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JUSTICE ON ICE: TO WHAT STANDARD SHOULD WE HOLD THE TOP IMMIGRATION AND DEPORTATION OFFICER IN OUR STATE?

SHANE CASTLE JULY 5, 2012 2

IMAGINE IF

you were just living your life, getting up in the morning, eating breakfast with your spouse, kissing your child on his or her forehead, and then saying goodbye to the people you love the most in the world so you could go to work for eight hours in an office. Still, you have it better than some. Because you actually enjoy your work. It wasn't handed to you. No, you worked hard in school and had a clear sense of what was right and what was wrong, and those two things led you to pursue a career that made you feel useful to other people. Not everyone respects what you do. You're aware of that. But it's a free country and, anyway, a lot of people do respect what you do. Most importantly, you respect what you do. You take what money you earn and, at the end of the day, return to your family, proud.

Now, imagine walking home and seeing a stranger who is eyeing you suspiciously from his seat on a park bench. You aren't doing anything wrong. You're just walking and reflecting on your day, as people do. But this guy, he stands, gets in your way and



The highest Department of Homeland Security immigration and deportation officer in the state sent an Islamophobic email to local immigration attorney Shahid Haque-Hausrath. ICE supposedly investigated the officer's actions, but they won't say much of anything about it, leaving many wondering if they did anything at all. Illustration

3-7-77

Justice is hard to come by. Montana's first vigilantes used ropes and bullets. Let's try words.

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says, “You worry me. Prove to me you’re not a threat.”

by Chelsea Carlson.

Of course you know what he’s thinking. Some people who look vague did some truly monstrous things. He wants you to help alleviate his v

But what kind of explanation, if any, do you owe this stranger, especially ever hearing a word come from your mouth?

Who is he to bar your way because of his anxiety?

Now imagine how the questions get amplified if that guy on the park t Better yet, imagine if, instead of a regular beat cop, he happens to be officer in the state.

Is this starting to sound familiar?

PUBLIC RELATIONS

In October 2011, the most senior Immigration and Customs Enforcement Norum, did something incredibly stupid or brash or both: he sent an l government email account to a Helena attorney who not only repre proceedings but whose own Muslim parents immigrated to the U.S. fr



The Haque-Hausrath family.

his authority,” the complaint read in part.

Norum’s supervisor, Steven Branch of the Salt Lake City regional office, appeared to be taking the matter seriously when he contacted Haque-Hausrath and Wilson to inform them that Norum had been suspended from his supervisory position and that an internal investigation was underway.

But in April, Haque-Hausrath came upon a document, dated February 2012, in which Norum signed his name along with the title of Supervisory Detention and Deportation Officer (SDDO)—the very title he supposedly no longer held.

Then in June, Branch told Haque-Hausrath and Wilson that Norum was being reinstated. But he wouldn’t tell them what the investigative panel found or what punishment, if any, Norum had faced.

When members of the news media started asking questions, they were referred to ICE spokesman Carl Rusnok, who issued a statement saying ICE wouldn’t comment on internal investigations but assuring interested parties that “every ICE employee is held to the highest standard of professional and ethical conduct. Accusations of misconduct ... will be investigated thoroughly and, when substantiated, immediate appropriate action will be taken.”

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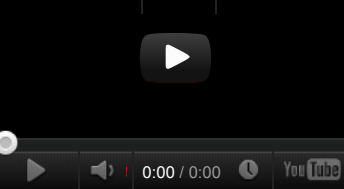
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er in Montana, Bruce

Memorable scene from his



former complaint with the Department of Homeland Security that questioned the officer’s integrity.

“Mr. Norum’s message is so prejudicial that it calls into question his ability to perform his duties without bias and it raises a serious question as to whether Mr. Norum is engaging in intimidation, or otherwise abusing

It was the PR equivalent of “trust us or sue us.”

YOU WORRY ME

The essay Norum attached to the email has been widely distributed since the terrorist attacks of September 2001. Written as an open letter to Arab Muslims in America, it basically said all such people owed the author (and presumably anyone else who agreed with the letter’s sentiment) clear declarations of either their loyalty or terroristic intentions.

