

The Unlucky 49

The New York Times

September 9, 1982, Thursday, Late City Final Edition

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Section: Section A; Page 26, Column 1; Editorial Desk; Editorial

Length: 410 words

Body

There are now 49 of them in the "Carter Class," three having gone back to Haiti and one having won a medical release. They are called that because, of the 1,900 Haitian migrants detained in this country, they are the only ones involved in a New York case, decided last spring by Federal District Judge Robert Carter.

The Justice Department, under impatient court orders in a parallel Florida case, is releasing all the rest. But it has refused again to release the 49, who have been held in a Brooklyn detention center for 13 months. Why? Editorial comments on Federal Court decision concerning Haitian refugees detained in Brooklyn (NY)

They're all likely to abscond, says Charles Sava, New York District Director of Immigration. Oh, and their cases have been denied by immigration judges, and their chances on appeal are poor. Yes, they have all been offered bond, and sponsorship by established resettlement agencies - but that, says Director Sava, is not persuasive.

And in Washington, a spokesman for the Immigration Service declares that "The rules say that if illegal aliens come to this country without proper documentation they will be detained. All we're doing is enforcing the law."

Enforcing the law? Even if the 49 Haitians are eventually adjudged to be illegal immigrants, not entitled to refugee status because they came here seeking opportunity, legality is not the issue. The issue is comparability, elemental fairness and equal protection.

There is only one way in which the situation of the 49 differs from that of the 1,900 being released under the Florida order: the legal accident that put them in a different case.

What kind of law enforcement is it that seizes on such a distinction as the basis for keeping poor people, not guilty of any crime, locked up for 13 months, and typically allowed to go outside only four times in that period?

What kind of mindless rules require leaving them to sit staring out the window, or talking on pay phones, or in some cases attempting suicide? What kind of cold law insists on such relentlessness for these few when the Justice Department is releasing the many?

If the Immigration Service and Attorney General Smith are not moved by logic, if they are not moved by humanity, then how shall they be moved? For this is not law enforcement at all. By any standard of comparability or fairness, it is incomprehensible cruelty.

Classification

Language: ENGLISH

Subject: IMMIGRATION (92%); DECISIONS & RULINGS (90%); LAW ENFORCEMENT (90%); POLITICAL

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DETAINEES (90%); JUDGES (90%); IMMIGRATION LAW (90%); REFUGEES (90%); LITIGATION (90%); ILLEGAL IMMIGRANTS (77%); EQUAL PROTECTION (77%); LAW COURTS & TRIBUNALS (76%); APPEALS (76%); JUSTICE DEPARTMENTS (76%); ATTORNEYS GENERAL (76%); RESETTLEMENT & REPATRIATION (72%); EDITORIALS & OPINIONS (67%); SUICIDE (50%)

Company: US DEPARTMENT OF JUSTICE (57%); US DEPARTMENT OF JUSTICE (57%)

Organization: US DEPARTMENT OF JUSTICE (57%); US DEPARTMENT OF JUSTICE (57%); US DEPARTMENT OF JUSTICE (57%); US DEPARTMENT OF JUSTICE (57%)

Geographic: NEW YORK, NY, USA (92%); NEW YORK, USA (90%); HAITI (94%); UNITED STATES (79%)

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