIONS DEFEND RIGHTS



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## ORGANIZE FOR A NEW DIRECTION

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NEW YORK CITY



PORLAND, MAINE



GREENWICH, CONNECTICUT



NEWARK, NEW JERSEY



ATLANTA, GEORGIA



TUPELO, MISSISSIPPI

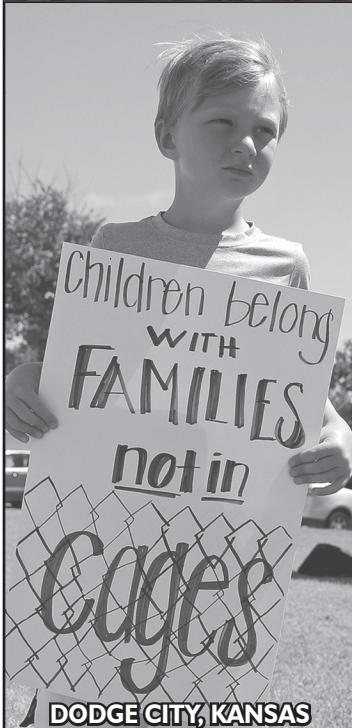


JACKSON, TENNESSEE



MIAMI, FLORIDA

## JUNE 30 UNITED ACTIONS DEFEND RIGHTS



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ORGANIZE FOR A NEW DIRECTION

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GRAND JUNCTION, COLORADO



MARSHALLTOWN, IOWA



CASPER, WYOMING



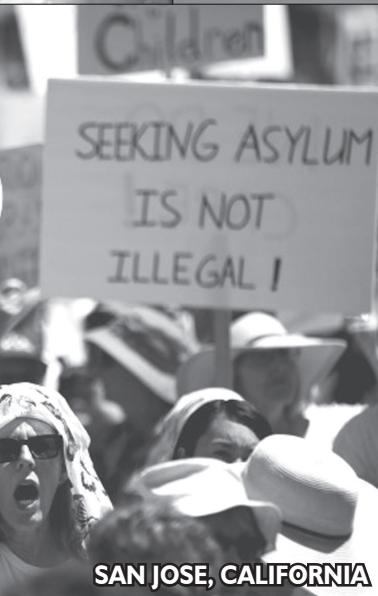
PORLAND, OREGON



SAN FRANCISCO, CALIFORNIA



CONCORD, CALIFORNIA



SAN JOSE, CALIFORNIA



JUNEAU, ALASKA

**FEDERAL CONTROL OF MILITARY AND POLICING AGENCIES ALSO A FACTOR**

# **Trump's Wholesale Attack on Human Rights of Refugees and Immigrants Met with Broad Resistance**

Across the country, especially since April when Trump imposed his “zero tolerance,” with its wholesale attacks on the human rights of immigrants and refugees, numerous demonstrations, petitions, meetings are taking place rejecting this brutality. The breadth of resistance can be seen in the fact that nurses, youth, women, workers for the Office of Refugee Resettlement which is responsible for the families and children, mayors, clergy, as well as people from all walks of life, are taking their stand. The issue is one of rights and many see that by defending the rights of all problems can be solved.

Both in separating children from their parents and now in calling for indefinite detention of families, Trump is acting to eliminate human rights law, especially as it concerns refugees. The large majority of those being detained are refugees from countries like El Salvador, Guatemala and Honduras, where U.S. political and military interference has created conditions of anarchy, violence and terror for many. Refugees have the right to enter the country, turn themselves over to Border Patrol Agents and ask for asylum as most families are doing. Trump is instead criminalizing and terrorizing them. He is using his police powers to ensure no discretion is used in terms of dealing with each case, the legitimacy of the asylum cases, the conditions the families have faced, the traumas they have already endured, and so forth. That is what is actually required by law and what the executive actions are eliminating. There is to be only the dictate of the executive, not the upholding of rights and laws concerning these rights.

This is further evidenced by actions by Attorney General Jeff Sessions, who proclaimed that the U.S. will reject asylum claims based on gang violence or domestic abuse. The gangs, many of them instigated and armed by the U.S., are inflicting violence against trade unionists, human rights organizers and many families. Yet now the U.S. is arbitrarily deciding, again with no concern for the facts, that such claims are not valid. It is interesting that Trump is using the excuse of gang-violence of MS-13 to target young people in the U.S. for deportation, yet people in El Salvador cannot use the violence of this same gang as a basis for asylum.

The police powers being imposed by the executive are arbitrary and a means for the government to broadly and openly act with impunity, all in the name of upholding the law. As well, Trump had no need to issue an executive order, as whether and how to deal with immigrants and refugees is at the discretion of the executive, in accordance with human rights and refugee law. He did so in part to target Congress, and quell resistance by giving the appearance that he is taking action.

The executive order serves primarily to try to impose and justify indefinite detention of families and to do so on the basis of a misdemeanor infraction. This sets the stage for targeting and detaining far more people, such as striking teachers or

demonstrators, also using misdemeanor infractions.

## **Civil War Scenario**

One of the serious issues being ignored with the Trump actions is the need for the federal government to control all military and policing agencies. Trump is using the current situation in part to test the loyalty, to the president, of Border Patrol, ICE, and the military, especially the National Guard. A key problem is resistance among the states and their striving for control, as conflicts within and between the military, president and state forces increase. This is evident, for example, in New York Governor Cuomo filing a lawsuit against the federal government concerning due process for the refugee children. As well many states are withdrawing or refusing to send their National Guard troops to the border, as Trump is requesting.

The National Guard is state-based and can only be federalized by the executive with the consent of the state governor. Trump is in part testing the loyalty of the governors, as their control of large numbers of troops is a serious concern. This is particularly true given that fear is growing among all these contending factions that the festering civil war — which always exists behind the scenes based on their contending for power — will break out into open violence.

The intensifying clashes within the governing factions of the ruling elite were not sorted out by Trump’s victory in the presidential election. And Trump’s efforts to use immigration to unite the various forces have so far failed. Instead we continue to witness conflicts within the presidency and between the executive and the intelligence agencies, military and various state officials all becoming sharper with increasing tempo and instability. The refusal of states like New York to send National Guard and the withdrawal of the Guard by many states, are examples of this. So too is resistance by mayors. Many, like the mayors of New York City, Chicago and Los Angeles, control huge, highly armed police forces.

Trump is trying to secure federal control of all military and policing agencies, including those at the state and local level — so far, with only limited success. Texas and Arizona are providing large numbers of troops, but many other states are not. Mayors are sending a delegation to Texas rejecting Trump’s executive order as not solving the problems at hand.

## **Striving to Impose Acceptance of Military and Inhuman Actions**

Both in law and tradition, the U.S. military cannot be used for law enforcement inside the country. Yet by organizing to send 4,000 National Guard troops to the southern border, Trump is setting up conditions for just that. At the very least it is a means to get people in the border areas used to having military forces in their towns and communities. At the moment, the troops are

not to be armed, but just as Trump arbitrarily changed the policy concerning family separation, he can also order the military to be armed. Already there has been an increase in the numbers of Border Patrol Agents and the militarization of the border using drones, fencing and spy towers with cameras directed toward both sides of the border.

In addition, Trump's actions are a means to train border agents and the military to conduct inhuman activity, like tearing children from the arms of their parents and putting them in concentration camps. Or overseeing arbitrary actions against refugees who they readily know have already suffered tremendously. As one border agent put it these families "have risked rape, robbery, assault, murder, have spent their life savings and given it to a criminal cartel to get them to the United States." Nothing in Trump's actions or executive order are directed to these cartels. Rather, the agents, including those with refugee resettlement, are being trained to take inhuman actions against their fellow human beings, treating them as if they have no rights.

Nurses in El Paso are showing the way, refusing to submit. They say, "Not in Our Name," and stand with the refugees and immigrants refusing to treat them as criminals.

### **The Organized People Can Defeat the Civil War Scenario by Demanding a New Direction**

These efforts to condition people to accept and even implement what is unacceptable are an indication that all the warring factions of the ruling elite are greatly worried about what could be described as the largest and potentially most powerful faction, which is the people and their drive for a new direction for the country.

In this respect, the broad and persistent resistance is showing that this greatest of factions demands its rights and stands for the rights of all. The claims of all on society, like women, children and refugees, must be respected and recognized as inviolable. Given this is also an election year where people are supposed to line up behind one or the other of these ruling factions, the issue of changing the electoral setup so as to empower the people is also on the minds of many. The U.S. has a long history of separating children from their families, as occurred with Native Americans and enslaved Africans. The demand today is for all such brutality here and abroad to stop. The rights of all



are being defended. Developing a system of governing that is of, by and for the people in the modern conditions, where the people decide, in opposition to the present unrepresentative governments of the warring factions of the ruling elite, is being taken up for solution.