“I want to know where every Arab Muslim in this country stands and I think it is my right and the right of every true citizen of this country to demand it,” it read in part. “I want you here as my brother, my neighbor, my friend, as a fellow American. But there can be no gray areas or ambivalence regarding your allegiance and it is up to YOU to show ME, where you stand.”

Often titled “You Worry Me” or “Open Letter from An American Airlines Pilot,” the essay demands external displays of private opinion and also functions as an apologia, or justification, for increased ethnic or racial profiling after a small cell of homicidal zealots attacked the U.S. in the name of Islam.

Before sending the email to one other member of the ICE staff and Haque-Hausrath, Norum added a note endorsing the views therein: “Good read.”

But Haque-Hausrath didn’t agree it was a good read.

In fact, he found the email’s content more problematic than the racist email that landed Montana U.S. District Judge Richard Cebull in the middle of a national controversy earlier this year.

(Cebull’s email suggested President Obama’s mother conceived him at a party that was so wild that it was possible she might have had sex with a dog.)

“The (Cebull) joke was racist and misogynistic and offensive, but you would have to extrapolate from that email how it would actually affect his judgment,” Haque-Hausrath said in a recent interview.

“In Norum’s e-mail he includes his own commentary ... and the email itself is very specific as far as its treatment of Arabs and Muslim Americans,” he added.

Since no one at ICE will say what the investigation found or how Norum might have been punished, one can only speculate as to whether Norum accidentally or intentionally sent it to Haque-Hausrath. And the answer to that question matters.

If he sent it accidentally—say, if he was trying to type one name into the “to” field and the computer autofilled Haque-Hausrath’s name instead of the intended recipient—then the message’s content mainly casts doubt on the officer’s ability to perform his duties in an unbiased manner.

But if Norum intentionally sent it to Haque-Hausrath, an American of Pakistani-Muslim heritage, it is reasonable to believe he may have been urging the immigration attorney to make similar declarations of allegiance—in other words, harassing him about his ethnicity.

Once again, it’s hard to say without more information.

All questions of intention aside, Haque-Hausrath simply finds it absurd to think he would have to defend himself to everyone with a little anxiety about his ethnicity.

He is an American by birth, an attorney, a homeowner, a husband, and a father. In a sense, he is living the American dream, so it seems preposterous to think that any person with jangled nerves should be able to tell him he must preface everything he says or does with a formal declaration that he has no desire to kill his fellow Americans.

“I went to law school and what I choose to do with my career was fight for immigrant rights and justice for a

population that I think is kind of underserved and marginalized,” Haque-Hausrath says. “That’s my passion. To think that maybe when I walk into that (ICE) office my clients may not get a fair shake because of me and how I’m being perceived, that’s a blow.”

Norum said he could not respond to questions and referred me to Rusnok, who offered to send me another copy of his written statement.

GETTING PLAYED

Besides being an attorney, Haque-Hausrath is a Montana Human Rights Network board member. So he knows how activism works and believes he could have brought more voices to bear several months ago if not for one problem: Norum’s supervisor, Steven Branch, gave the impression that he was already taking a hard line.

“That took the wind out of the sails of advocacy groups who might have been allies on this,” Haque-Hausrath said.

MHRN director Travis McAdam seems to agree.

“We were taking our lead to a certain degree from (Haque-Hausrath),” McAdam says.

In other words, Haque-Hausrath told people at MHRN he believed Branch was responding appropriately and that he intended to see how the internal process unfolded, so launching a campaign no longer seemed necessary.

“But one of the negatives about that approach is that all of a sudden a decision was made,” McAdam said. “By the time Shahid and the public knew what was going on, the decision had already been made.”

As mentioned before, when Haque-Hausrath came across the document Norum signed in February using the SDDO title, it made him wonder what, if anything, had actually been done behind the scenes.

Haque-Hausrath says Branch told him and Miller that he was “pissed off” about Norum using the title when he shouldn’t have. However, Branch’s actions may not have matched his words.

“Despite recognizing all the problems with it, his decision was that (Norum) was going to be reinstated,” Haque-Hausrath says.

With the investigation under a shroud of secrecy and Branch giving mixed messages, Haque-Hausrath finds himself wondering if Branch simply said what people wanted to hear so they wouldn’t make a big fuss.

