

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/what-we-do/our-cases/matter-randall>

Policy Issue Resources

In the Matter of Randall, the INS invoked the McCarran-Walter Acts ideological exclusion provision to force Margaret Randall, a prominent poet and essayist who was born in the United States, to leave her family and her home. Randall, who has written primarily on womens issues and Central America, live for more than 20 years in Mexico, Cuba, and Nicaragua. When she took out Mexican citizenship in order to secure employment to support her three young children, the U.S. revoked her citizenship.

In 1984, while residing in Albuquerque, New Mexico, with her family, Randall applied for a green card (permanent resident alien status) on the basis of family ties. Ordinarily, such an application would be granted as a matter of course, but Randalls was denied because of her criticism of certain U.S. policies, including intervention in Central America and Vietnam, and her support for the revolution in Nicaragua. An INS district director read five of Randalls 40 books, and found that Randall did not deserve to stay in the U.S. because her writings *go far beyond mere dissent*. In a subsequent deportation hearing, INS attorneys argued that Randall should be forced to leave the U.S., because she had never written any material which was supportive of free enterprise. The McCarran-Walter Act a law which had also been used to keep a number of writers such as Pablo Neruda, Gabriel Garcia Marquez, Dario Fo, Graham Greene, Carlos Fuentes, Farley Mowat, and Angel Rama from entering this country because of their political beliefs made such ludicrous assertions relevant.

The Center for Constitutional Rights (CCR) represented Randall in the deportation proceedings instituted by the INS and challenged the district directors denial of permanent resident status. CCR also filed a federal lawsuit on her behalf in Washington, D.C. In the latter case, Norman Mailer, Alice Walker, Grace Paley, Arthur Miller, Toni Morrison, Kurt Vonnegut, Rose and William Styron, and others joined as co-plaintiffs. The circuit ruled, over a strong dissent, that Randalls challenge to the constitutionality of the district directors decision was premature, because it could be renewed in another court when Randall exhausted the immigration administrative process. In June 1989, the Supreme Court refused to review the case.

In the deportation proceedings, an immigration judge in El Paso, Texas, ruled in August 1986 that Randall should be deported because her writings advocate the *doctrines of world communism*. The judge explained that, but for his belief that her writings violated the McCarran-Walter Act, Randall was, in all other respects, eligible to remain here. The CCR appealed this decision administratively to the Board of Immigration Appeals (BIA). On July 27, 1989, the BIA terminated the deportation proceedings, ruling that Randall should not have been stripped of her citizenship as a result of taking out Mexican citizenship. Citizenship is a constitutional right, and can only be given up voluntarily. The BIA ruled that Randall had acted under economic duress and therefore is still a U.S. citizen.

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