As the many collectives of the people — youth, women, immigrants, workers — strengthen their organized resistance and many others come forward to defend rights, this battle to win political power for the people is advancing. The necessity now is to stand with the peoples in opposition to the ruling elite, and to look at the social and political conditions from the people's own vantage point, one that favors their interests and the finding of a new direction. Political power belongs in the hands of the people themselves to govern and decide. By addressing this problem of political power and working to obtain it, the faction of the large majority, the people, will prevail.

### **EXECUTIVE ORDER ON FAMILY SEPARATION**

## **Trump Calls for Indefinite Detention of Families**

On June 20 President Donald Trump issued an executive order concerning detention of immigrants. It followed widespread actions and anger across the country and worldwide opposing the brutal attacks on young children and families at the southern border. More than 2400 children, including infants and toddlers, have been separated from their families and then imprisoned or sent to shelters far from their parents and with parents often not knowing where they are. While the large majority are refugees seeking asylum, the order specifically

refers only to immigrants.

Trump, like Obama, has long been implementing a policy to criminalize people, especially refugees seeking asylum in the U.S. Refugees have the right to enter the country and present themselves to Border Patrol agents, which is what the majority of those crossing are doing. However, Trump has now decided to criminalize all of those seeking entry, with no discretion as to the legitimacy of their asylum case and with many being women with children.

## DEFEND THE RIGHTS OF ALL

In his executive order, titled “Affording Congress an Opportunity to Address Family Separation,” Trump emphasizes that, “It is the policy of this Administration to rigorously enforce our immigration laws.” He references section 1325(a) of title 8. But he leaves out that the crime referred to is a class B misdemeanor and that the executive has complete discretion in how and whether to charge individuals. Commonly no action is taken for a misdemeanor or a fine is given, but certainly it is not the basis for removing children.

Further, the parents are generally not being charged with this crime but rather detained for deportation. There is also nothing requiring the Department of Homeland Security (DHS) or Department of Justice (DoJ) to separate families in order to enforce the law. Indeed the laws, both U.S. and international human rights law concerning refugees, are that they are to be turned over to the Department of Health and Human Services (DHH) within 72 hours and provide support and assistance in pursuing their asylum claims. It is also against the law to imprison the children involved.

Trump, like Obama before him, has been acting against the law and court rulings by detaining the parents and families in detention camps, often for years. The main difference now is the open and brutal manner in which he is separating the families and the wholesale attack on all.

The order says “The Secretary of Homeland Security (Secretary), shall, to the extent permitted by law and subject to the availability of appropriations, maintain custody of alien families during the pendency of any criminal improper entry or immigration proceedings involving their members.” As indicated such proceedings can take many months and even years. The order, far from solving the problem of family detention provides the basis for indefinite detention.

Further, there is a qualifier, whereby the Secretary “Shall not, however, detain an alien family together when there is a concern that detention of an alien child with the child’s alien parent would pose a risk to the child’s welfare.” In this manner the president is setting up a situation where the government can claim the parents or guardian are gang members and still remove the children. Already, false branding as gang members is used in prisons to justify solitary confinement, especially for those who resist. As well, government actions on Long Island falsely branding youth from El Salvador as MS-13 members subject to deportation are also occurring. So this qualifier is a means not to protect the children, but to target them and their parents.

### Expanding, Not Eliminating Family Detention

The reality that Trump will continue wholesale attacks on the human rights of parents and children alike is further indicated with the calls for expanding detention facilities, using military bases. The order states “The Secretary of Defense shall take all legally available measures to provide to the Secretary, upon request, any

existing facilities available for the housing and care of alien families, and shall construct such facilities if necessary and consistent with law.” It also calls on heads of executive departments and agencies to “make available to the Secretary, for the housing and care of alien families pending court proceedings for improper entry, any facilities that are appropriate for such purposes.” These “court proceedings,” for asylum can take years.

The DoJ and DHS will also no doubt contract out to private agencies, as is already occurring. Many of these agencies, already housing thousands, are guilty of serious violations, including death and forced use of powerful psychopathic drugs on the children. Conditions in the concentration camps are horrendous, with poor food, lack of medical care, insufficient schooling and recreation and threats and blackmail against children and parents alike. Mothers in these camps, some with children, some separated from them, have organized several hunger strikes to protest these conditions and demand their release. Trump’s insistence in expanding such concentration camps and keeping both parents and children incarcerated intensifies these problems, especially given the wholesale nature of the current attack on human beings, the children guilty of no crime and only some of the parents at the most of a misdemeanor.

Trump also asks the DoJ to intervene to change a court ruling that specifically limits detention of children to twenty days. The executive, including Obama, has long violated this and the order does not call for this law to now be enforced. Rather, Trump wants the requirement waived, even though all refugee families are supposed to be removed from the policing agencies, like Immigration and Customs Enforcement (ICE) and Border Patrol and their detention camps turned over to Health and Human Services, one of the few agencies without an armed police force.

It is also significant that in the order, Trump makes no mention at all of refugees, but only to immigrants. This is a means to hide the specific laws and norms governing refugees, such as their right to enter the country to seek asylum. The large majority of the refugee families entering are turning themselves over to Border Patrol and asking for asylum. This is not a crime. Yet Trump is striving to make it one and divert from the fact that the government is the criminal acting against refugee and human rights law and using police powers to eliminate rule of law.



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### EL PASO NURSES TO TRUMP ADMINISTRATION ABOUT BORDER POLICY:

# Do Not Do This In Our Name

The following statement is from registered nurses who work in hospitals across El Paso, Texas. The nurses are members of National Nurses Organizing Committee-Texas, an affiliate of National Nurses United.

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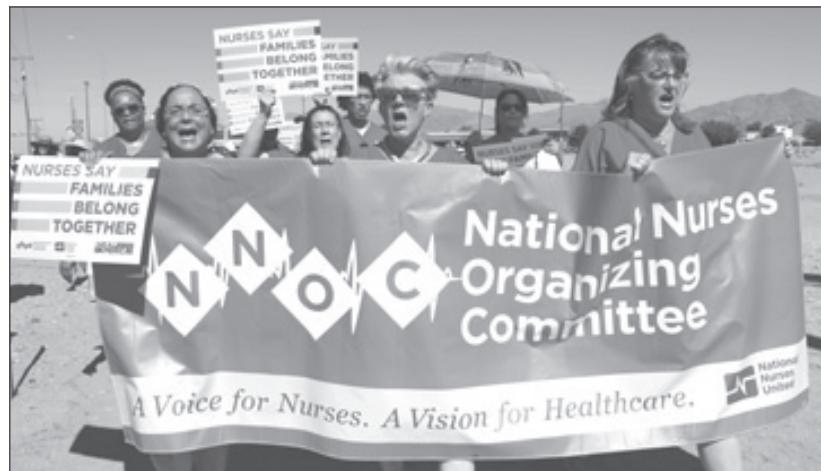
As the nurses of El Paso who care for the border community in the middle of Chihuahuan desert we wish to express our outrage and horror that the U.S. government is preparing for children to be separated from their parents and housed in tents in the middle of Fort Bliss.

Fort Bliss is a desert military base that is larger than the state of Rhode Island and inaccessible to the general public and to local services including healthcare, education and community. In the summer temperatures routinely exceed 108 degrees. There is no water in this harsh arid landscape; there are not even trees for shade.

On a regular basis, we see the effects of the heat, dryness, lack of shade and lack of water on our patients who present in local hospitals, even without being detained in tents in the desert. This is not a forgiving environment, and not one in which children thrive without support.

Children, and all people, require more than simply a mat to sleep on and basic food rations in order to thrive. Children require love, family, safety, education, community, play, and physical and mental healthcare in order to grow to be healthy, well-adjusted adults. The proposed program does not appear to allow for these conditions; indeed, proposed as tents behind razor wire guarded by personnel with military weapons, it replicates the conditions of prisons.

Children who are presenting themselves to apply for asylum are not here in violation of immigration law. They are likely traumatized as a result of the conditions that led them to flee



with their parents from their home countries and seek asylum in the United States. They have fled across harsh terrain, likely from places where they didn't have access to medical care, and their medical needs are likely overwhelming.

As nurses, we demand that these children have access to appropriate pediatric care and that their needs are met. Fort Bliss has a limited capacity to treat children, and this concerns us.

People in El Paso have a long and proud history of housing immigrants and asylum seekers. Many here in our city, including some of us, have already indicated that we would take a child into our homes in lieu of this proposed human rights atrocity which threatens to take place on the outskirts of our community.

As a border community, we have seen many immigrants and asylum seekers arrive in our city, and we as a community are proud of our welcoming, inclusive, compassionate, and nonviolent response to people seeking a better life. We have numerous programs and churches that have welcomed these populations for decades. **Do not do this in our name, and do not do this in our community.**

# Kids Are Still In Cages!

*National Domestic Workers Alliance*

Do not let Trump's latest move fool you: Children are still being jailed, and they are still being separated from their families — both at the border and at Immigration and Customs Enforcement (ICE) detention facilities across the country. Demand the Trump Administration stop caging children and jailing their parents immediately — and reunite jailed children with their families. Families belong together, and free!

