



CENTER FOR HUMAN RIGHTS AND CONSTITUTIONAL LAW

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April 24, 2008

Via Facsimile and Federal Express

Michael Chertoff
Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave. NW
Washington, D.C. 20528

Julie L. Myers
Assistant Secretary
Immigration and Customs Enforcement
425 I Street, NW
Washington, DC 20001

Re: Formal claims for compensation for one hundred and fourteen (114) U.S. citizen and lawful resident workers illegally detained as a group by ICE agents during a raid on Micro Solutions Enterprises in Los Angeles, California, February 7, 2008.

Dear Secretary Chertoff and Assistant Secretary Myers:

Pursuant to the Federal Torts Claims Act (FTCA), enclosed please find one hundred and fourteen (114) claims for damages brought by United States citizens and Lawful Permanent Residents (hereinafter "the Claimants") who were unlawfully and unconstitutionally detained by Immigration and Customs Enforcement (ICE) agents on February 7, 2008, during a workplace raid at Micro Solutions Enterprises, 8201 Woodley Avenue, Van Nuys, CA 91406.

Micro Solutions Enterprises is a global producer of remanufactured imaging supplies. The company employs over 700 workers, 130 of whom were arrested during the raid. Almost all of those workers were released on bonds or their own recognizance and are fighting deportation in hearings before Immigration Judges expected to last at least one year.

During the raid, Micro Solutions was sealed off and effectively locked down by armed agents wearing black uniforms with the letters ICE on their backs. With good reason, people inside the building did not believe that they were free to leave. These armed government agents issued orders directing everyone in the building where to go, where to stand, and where to line up. Those detained were not permitted to use their computers or phones. Nor were they permitted to use a bathroom unless accompanied by a guard. Exits to the building were blocked. This mass detention of U.S. citizens and lawful residents

took place without a warrant or probable cause to believe every worker and member of the management staff had violated the law and were therefore subject to temporary detention.

Despite the fact that labor unions, workers, and others have previously brought to your attention the blatantly unconstitutional use of "group detentions" during ICE workplace raids, you have failed in any way to reassess your operations, provide better training for your agents, or issue clear instructions to cease and desist from unlawful "group detentions" during ICE operations.

During the SWIFT Company raids in 2006, for example, approximately 6,000 United States citizen and lawful permanent resident workers were allegedly detained for about five hours so that your ICE agents could leave with about 1,500 unauthorized workers. As a result of that raid, Secretary Michael Chertoff and ICE are defendants in the pending class action lawsuit entitled *United Food and Commercial Workers v. Chertoff* which seeks a permanent injunction against your agents engaging in mass, non-individualized "group detentions" during ICE workplace raids. We represent the UFCW in that ongoing litigation. Despite being placed on notice regarding the use of unconstitutional "group detentions" during ICE operations, it appears that you have allowed such misconduct to continue unabated.

We therefore have no recourse but to now turn to claims for damages to encourage you to stop ICE's mass detention of U.S. citizens and lawful permanent residents during workplace raids. Up to now you have relied upon the fact that such claims for damages would not be filed because each worker's claim is relatively minimal and the cost of prosecuting a claim is more than the amount involved in each claim. However, by joining their efforts, U.S. citizen and lawful permanent resident workers can and are now pressing such claims for damages. Perhaps this will cause you to reassess the manner in which your agents conduct workplace raids in search of unauthorized workers.

United States citizens detained during the MSE raid were treated like suspected criminals. One claimant was sitting at her desk when armed ICE agents burst into her office and yelled at everyone in the room "get out of your chairs and stand in the aisle – do not touch your computers or you will be arrested." ICE agents then made the claimant walk downstairs to the cafeteria where about 200 other MSE employees were being held. She reports that "it was totally disorganized, all of these women were scared and crying."

Another U.S. citizen claimant believed she was "the victim[] of a criminal or terrorist activity" when armed ICE agents burst into the business and started yelling at everyone about where to go and where to line up. The claimant was working in her cubicle when she heard voices yelling, "Everyone needs to come with us." She stood up and saw numerous armed individuals who had not

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identified themselves. She did not know what "ICE" stood for, and her "immediate reaction was fear."

Another claimant reports that "ICE agents with guns stormed into the building. The agents yelled at us to stop whatever we were doing, and not to touch anything. The agents did not tell us who they were, or what was going on. They then ordered us to stand up and to go out into the hallway and line up against the wall. They would not let us gather our personal possessions before lining up ... it was strictly prohibited to use cell phones ... ICE agents patrolled the entire building ... I had never seen so many law enforcement officers in one place before. It was very scary because there were so many agents with guns and I still had no idea why I was being detained."

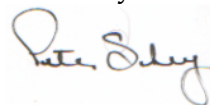
The simple answer is that these and other claimants should not have been detained at all. United States citizens, lawful permanent residents, and others authorized to be employed in the United States may not constitutionally be detained during ICE raids without probable cause to believe that they have violated the law.

Each claimant seeks five thousand dollars (\$5,000) in compensation for the illegal detention that took place in Los Angeles on February 7, 2008. We believe that the one hundred and fourteen U.S. citizen and lawful resident workers who were unconstitutionally detained without warrant or probable cause to believe that they had engaged in any wrongdoing are now entitled to some reasonable measure of compensation. If your agents continue to conduct unlawful raids, we will continue to file damage claims for U.S. citizens and lawful residents illegally detained during these operations. Given that you are now clearly placed on notice regarding the unconstitutional manner in which your agents conduct these raids, we will also consider filing future claims for damages against you in your personal rather than official capacities.

Under federal law you have six (6) months to resolve these claims. If these claims are not satisfactorily resolved during the next six months, the one hundred and fourteen U.S. citizen and lawful permanent resident claimants will then be authorized to prosecute their claims for compensation against the Government of the United States in the federal courts.

We look forward to your response.

Sincerely,



Peter Schey
President and Executive Director

ccs (with enclosures): see next page

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