President Trump created a humanitarian crisis by separating thousands of children from their families and jailing them. But Trump's Executive Order signed on June 20th is not the solution; it simply jails whole families indefinitely and does nothing to reunite families that have already been torn apart. Children

belong with their families and in communities, not in cages or behind bars in even worse conditions.

The Trump administration is causing lifelong trauma to children — whether taken by Border Patrol, jailed alongside their parents after seeking safety, or snatched from their school by ICE. Their claims of compassion are false — this crisis is proof that this administration does not care about the well-being of children or families. Families deserve to seek asylum without fear of jail or family separation.

Our demand is clear and not negotiable: Trump's policies of caging children and jailing their parents must be stopped immediately — and families must be reunited!

# Lawsuit Opposes Immigrant Children Being Forcibly Injected With Drugs

The U.S. is well-known for using prisoners, soldiers, those held at Guantánamo and others under their control as guinea-pigs for experimentation with various drugs and using drugs as a means to control and incapacitate people. Sometimes it is done using blackmail, sometimes in secret, but always in violation of basic human rights and for the benefit of the government and military. Now the targets are the refugee children being separated from their parents.

A recent lawsuit and investigations now provide hundreds of pages of medical records detailing how the government is creating a zombie army of children forcibly injected with medications that make them dizzy, listless, and even incapacitated.

Children held at Shiloh Treatment Center, a government contractor south of Houston that houses immigrant minors, described being held down and injected, according to the federal court filings. The lawsuit states that children were told they would not be released or see their parents unless they took medication and that they were only receiving vitamins.

Parents and the children themselves told attorneys the drugs rendered them unable to walk, afraid of people and wanting to sleep constantly, according to affidavits filed April 23 in U.S. District Court in California.

One mother said her child fell repeatedly, hitting her head, and ended up in a wheelchair. A child described trying to open a window and being hurled against a door by a Shiloh supervisor,

who then choked her until she fainted. One child was prescribed 10 different shots and pills, including the antipsychotic drugs Latuda, Geodon and Olanzapine, the Parkinson's medication Benztropine, the seizure medications Clonazepam and Divalproex, the nerve pain medication and anti-depressant Duloxetine, and the cognition enhancer Guanfacine.

Shiloh is among 71 companies that receive funds from the federal government to house and supervise immigrant children deemed unaccompanied minors.

A recent investigation found that nearly half of the \$3.4 billion paid by the government to those companies in the last four years went to homes with serious allegations of mistreating children. In nearly all cases, the federal government continued contracts with the companies after serious allegations were raised.

The records were filed in connection with an ongoing class-action status lawsuit opposing poor treatment of immigrant children in U.S. custody.



## Veterans Join Actions at the Border to Defend Human Rights

### *About Face: Veterans Against the War*

Last week About Face met with fellow organizers and members of Mijente to take joint action at the Tornillo Port of Entry, where detention camps have been built and where children and adults are currently being imprisoned.

About Face opposes the hyper-criminalization of migrants and asylum seekers. Migration is a human right and every person is worthy of dignity and respect irrespective of whether they have “papers” or not. You should not have to prove “extreme and unusual hardship” to avoid being separated from your family. We, as a country, have a moral responsibility to support and uplift those adversely affected by the U.S.’s decades-long role in the economic and military destabilization of the home countries these migrants and asylum seekers have been forced to leave.

As part of our protest we had a giant balloon banner. Its message to those in detention: NO ESTÁN SOLOS (You are not alone).

We were able to join Mijente and United We Dream in blocking the main entrance to the detention camp and letting those locked inside know that there are people here who care for them

and want to see them free and reunited with their families.

We are continuing to stand in solidarity with Mijente as they fight back against unjust immigration practices. Yesterday they took action in San Diego, continuing to lead and escalate resistance to unjust detention, Attorney General Jeff Sessions and to ICE.

While we were honored to offer on-the-ground support we see the potential to focus the energy of our Drop the MIC campaign into fighting against this injustice, to have an even greater impact. Here is how:

- Call out General Dynamics for profiteering of War, Militarization of the Border and Child and Family Detention (look for our social media toolkit this week);
- Create speaking forums and produce media that challenges the narrative of ICE and Jeff Sessions, encouraging troops who have served in the borderlands to speak out about that experience;
- Continue to show up and demand the U.S. demilitarizes the border and abolishes ICE.

# **ACLU to Court: Order the Government to Reunite the Families**

*American Civil Liberties Union (ACLU)*

*June 27 Update:* A federal judge ordered the reunification of thousands of parents and children forcibly separated by the Trump administration. The American Civil Liberties Union sought the nationwide preliminary injunction to halt the practice and immediately reunite all the separated families. Thousands of families have been torn apart by this inhumane practice, which is designed to scare other families from seeking refuge in the United States. In its ruling, the court said all children must be reunited within 30 days; children under five within 14 days; and all parents must be able to speak with their children within 10 days. The court also prohibited any deportation of parents without their children, absent of a knowing waiver. In the future, no child can be separated unless it is genuinely in the child's best interest.

## **Class Action Suit**

The ACLU's class action lawsuit to end family separation and immediately reunite children and parents has reached a pivotal point, following a June 22 status conference where the government was unable to articulate a plan to reunite thousands of children in its custody with their parents.

The lack of foresight and planning is galling. For each day the government stalls, thousands of children are subjected to irreparable trauma. What's more, there have been reports that immigration officers are actively pressuring parents to give up their asylum claims in order to be reunited with their children.

This cruelty and utter contempt for the welfare of children and the rule of law cannot stand. Our government cannot be allowed to hold children hostage in order to sabotage the legal claims of people seeking refuge.

On June 25, we asked the court to hold the Trump administration to account, and require it to reunify all children with their parents within 30 days, and within 10 days for children under five; provide parents, within seven days, telephonic contact with their children; stop future separations of children from their parents; and not remove separated parents from the United States without their children, unless the parent affirmatively, knowingly, and voluntarily waives the right to reunification before removal.

The court's role is more important than ever in light of recent actions by the administration seeking to deflect the public's attention. On June 20, President Trump signed an executive order that purports to end further separations of families at the border. The order, however, contains a significant carve-out authorizing family separation "when there is a concern that detention of an alien child with the child's alien parent would pose a risk to the child's welfare."

Those vague terms are not defined, and they would allow

enormous leeway for immigration officers to justify separations that don't meet constitutional standards. For example, DHS has defended its actions in taking away the 7-year-old child of Ms. L, a Congolese mother who sought asylum at a port of entry. Their justification is that Ms. L did not have her documents with her by the time she reached the United States after a 10-country journey from the Congo — a common occurrence for asylum seekers. But rather than making a meaningful attempt to verify their relationship, the government separated a child from her mother for close to five months. There is nothing in the executive order that would stop this type of unnecessary separation and trauma from happening in the future.

Just as pressing, the executive order does not address the reunification of already separated families at all, and the government has no meaningful plan to swiftly ensure that such reunifications occur. Instead, during a telephonic status conference with the judge, the government's attorney attempted to suggest that the Office of Refugee Resettlement's (ORR's) preexisting processes for releasing immigration children from its custody would suffice.

It will not.

ORR's sponsorship and reunification processes were designed for the entirely different situation of a child who comes to the border alone, where the agency must identify and vet a sponsor (family member or otherwise). They are simply inadequate to quickly reunite a child who was forcibly taken from his or her own parents. For example, ORR has no systems designed to flag a child as having been separated from a parent at or near the time of the family's arrest, to track the identity and detention location of the separated child's parent after the separation, to ensure regular contact between a separated detained child and her detained parent, or to reunify the child and parent in an ICE family detention facility.

ORR's shortcomings are on clear display considering the steps it has taken to allow communication between parents and children, much less reunite them. For instance, ORR has created a 1-800 hotline number that supposedly allows parents to find the children who have been taken from them, but it regularly puts people on hold for 30 minute periods — a length of time which is infeasible for detained parents to stay on the line. The hotline is now generating a constant busy signal.

Similarly, DHS has created a hotline for ORR caseworkers or attorneys trying to find parents. But that hotline merely permits a caller to request contact with a detained parent, and field offices can decline to respond to such requests. It is clear that if the government is left to follow its existing practices — which put the onus on parents to find their children but offers no reliable system for them to do so — the overwhelming majority of children will not be reunited any time in the near future.

# Judge Orders Reunification of Separated Families

A federal judge in San Diego, California ruled June 26 that the more than 2,000 refugee children separated from their parents under the Trump administration’s “zero tolerance” policy must be reunited with their families within 30 days — and children under age 5 must be returned to parents within two weeks.

“The facts set forth before the court portray reactive governance —responses to address a chaotic circumstance of the government’s own making. They belie measured and ordered governance, which is central to the concept of due process enshrined in our Constitution,” wrote U.S. District Judge Dana Sabraw. “This is particularly so in the treatment of migrants, many of whom are asylum seekers and small children.”

The Trump administration’s family separation policy was implemented without any standards for adequately tracking detained children taken from their parents, so as Sabraw noted, the “startling” and “unfortunate reality is that under the present system migrant children are not accounted for with the same efficiency and accuracy as property.”

In addition to setting deadlines for reunification, Sabraw also issued a nationwide injunction to block officials from separating any more families —unless a parent “affirmatively, knowingly, and voluntarily declines to be reunited with the child...or there is a determination that the parent is unfit or presents a danger to the child” — and mandated that the government establish phone contact between separated children and their parents within 10 days.

While the ruling, which allows the case to proceed as a class action suit, was welcomed by the immigrant rights community, it is still unclear how officials will actually go about reuniting families, particularly if a parent already has been deported and their child remains in government custody. [...]

Health and Human Services Secretary Alex Azar said at a Senate hearing on Tuesday that 2,047 children remain in government custody and claimed they could not be reunited with their parents because of the 1997 Flores agreement, which puts a 20-day limit on detaining families. (*Common Dreams*)

# Demand Grows for Tech Giants Like Microsoft and Salesforce to Cancel Contracts With ICE and Border Patrol

*Jessica Corbett, Common Dreams*

*“We will hold any corporation accountable for their role in advancing Trump’s violence against our communities.”*

As U.S. cities and corporations face mounting public pressure to cancel contracts with federal immigration agencies in light of the Trump administration’s brutal and inhumane border policies, grassroots groups are demanding major technology companies stop allowing the government to use their data technologies against vulnerable immigrant and refugee communities.

“Tech companies contracting with Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP), including Microsoft, Salesforce, Thomson Reuters, Hewlett Packard, Motorola, and Dell are all complicit in and profiting from a violent and murderous mass incarceration and deportation scheme,” said Scott Roberts, of Color of Change. He added, “We will hold any corporation accountable for their role in advancing Trump’s violence against our communities, and we will not stop until they heed the call of thousands of tech workers and people directly impacted by this crisis.”

Collectively, petitions created by Fight for the Future, SumOfUs, Center for Media Justice, Presente.org, Demand Progress, Color of Change, Defending Rights and Dissent, and The Nation which demand tech companies stop enabling Immigration and Customs Enforcement (ICE) as well as Customs and Border Protection (CBP) have already garnered more than 100,000 signatures.

“Technology can be used to protect or violate human rights,”

noted Jelani Drew of Fight for the Future. “Companies like Microsoft and Salesforce have chosen to use their services to violate them all while saying they care about human rights.”

Pointing specifically to the Trump administration’s so-called “zero tolerance” policy, which allowed federal immigration officials to separate more than 2,000 children from their asylum-seeking parents and detain them several states apart, Drew added, “The trauma of family separation will run deep for the children and families involved and big tech companies play a huge part in that.”

As Fight for the Future acknowledged in a statement, “the groups’ demands echo those led by employees at Microsoft, Salesforce, and Amazon who have signed on to open letters saying that they do not want to be part of building software used to target immigrant families.”

Microsoft announced in January that it is providing ICE with a program featuring facial recognition software, which has fueled concerns that the company is directly aiding immigration agents in detaining undocumented people.

Last month, amid outrage over the family separation policy, more than 300 Microsoft employees demanded that the company immediately cut ties with ICE, proclaiming in an open letter, “we refuse to be complicit.”

“The Trump administration’s attack on children and families is unconscionable and Microsoft’s failure to act in the face of these glaring human rights abuses is beyond disturbing,” concluded



Reem Suleiman, a senior campaigner at SumOfUs. "Microsoft must honor the demands of its own employees and thousands of people across the country calling on the company to drop its contract with ICE. Otherwise, it will forever be remembered as the tech company that powered Trump's brutal policy of family separation and detention."

### Open Letter to Microsoft

We believe that Microsoft must take an ethical stand, and put children and families above profits. Therefore, we ask that Microsoft cancel its contracts with U.S. Immigration and Customs Enforcement (ICE) immediately, including contracts with clients who support ICE.

We also call on Microsoft to draft, publicize and enforce a clear policy stating that neither Microsoft nor its contractors will work with clients who violate international human rights law.

We were dismayed to learn that Microsoft has a standing \$19.4 million contract with ICE. In a clear abdication of ethical responsibility, Microsoft went as far as boasting that its services

"support the core [ICE] agency functions" and enable ICE agents to "process data on edge devices" and "utilize deep learning capabilities to accelerate facial recognition and identification." These are powerful capabilities, in the hands of an agency that has shown repeated willingness to enact inhumane and cruel policies.

In response to questions, Brad Smith published a statement saying that Microsoft is "not aware of Azure products or services being used for the purpose of separating families."

This does not go far enough. We are providing the technical undergirding in support of an agency that is actively enforcing this inhumane policy. We request that Microsoft cancel its contracts with ICE, and with other clients who directly enable ICE.

As the people who build the technologies that Microsoft profits from, we refuse to be complicit. We are part of a growing movement, comprised of many across the industry who recognize the grave responsibility that those creating powerful technology have to ensure what they build is used for good, and not for harm.

Acknowledging this responsibility, we request that you:

1. Cancel the existing Azure Government contract with ICE immediately.
2. Draft, publicize, and enforce a clear policy stating that neither Microsoft nor its contractors will work with clients who violate international human rights law.
3. Commit to transparency and review regarding contracts between Microsoft and government agencies, in the U.S. and beyond.

*Signed by 300 Microsoft workers and counting*

## Family Separation Is A Form Of Child Abuse

*An Open Letter From a Counselor at the Office of Refugee Resettlement*

I work for the Office of Refugee Resettlement (ORR) with children who are coming to live here in the United States. The process goes like this: when a child comes to the United States by crossing the border and gets apprehended by immigration officers, he or she eventually comes to live in one of the many shelters across the United States funded by ORR.

ORR is responsible for providing basic care to the child, such as food, clothes, caretaker supervision, shelter, school, medical care and love/care/respect. At the same time, ORR undergoes a process of finding a sponsor with whom the child wishes to live in the United States. This sponsor is usually a family member, and ORR is responsible to verify that the sponsor's home is a safe place for the child to live. For instance, the sponsor should be able to provide adequate supervision, access to a nearby school, parenting capability, as well as any basic care needs for the child.

ORR is a good organization doing good work, even though it resides in the midst of a broken and inhumane system. Despite

all the hardships within the immigration process, I have witnessed incredible care and support shown to children within the ORR system. I have been proud to play a supportive role in the children's lives as they continue on their journey to live in the United States.

However, things are changing. The Office of Refugee Resettlement is turning its back on the children for whom they are responsible.

Right now, ORR is working with the Department of Homeland Security (DHS, which oversees Immigration and Customs Enforcement, or ICE) in a way that will very likely lead to an increase in deportations and more children being stuck in government programs. ORR signed an agreement with DHS to provide them with the personal information of potential sponsors for the children with whom I work. These sponsors are often undocumented themselves. The children they hope to sponsor are often their biological children, nieces, nephews or family friends.

Now our case managers are obligated to inform the spon-

sors that by sponsoring a child, they have to give their personal information and location to DHS, and therefore, to ICE as well. If they surrender their personal information to ICE, they could potentially get deported.

Personally, I believe that the deportation of sponsors is a very possible outcome. I cannot understand why else DHS would be asking for their information. According to DHS, the purpose is to safeguard against the children being sent to would-be human traffickers, but that's surely a lie. We already do a very large amount of checks, including background checks, fingerprints, and continual case management services. This is all done in order to prevent a situation such as human trafficking from occurring, and the involvement of ICE does not appear to add any extra protections to the process.

This situation provides a moral conundrum for the sponsors: either they abandon a child who is placing their hope in them, or they put themselves at a high risk for deportation, in which case the child would be left alone in the United States without their family, unless they are deported as well.

There's more: sponsors will inevitably be far less likely to sponsor children with this new policy in place, and foster programs usually have a long waiting list. This means that there will not be any open beds in the ORR-run shelters because kids won't be leaving. Meanwhile, children continue to cross the border every day.

The border is already filled with children waiting to get moved into a shelter. Do you know what's happened in the past when ORR shelters have been full? Children get sent to military bases that have been opened up as emergency "shelters." This

practice, which began during the Obama administration, has been rekindled under the Trump administration. Sleeping on cement floors, aluminum foil for blankets and very minimal food for the children...

Is this really what the United States stands for?

My coworkers and I want to fight back, but as employees of ORR, our hands are tied. That's why I'm reaching out to the community. I view it as my moral responsibility as a citizen, but more simply, as somebody who cares about children.

Family separation is a form of child abuse. While this may or may not be true in the legal sense, research shows (and every counselor agrees) that the separation of children from their parents has a devastating emotional and developmental impact on a child. This practice is a new form of family separation, which we will now be witnessing, in addition to the well-publicized family separations that have been happening at the border.

Please share this letter with your community, or post articles yourself, or if you can think of any other way to help, please do it. Call your representatives. Make sure the Attorney General for your state is aware that this is happening, and aware of your strong opposition. Talk to your friends and family and spread the word, because we are grasping at straws. We need media attention and massive pushback.

*(The author wishes to remain anonymous for protection. This letter was obtained and edited by William Lopez, Ph.D, MPH. Lopez is a postdoctoral fellow at the University of Michigan School of Public Health and National Center for Institutional Diversity.)*

## Migrant Children Sent to Shelters with Histories of Abuse Allegations

*Reveal, June 20, 2018*

Taxpayers have paid more than \$1.5 billion in the past four years to private companies operating immigrant youth shelters accused of serious lapses in care, including neglect and sexual and physical abuse, a Reveal investigation has found.

In nearly all cases, the federal government has continued to place migrant children with the companies even after serious allegations were raised and after state inspectors cited shelters with serious deficiencies, government and other records show.

Since 2003, the U.S. Health and Human Services Department has awarded nearly \$5 billion in grants through the Office of Refugee Resettlement (ORR), mostly to religious and nonprofit organizations in 18 states, to house children who arrive in the country unaccompanied. The program grew quickly in 2014, when around 70,000 children crossed the southern border alone.

Now this web of private facilities, cobbled together to support children with nowhere else to go, is beginning to hold a new population: the more than 2,000 children who arrived with their parents but were separated from them because of a Trump

administration policy.

In Texas, where the resettlement agency awarded the majority of the grants, state inspectors have cited homes with more than 400 deficiencies, about one-third of them serious.

Allegations included staff members' failure to seek medical attention for children... Inspectors also cited homes for "inappropriate contact" between children and staff, including a case in which a staff member gave children a pornographic magazine... Last year, a youth care worker at a Florida shelter for migrant children was sentenced to 10 years in prison after she admitted to trading sexually explicit photos and text messages with minors at the shelter. That facility later closed but recently reopened under a more than \$30 million contract to house 1,000 children. [...]

In those cases and dozens of others, federal officials continued sending children who crossed the border to the shelters after the incidents came to light. Since 2014, 13 organizations that faced serious allegations or citations shared the \$1.5 billion total – nearly half of what the federal government spent to house

immigrant children in that time. [...]

In the summer of 2014, federal officials faced a similar rush to increase capacity for thousands of children. One contractor compared that period with “changing the tires on a moving school bus.” Those comments came in response to a federal audit that found that His House, a shelter in Florida, “might not have followed” the resettlement agency’s policies for 724 children regarding medical care, providing “appropriate clothing” and running background checks on adults taking custody of children. The audit also found that the shelter “might have placed federal funds totaling 9 million dollars at risk of mismanagement or misappropriation.”

Images in recent days show children warehoused in a tent city in Tornillo, Texas, guarded by Department of Homeland Security officers dressed in body armor and carrying long guns.

### Homes with Worst Issues Keep Getting Grants

A case in point is the Shiloh Treatment Center, a mobile home complex-turned-child care center. Located in rural Manvel, Texas, the center was founded in 1995 by Clay Dean Hill, now 69. In 2013, the resettlement agency began funding the shelter, sending it more than \$25 million in grants over five years.

In 2001, Stephanie Duffield, 16, had died after being restrained by staff. Following her death, Shiloh was found to be “in compliance” with state requirements, according to the refugee resettlement office. Since then, Shiloh has been dogged by allegations of child abuse, leading Brazoria County’s district attorney, Jeri Yenne, to call for increased monitoring of the shelter.

Children have died at two other programs affiliated with Hill, Behavior Training Research Inc. and Daystar Residential Inc. Between 1993 and 2010, three children died after being restrained at those facilities. In 2002, Latasha Bush, 15, died from asphyxia. Eight years later, Michael Keith Owens, 16, died after being restrained inside a closet. Both were ruled homicides.

Over the last three years, Texas inspectors found eight deficiencies at Shiloh, including overdue background check renewals for staff and poorly supervised medication inside the facility. A pending lawsuit alleges immigrant children housed there were held down and forcibly injected with drugs, rendering them unable to walk, afraid of people and wanting to sleep constantly.

Maribel Bernardez’s 9-year-old son landed at Shiloh after being referred for what staff viewed as psychological issues. Bernardez, a 34-year-old asylum seeker from Honduras, had spent nearly a year in the T. Don Hutto Residential Center in Texas before she was transferred and later released, in February 2016.

During that time period, she had gone on a hunger strike [with many other women] to demand their release while awaiting their asylum hearing and eventually was allowed to post bond. But Bernardez says she never fought as hard as she did during the nearly six months that her son was housed and drugged at the Shiloh Treatment Center.

Bernardez’s son had lived with her sister in Honduras but made his way north last October with a cousin to ask for asylum and reunite with his mother, who now lives in New Orleans. He said he made sure to present a copy of his birth certificate with contact



information for his mother. After a short stay in a shelter in the Houston area, he was referred to a psychiatrist for evaluation.

Between November and April, medical records show that Bernardez’s son was administered psychotropic drugs. His mother repeatedly objected and did not sign any consent form. Meanwhile, a caseworker assigned to the boy’s case asked Bernardez to wire her money, saying she would give her son things he wanted from the outside world. And her son says he and other Central American immigrant children routinely were physically assaulted – including in front of other staffers.

Shiloh has been awarded \$26 million in federal money since 2013 from the Office of Refugee Resettlement. [...]

### New grants to be awarded

The Office of Refugee Resettlement currently pays most of these organizations under grants awarded back in 2016. In May, the agency announced its latest round of three-year grants to house migrant children. This offers another opportunity to remove grantees from the program – as well as a window into the agency’s plans for the program. The deadline is June 29.

The agency wrote that it anticipates paying \$500 million for low-security shelter placements, up from \$100 million in 2016, and doubling the number of grant winners. For the more secure, jail-like settings, the agency plans to more than double its spending, from \$9 million to \$20 million.

Following its rekindled relationship with the agency this year, the secure Northern Virginia Juvenile Detention Commission had planned to hire a coordinator for its unaccompanied minor program. Those plans abruptly changed. Local officials announced they would stop participating in the resettlement agency’s shelter program when the current contract runs out at the end of August. Alexandria Mayor Allison Silberberg called the family separation policy “unacceptable,” and said she had been assured that no children had been housed at the facility after being separated from their parents.

That, which followed local outcry against the contract, may be the first case in which a facility has ended its partnership with the resettlement agency in response to the Trump administration’s family separation policy.

# **Governors Refusing to Send National Guard to the U.S.-Mexico Border**

Governors from eleven states have cancelled agreements to send members of their National Guard to the U.S.-Mexico Border, as Trump has requested. Trump has to have the consent of the Governor of each state to federalize the Guard. Some, like New York, Massachusetts and Colorado, refused to deploy their troops, while others are recalling them. The rest of the states so far are: Connecticut, Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, Rhode Island and Virginia.

Massachusetts, Maryland and North Carolina had already sent troops to the border but are recalling them.

In some cases, like Virginia, Maryland and North Carolina, only a few troops and a helicopter are involved. Nonetheless, the actions indicate that Trump's effort to secure the loyalty of the governors is facing opposition.

In other instances, Governors are not only refusing to have troops involved, but are also issuing orders forbidding any state agency or resources to be used for separating families. These include Colorado, New Jersey, New York and Pennsylvania. Others, like governors for Delaware and Massachusetts, have said that if the Trump border policy changes, then they would send troops.

Illinois Governor Rauner said he opposes Trump's policy at the border but did not comment on sending troops. Nebraska Governor Ricketts said "While there seems to be a lot of misinformation and propaganda regarding the situation on our border, one thing is clear: Children should not be separated from their families."

Some states, mainly border states, are sending troops, with Arizona and Texas sending the largest delegations. Arizona already has more than 300 National Guards at the border and is expected to deploy about 600 by September. Texas has pledged 1,000 and has already sent more than 300. California has agreed to send 400. According to Governor Brown, though, the California Guardsmen "cannot handle custody duties for anyone accused of immigration violations, build border barriers or have anything to do with immigration enforcement." New Mexico has pledged 250 troops and the governor has expressed support for Trump's border actions. Recently however, New Mexico State Senator Linda Lopez called on Governor Susana Martinez to withdraw the state's National Guard troops from the U.S.-Mexico border. So far she has not. Mississippi and South Carolina are also sending troops.

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## ***CONTENDING AUTHORITIES CONTRIBUTE TO CIVIL WAR DANGER***

# **17 States and DC Sue Government Over Family Separations**

Seventeen states, including California, Illinois, New York and Washington State, as well as Washington, D.C. filed a lawsuit against the federal government on June 25. It seeks to force the Trump administration to reunite more than 2,000 children with their parents. The lawsuit is the first one by states over the "zero tolerance" policy to criminalize all entering the country and separate children from their parents. The suit says the federal government is acting in violation of the constitutional rights of immigrants and refugees, particularly due process rights, and is illegally inflicting trauma on children. Attorney Generals for California, Washington, and Massachusetts are leading the group. New York was to file its own lawsuit but instead joined this one. The rest of the states are: Maryland, Oregon, New Mexico, Pennsylvania, New Jersey, Iowa, Minnesota, Rhode Island, Virginia, Vermont, North Carolina and Delaware.

The following day, addressing a class action lawsuit filed earlier by the American Civil Liberties Union (ACLU) a federal court ruled that Trump is required to reunite all the separated families within thirty days and within 14 days for children under five (see p.13-14). Nonetheless, the lawsuit by the states is being pursued. This is an indication of the intensifying conflicts within

the ruling circles as they strive for power — and the control of the many policing agencies that is a necessary component..

Part of what is at stake is whether the federal government can dictate to the states, especially the large ones, on matters of policing. The suit is taking place at a time many of these same states are refusing to send National Guards to the border as demanded by Trump, and where some, like New York and California have sanctuary laws, blocking local law enforcement from cooperating with federal agents, like Immigration and Customs Enforcement (ICE), on certain matters. For this case, care and detention of children and refugees is also at issue. Many of the detention centers run by the federal government, for example, are in violation of state laws concerning licensing, safety and medical requirements for housing children.

The states are contending with the federal government as to who will have authority in a situation where rule of law has effectively been eliminated — as the actions surrounding immigration show. The federal government is acting with impunity, completely against human rights law the U.S. is duty bound to uphold. The states seem to think relying on the Constitution will resolve the conflict and hold the executive in check, but there is

little basis for that to be so. Indeed, it is the very arrangements of the Constitution that have enabled the executive to increasingly usurp power and concentrate it in the office of the president. As the oath of office of the president states, he is to “faithfully execute the Office of President of the United States.” Short of impeachment, the president can utilize the police powers of the executive as he sees fit. It has reached the point now where these police powers are all that remain of the public authority, without any semblance of government providing for the public good and upholding rule of law. This is evident not only on the matter of immigration but more broadly on issues of the rights of workers, women, students, issues of government racism and inequality, etc.

However, such a situation undermines the legitimacy of the federal government in the eyes of the people, including its ability to have a monopoly on the use of force. It creates conditions of contending authorities, in this case those of the federal government and the states. In a situation where many of these states,

like New York and California, could be countries in their own right, such contention means the conditions of civil war always brewing under the surface could break out into open violence. In the current conflict, whether Trump adheres to the federal court ruling, whether the states persist and achieve a ruling of their own, whether National Guards will adhere to the will of the governors or Trump, are all indications of the seriousness the conditions of civil war are posing.

The vying factions among the ruling elite would like to see people line up behind one or the other faction so as to block the large majority — working people — from themselves gaining political power. But the many actions are already indicating that the people do not accept such a role. They are striving for a new direction. The alternative is for a government that upholds the rights of all — for an anti-war government and peace economy. Such a direction can resolve the wars abroad and conflicts at home in the interests of the people.

## **U.S. Conference of Mayors’ Bipartisan Delegation to Texas Demands Immediate Reunification of Families**

A bipartisan delegation of mayors from across the U.S. traveled to Tornillo, Texas on June 21, to respond to President Trump’s Executive Order on the Administration’s family separation policy and call for the immediate reunification of separated families.

During its 86th Annual Meeting held June 8-11 in Boston, the United States Conference of Mayors unanimously passed a resolution registering its strong opposition to separating children from their families at the border. It calls on the Department of Homeland Security and Department of Justice to immediately reverse these destructive policies and allow families apprehended to remain together to the extent possible, to help avoid the heartbreak and irreversible trauma of forced separation. Additionally, the resolution urges Congress to take action immediately to ensure that the Department of Justice and the Department of Homeland Security are prohibited from this wholesale separation of children from their families at the border.

United States Conference of Mayors President and Mayor of Columbia, South Carolina, Steve Benjamin, issued a statement responding to President Trump’s Executive Order on the Administration’s family separation policy:

President Trump signed an executive order that will put an end to the separation of families at the border. While this is certainly a step in the right direction, we must be clear that it is merely one small step that still leaves many questions unanswered. There are more than 2,300 children -- some as young as eight months old -- who are frightfully alone and must be reunited with their parents as soon as possible, and there is no clear answer as to how this will be done and how quickly. The President’s indecision and erratic policymaking has impacted and, frankly, traumatized thousands of lives. The nation’s mayors

will proceed with their mission to Tornillo, Texas to ensure that these families are reunited and that such shameful policies are never implemented in our nation again.

The delegation included:

- Columbia (SC) Mayor Steve Benjamin, USCM President;
- Rochester Hills (MI) Mayor Bryan Barnett, USCM Vice President;
- Los Angeles (CA) Mayor Eric Garcetti, Chair, USCM Latino Alliance;
- Anaheim (CA) Mayor Tom Tait, Co-Chair, USCM Immigration Task Force;
- New York (NY) Mayor Bill de Blasio, USCM Trustee;
- Austin (TX) Mayor Steve Adler, USCM Trustee;
- Seattle (WA) Mayor Jenny Durkan, USCM Vice Chair, Technology and Innovation;
- Gary (IN) Mayor Karen Freeman-Wilson, Chair, USCM Criminal and Social Justice Committee West;
- Sacramento (CA) Mayor Christopher Cabaldon, Chair, USCM Jobs, Education and the Workforce Committee;
- Findlay (OH) Mayor Lydia Mihalik, Chair, USCM Children, Health and Human Services Committee;
- Miami (FL) Mayor Francis Suarez, USCM Advisory Board Member;
- Augusta (GA) Mayor Hardie Davis, Jr., USCM Advisory Board Member;
- El Paso (TX) Mayor Dee Margo, Host Mayor;
- Santa Fe (NM) Mayor Alan Webber;
- Albuquerque (NM) Mayor Tim Keller;
- Central Falls (RI) Mayor James A. DiSessa;
- Las Cruces (NM) Mayor Ken Miyagishima, USCM Advisory Board Member;
- Bridgeport (CT) Mayor Joe Ganim, USCM Advisory Board

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## **CONDITIONS FOR OPEN CIVIL WAR INCREASING**

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Member;

- Novato (CA) Mayor Josh Fryday

### **Resolution Passed by U.S. Conference of Mayors**

*Below is a resolution passed by the U.S. Conference of Mayors at its 86th annual meeting from June 8-11 in Boston.*

#### **Reverse the Department of Homeland Security's Family Separation Policies**

WHEREAS, considerable attention has been paid to the plight of children at the Southern border and the New York Times recently reported that the Department of Health and Human Services (HHS) had confirmed that the Department of Homeland Security (DHS) has separated more than 700 children from their parents since October 2017, including more than 100 children under age four; and

WHEREAS, the Department of Justice has adopted a “zero tolerance” policy toward individuals apprehended at the border, which calls for the prosecution of all migrants entering the United States outside of ports of entry and the resulting forced separation of many children from their families; and

WHEREAS, the new policy establishes that for parents and caregivers who are processed in the criminal court system and held in federal jails, their children will be classified as unaccompanied minors and housed in shelters awaiting placement with a U.S.-based adult who can assume their care and if the Office of Refugee Resettlement (ORR) cannot locate a U.S.-based adult able to care for the child, the child will stay in federal custody, separated from family, indefinitely; and

WHEREAS, according to media reports, the number of

children in HHS custody has grown by nearly 2,000 over the past month alone, shelters for migrant children are reportedly at 95 per cent capacity, and HHS is preparing to add potentially thousands of beds in the coming weeks to accommodate the rising number of detained children; and

WHEREAS, separating children from their families in this manner is inconsistent with American family values; and

WHEREAS, many of these families are fleeing violence in their home countries, and it is inhumane to punish them for seeking safety and invoking their right to seek asylum in the U.S.; and

WHEREAS, by adopting a policy that forcibly separates immigrant families, DOJ [Department of Justice] and DHS fuel the climate of hostility experienced by many immigrants and refugees residing here, which causes many to feel alienated and avoid contact with government agencies, which impacts public safety,

NOW, THEREFORE, BE IT RESOLVED, that The U.S. Conference of Mayors registers its strong opposition to separating children from their families at the border and calls on the Department of Homeland Security and Department of Justice to immediately reverse these destructive policies and allow families apprehended to remain together to the extent possible, to help avoid the heartbreak and irreversible trauma of forced separation; and

BE IT FURTHER RESOLVED, that The U.S. Conference of Mayors urges Congress to take action immediately to ensure that the Department of Justice and the Department of Homeland Security are prohibited from this wholesale separation of children from their families at the border.

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## **I • Supreme Court Ignores International Law**

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government from preferring one religion over another. Neither the majority nor the dissenting opinions even mentions the U.S.’s legal obligations under international human rights law.

The travel ban violates two treaties to which the United States is a party: the International Covenant on Civil and Political Rights, as well as the International Convention on the Elimination of All Forms of Racial Discrimination. It also runs afoul of customary international law.

Both of these treaties and customary international law prohibit the government from discriminating on the basis of religion or national origin. Trump’s Muslim ban does both.

*Trump v. Hawaii* “signals strongly that international law in general, and international human rights law in particular, no longer binds the United States in federal courts,” Aaron Fellmeth, professor at Sandra Day O’Connor College of Law, wrote in an email. “Fortunately, it does not squarely hold that, but the effect may prove to be the same. For now, the Supreme Court appears determined to be complicit in U.S. human rights violations.”

The case that the Supreme Court ruled on this week involved the legality of Trump’s third travel ban. Issued by Trump in a “Proclamation” on September 24, 2017, the third iteration of the

ban restricts travel by most citizens of Libya, Syria, Iran, Yemen, Chad, Somalia and North Korea. The ban forbids everyone from Syria and North Korea from obtaining visas. Nationals from the other six countries have to undergo additional security checks. Iranian students are exempted from the ban. The ban also forbids Venezuelan government officials and their families from traveling to the U.S.

More than 150 million people, roughly 95 percent of them Muslim, are affected by the ban.

Two prior iterations of the ban restricted travel of citizens from only Muslim-majority countries. After federal courts struck them down, Trump cosmetically added Venezuela and North Korea to avoid charges of religious discrimination.

As Justice Sonya Sotomayor, joined by Ruth Bader Ginsburg, wrote in her dissent, “it is of no moment” that Trump included “minor restrictions” on North Korea and Venezuela – two non-Muslim-majority countries. Travel by North Korean nationals was already restricted and the ban only bars travel by Venezuelan officials and their families.

**Supreme Court Ignores International Law • 22**

## MUSLIM BAN AFFIRMED BY SUPREME COURT

### I • Muslim Ban Affirmed

were added so as to make it appear, “neutral on its face” as the judges put it, and not a Muslim ban. But the large majority of people blocked from coming to the U.S. are Muslims, and also from countries the U.S. has targeted for sanctions, regime change, bombings and other interference. The court did not address this. Indeed none of the judges, those in majority and those dissenting addressed the international law that the U.S. is duty bound to uphold or the international ramifications of the ban in relation to this law. This includes two treaties the U.S. has ratified — making them U.S. law

— the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. International law prohibits discrimination both on the basis of religion and nationality, two things the ban definitely does.

The argument given by the majority was that Trump’s comments about the ban, where he openly and repeatedly called it a Muslim ban, were not sufficient to say the ban was actually a Muslim ban and thus contrary to the first amendment. The amendment says in part that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” The majority also emphasized that the president has complete discretion in matters of immigration and national security. If he considers the issue one of national security, the Court should not intervene.

Roberts, speaking for the majority, wrote that the Court could consider the president’s statements “but will uphold the policy so long as it can reasonably be understood to result from a justification independent of unconstitutional grounds.” He emphasized that Courts must give great deference to the president in immigration matters if the policy has a legitimate purpose. According to the majority, the ban “has a legitimate grounding in national security concerns, quite apart from any religious hostility.”

While it is generally promoted that the Supreme Court is supposed to act as a check on the executive, its actual rulings on critical issues at critical times shows instead that it serves as an arm of the executive. There is a division of labor, not a division of power.

This is evident in what Justice Roberts argued: “The issue before us is not whether to denounce the statements” but rather “the significance of those statements in reviewing a Presidential directive, neutral on its face, addressing a matter within the core of executive responsibility.” Roberts added, “We must consider



not only the statements of a particular President, but also the authority of the Presidency itself.”

In this manner the Court is affirming the police powers of the office of the president, and that their use, such as with this ban, are legitimate because of national security. The president puts forward the justification and the Court has affirmed it. In doing so, it is serving as an arm of the executive. It is hoped that the conflict among the rulers on this matter, which involves how to pursue world domination and how to repress the resistance, especially in places like Syria and Yemen, will now subside. Given the general dysfunction of governing institutions at present, however, evident in the issues of family separation and others, that remains to be seen.

It is also the case that the various rulings by the Supreme Court over the years, said to be “wrong,” can be explained from the perspective of serving as an arm of the president to impose demands of the ruling class at the given time. The Dred Scott decision affirming slavery; the sanctioning of internment of Japanese Americans during the war; then the Brown vs. Board of education imposing the integration then required by the rulers; now the ban, and others. All served to strengthen the powers of the president.

The ruling also brings to the fore that for the people, reliance on the constitution to defend rights is far too limited, especially when it concerns issues of war and peace, as this ruling does. It indicates an effort to affirm the power of the presidency as a means to avert civil war at home, while also strengthening the ability to pursue war abroad. There is a relation between the two, with the threat of civil war at home, as is now occurring, often contributing to imperialist war abroad, including the possibility of world war. The situation is one that demands work to advance a new direction, with a democracy of our own making that empowers the people to govern and decide. And a constitution that provides the forms for such governance to advance, and for guaranteeing the rights of all.

### 20 • Supreme Court Ignores International Law

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#### Court Did Not Address International Law Claims

All of the justices on the Supreme Court ignored significant international law arguments in their majority and dissenting opinions in spite of an *amicus* brief signed by 81 international law scholars, including this writer, and a dozen non-governmental organizations. The *amicus* brief drew attention to the travel ban's violation of the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, both of which the United States has ratified.

Ratification of a treaty not only makes the United States a party to that treaty, its provisions also become part of U.S. domestic law under the Supremacy Clause of the Constitution, which says treaties "shall be the supreme law of the land."

Customary international law arises from the general and consistent practice of states. It is part of federal common law and must be enforced in U.S. courts, whether or not its provisions are enshrined in a ratified treaty. Courts have a duty to rein in federal executive action which conflicts with a ratified treaty.

In *Trump v. Hawaii*, the high court concluded that the ban did not violate the *Immigration and Nationality Act*. We argued in our *amicus* brief:

"The *Immigration and Nationality Act* and other statutes must be read in harmony with these international legal obligations pursuant to the Supremacy Clause of the Constitution and long established principles of statutory construction requiring acts of Congress to be interpreted in a manner consistent with international law, whenever such a construction is reasonably possible."

But the Court did not construe the legality of the travel ban in light of U.S. treaty obligations and customary international law.

The primary thrust of the ban is to prohibit Muslims from entering the United States and thus constitutes religious discrimination. By singling out specific countries for exclusion, the ban also makes a prohibited distinction on the basis of national origin.

#### Muslim Ban Violates International Covenant

The International Covenant on Civil and Political Rights prohibits its distinctions based on religion or national origin, which have "the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing of human rights and fundamental freedoms," the United Nations Human Rights Committee, which monitors compliance with the International Covenant on Civil and Political Rights, has said.

Although the International Covenant on Civil and Political Rights does not generally "recognize a right of aliens to enter or reside in the territory of a State party ... in certain circumstances an alien may enjoy the protection of the Covenant even in relation to entry or residence, for example, when considerations of non-discrimination, prohibition of inhuman treatment and respect for family life arise," the Human Rights Committee opined.

The International Covenant on Civil and Political Rights prohibits discrimination against the family. "The family is the natural and fundamental group of society and is entitled to protection by

society and the State." Immigrants and refugees flee their countries of origin and come to the United States to reunify with their families. The covenant protects them against discrimination based on religion or national origin. They need not be physically present in the United States to enjoy these protections.

The non-discrimination provisions of the International Covenant on Civil and Political Rights also constitute customary international law. In 1948, the United States approved the Universal Declaration of Human Rights, which is part of customary international law. The declaration forbids discrimination based on religion or national origin, guarantees equal protection of the law, and shields family life against arbitrary interference.

#### Ban Violates Convention Against Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination also prohibits discrimination based on religion or national origin and does not confine its non-discrimination provisions to citizens or resident noncitizens. While the convention "does not speak specifically to restrictions on entry of nonresident aliens," our *amicus* brief states, "the general language of [the Convention Against Racial Discrimination] expresses a clear intention to eliminate discrimination based on race or national origin from all areas of government activity."

States parties to the convention "shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination." Parties are required to outlaw speech that stigmatizes or stereotypes noncitizens, immigrants, refugees and people seeking asylum.

#### Evidence of the Discriminatory Nature of the Travel Ban

Even though the Supreme Court majority held that the ban did not violate the Establishment Clause of the First Amendment, much evidence exists to the contrary.

The Establishment Clause says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." That means "one religious denomination cannot be officially preferred over another," according to Supreme Court case law.

After quoting a few of Trump's anti-Muslim statements, Roberts noted, "the issue before us is not whether to denounce the statements" but rather "the significance of those statements in reviewing a Presidential directive, neutral on its face, addressing a matter within the core of executive responsibility." Roberts added, "we must consider not only the statements of a particular President, but also the authority of the Presidency itself."

Roberts wrote that the Court could consider the president's statements "but will uphold the policy so long as it can reasonably be understood to result from a justification independent of unconstitutional grounds." Courts must give great deference to the president in immigration matters and will uphold his policy if it has any legitimate purpose, Roberts noted. "The entry suspension has a legitimate grounding in national security concerns, quite apart

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## **OPPOSE U.S./SAUDI WAR AGAINST YEMEN**

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### **I • U.S. War Crimes Against Yemen**

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600,000 people, many of them now killed or displaced. Yemen's whole population of about eight million has been deeply impacted by the U.S.-backed and instigated war.

The attack on Hodeida is an open and brutal war crime against a civilian target, one designed to impose genocide. Organizations on the ground, like Doctors Without Borders, have emphasized that attacking the port will likely cause a full-blown famine endangering millions of lives.

The U.S. provides military support, including weapons and plane sales, top-level intelligence for the bombings and refueling of the Saudi jets. It also provides political backing, blocking UN efforts, for example, to stop the assault on Hodeida. Like the U.S./Israeli attacks on Palestine, without U.S. political and military backing and support, the Saudi/UAE attacks on Yemen could not take place. The U.S. could stop the attacks and instead has fully backed them, making it the main party guilty of war crimes and crimes against humanity in Yemen.

For people in Buffalo and the Western New York region, there is also the serious issue that the Niagara Air Base attack squadron is likely directly involved in refueling the Saudi bombers, ensuring they can continue non-stop. The base now has an attack squadron that trains for and conducts refueling missions worldwide. That it is involved with the Saudi refueling is likely. Given the large Ye-

meni population in Lackawanna, this participation is also an attack on all those living in the area. The Yemenis in Lackawanna are neighbors and have already had FBI surveillance and brutal raids imposed on them. The U.S.-backed war means their families in Yemen are under attack and that they cannot travel back and forth as was customary before.

It is vital for all to stand with the people of Yemen and Lackawanna and reject these U.S. war crimes. Demand the immediate end to any involvement by any New York troops. Refuse to have war crimes committed in our name! As a contribution to peace, let the Niagara Air Base be closed as a military base and instead turned into a solar farm, providing jobs and renewable energy and ending participation in wars of aggression.



Massive demonstration in Yemen opposes U.S.-backed war

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### **22 • Supreme Court Ignores International Law**

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from any religious hostility.” The text does not specifically mention religion, so Roberts wrote it was “neutral on its face.”

Sotomayor spent seven of the 28 pages of her dissent listing more than a dozen statements by Trump denigrating Muslims. She cited the policy’s initial purpose as a “total and complete shutdown of Muslims entering the United States,” in Trump’s words. But that policy “now masquerades behind a façade of national security concerns,” Sotomayor wrote.

She quoted a Trump adviser who said, “When [Donald Trump] first announced it, he said, ‘Muslim ban.’” Sotomayor also listed Trump’s declarations that “Islam hates us,” “we’re having problems with Muslims coming into the country,” and “Muslims do not respect us at all.”

Trump said President Franklin D. Roosevelt “did the same thing” with his internment of Japanese Americans during World War II, Sotomayor noted. Trump told a story about General John J. Pershing killing a large group of Muslim insurgents in the Philippines with bullets dipped in pig’s blood. When he issued his first ban, Trump explained that Christians would be given preference for entry as refugees into the United States. He also retweeted three anti-Muslim videos.

“Taking all the relevant evidence together,” Sotomayor wrote, “a reasonable observer would conclude that the Proclamation was driven primarily by anti-Muslim animus, rather than by the Government’s asserted national security justifications.” The Proclamation, she added, “is nothing more than a ‘religious gerrymander.’”

#### **Looking Ahead**

There is hope that the most abhorrent effects of this case can be mitigated. Yale law professor Harold Hongju Koh wrote on Scotusblog that transnational actors — including nation-states, international organizations, non-governmental organizations, multinational enterprises and private individuals — will invariably file litigation in international fora based on international law to lessen the impact of the ruling in *Trump v. Hawaii*:

“[A]s they have done against other Trump policies, other transnational actors will invoke what I have called “transnational legal process” to contest and limit the impact of the court’s ruling. As they did after losing the Haitian interdiction case at the Supreme Court 25 years ago, litigants will surely seek out international fora to make arguments against the travel ban based on international law.”

The Constitution’s Take Care Clause requires the president to “take care that the laws be faithfully executed.” Trump has a constitutional duty to comply with U.S. legal obligations under both treaty and customary international law.

By enacting a travel ban aimed at excluding from the United States people from six Muslim-majority countries, Trump has violated both the Constitution and international law.

*(Marjorie Cohn is professor emerita at Thomas Jefferson School of Law, former president of the National Lawyers Guild, deputy secretary general of the International Association of Democratic Lawyers and an advisory board member of Veterans for Peace.)*

# Trump May Deport 1,200 People To Yemen As the U.S. Bombs the Country

By Akbar Shahid Ahmed, June 29, 2018

The Homeland Security Department will soon decide whether to end temporary protected status for Yemenis in America. If the Trump administration decides that Waddah Aldailami has to go back to Yemen, it is not clear how he will get in.

U.S.-backed forces in Aldailami's home country have ended almost all commercial flights to the capital, Sana'a, where his relatives live. The same coalition of U.S. partners has imposed a blockade along Yemen's most vital coastline, slashing access by boat and the flow of essential imports and humanitarian aid.

Aldailami is one of about 1,200 Yemenis with temporary protected status (TPS), a program that allows people to stay and work in the U.S. if their homelands enter a crisis while they are away and returning could be fatal. Homeland Security Secretary Kirstjen Nielsen has to decide by July 5 whether to extend the program for Yemenis — and potentially open it up to the handful more who have arrived in recent months — or to force people like Aldailami to return to what the United Nations calls the worst humanitarian crisis in the world.

Nielsen's dilemma is the latest powerful reminder of how U.S. immigration policy and U.S. foreign policy are inextricably linked. In recent months, President Donald Trump's team has moved to deny refuge to more than a million people, many of them fleeing societies left desperately weakened by past U.S. intervention. Now the administration might end the protection for Yemenis as U.S. planes help U.S. partners drop U.S. bombs on their country.

"It would be unconscionable for our country to actively support this war and then refuse to protect those who flee from it," three former U.S. ambassadors to Yemen wrote in a June 26 blog post.

Aldailami came to the U.S. from the Yemeni city of Taiz in 2001 for a job. He remained stateside after the business went under and eventually married a fellow Yemeni who was in the U.S. to study. Now holding TPS, they live in Brooklyn, New York, with their three U.S.-citizen children, ages 6 years, 2 years and 4 months.

The Obama administration established protective status for Yemenis in September 2015. It did so less than six months after the U.S. became actively involved in Yemen's civil war by supporting a Saudi-led campaign. [...] The U.S. military had already been operating in the country for more than a decade, killing hundreds in drone strikes.

"Requiring Yemeni nationals in the United States to return to Yemen would pose a serious threat to their personal safety," the Department of Homeland Security announced at the time.

For Aldailami, TPS meant a chance to work legally, obtain a driver's license and better meet his children's needs — driving them to school if they missed the bus, for instance, or taking his oldest, who is severely autistic, to medical specialists. "TPS helped me let them live like American children," he said.

Meanwhile, in Yemen, conditions only got worse. The U.S.-backed coalition bombed hundreds of civilian targets...Food and medicine became even more expensive as it got harder to bring them

in. "How am I going to feel safe about my kids in a country like that?" Aldailami said. The coalition "targets schools and hospitals, bridges and roads. ... Your kids go to school, you don't know if they're going to come back."

The TPS program has implications beyond those 1,200 Yemenis in the U.S.



because TPS holders are often supporting relatives back home. For Aldailami, that includes his father and sisters. His mother died during the war because she could not get the heart medication she needed, he said.

The Obama administration renewed and expanded TPS for Yemenis just weeks before it departed in January 2017. But under Trump, protections for Yemenis in the U.S. have drastically declined — even as support of U.S. partners fighting in Yemen has ramped up, most recently for an assault on the vital port city of Hodeidah. Yemen is one of the seven countries whose citizens Trump has largely banned from entering the U.S. And human rights activists worry that conditions on the ground will prove less important to Nielsen than Trump's desire to reduce immigration.

Nielsen's aides are listening to experts' concerns while weighing whether the latest advance by the U.S.-backed coalition suggests an imminent improvement in Yemen, according to Jill Marie Bussey of the Catholic Legal Immigration Network, who recently attended a meeting at the Department of Homeland Security.

But claims of imminent improvement would be a highly optimistic take on what is likely to be a major battle. "Even if it were [true], we still have the world's worst humanitarian crisis going on and it would take a bare minimum of 18 months to begin to assess truly the damage that has been done," Bussey said. "To most of us in the advocacy community and those who know Yemen well, this is a no-brainer." [...]

The Trump administration has now ended TPS for 98 percent of current recipients — more than 250,000 people — and it has more decisions to make. By July 19, Nielsen must decide whether to send people back to Somalia, another shattered nation. The Yemen verdict could be a bellwether for a shift in U.S. policy away from respecting data, legal promises and moral responsibility.

For Aldailami, it could mean facing bombing campaigns that have killed more than 5,000 civilians so far or the near-starvation conditions that over 8 million people are already experiencing.