“In retrospect, it appears that we got played,” Haque-Hausrath says.

Branch would not respond to this and directed me to contact Rusnok.

WORLD WIDE WEB

This is not just a matter of local interest. When the original story about Norum’s email broke in the Great Falls Tribune in October, a host of anti-Islam blogs immediately ran stories decrying Norum’s suspension as a sign that Islamists and their liberal, multiculturalist media cronies were corrupting everything that was good and true about this country.

Overnight, whether it suited him or not, Norum became a poster child for the xenophobic fringe.

For instance, the anti-Islam website jihadwatch.com cut and pasted the entire Tribune article, amended it with some commentary, and reposted it as a story titled “ICE official fired for sending email that offended Muslims by pointing out the fact of jihad terrorism.”

“Here again they act in a high-handed, bullying manner toward non-Muslims who dare point out the fact of

terrorism committed in the name of Islam. This only arouses more suspicion, which they then ascribe to 'Islamophobia,'" it reads in part.

Online comments attached to the story are highly speculative.

"The Hausrath part of his hyphenated name looks like an American surname. Was it his mother or his father who married a Muslim from Pakistan, and converted to Islam?" wrote someone going by the name "dumbledoresarmy."

It continues: "This Muslim, of Pakistani Muslim background, born in America, has done what so many Muslims do—had deliberately made his way to a key gatekeeping position. He has learned western law in order to subvert and destroy western law."

After the first story broke, Haque-Hausrath also received a few angry letters, including one from a guy in Wisconsin who tried to build a syllogism around the argument that "supporting Muslims" is a form of treason. Then, after news of Norum's reinstatement broke, Haque-Hausrath received **a voicemail from an anonymous caller** who said, "Hey, if you don't like the U.S., why don't you go back to your shithole Pakistan? Nothing is stopping you. Fuck, we'll even pitch in and buy you a one-way ticket."

Haque-Hausrath noted the phone number and looked it up online.

The search yielded a **Youtube video** for a health-insurance consultant in Reno named Dale Erghott. The same phone number was included in the title and Erghott's voice sounded strikingly similar to that from the voicemail.

A little more research uncovered the fact that a Dale Erghott from Reno—quite probably the same man—was charged with making threatening phone calls to an Islamic organization in 2005 and **sentenced to probation**. Someone named Dale Erghott—again, probably the same person—also **posts anti-Islam messages online**.

I called Dale Erghott and asked about the voicemail.

"I don't know what you're talking about," he said.

I explained again. Again, he insisted he didn't know what I was talking about. So I told him I'd heard the voicemail in question and he sounded just like the caller.

"I'm getting ready for an appointment now," he said.

I asked when I should call back.

"I think I'll pass," he said.

However, where the Internet's echo chambers act as breeding grounds for intolerant messages like those Haque-Hausrath received, there are signs the web might also be the primary vehicle for public response to agency recalcitrance.

In June, MHRN launched an online petition (www.mhrn.org/ice/) demanding that ICE release information about the investigation and hold Norum accountable for his actions.

MHRN spokesman Jamee Greer says more than 300 people had signed the petition as of press time. By contrast, almost 3,000 people signed the Cebull-email petition. But Greer says the Norum petition hasn't been out as long and didn't receive the early media boost. He says MHRN was about to start spreading the word through social media.

A national organization, Association of Immigration Lawyers Association, also got involved when it recently sent a letter requesting a meeting on this issue with the Department of Homeland Security's acting officer for civil rights and civil liberties, Tamara Kessler.

As of press time, they had not yet received a response.

"Groups are definitely paying attention again," Haque-Hausrath says, "and that's good because I think this attention can be helpful."

PRIVACY V. PUBLIC INTEREST

Haque-Hausrath is unequivocal about what he wants.

"My goal is to at the very least find out what if any disciplinary action was taken against him. What consequences did he suffer for what he did? If there is no reasonable belief that the decision was adequate for what he did, my goal is to have him removed from office," he says.

This hard-line position could make for chilly interactions.

Haque-Hausrath estimates that he spends about half his working hours dealing with ICE-related immigration and deportation proceedings (the other half he spends helping people try to attain citizenship).

He says he told Branch at an early meeting that "this isn't going to go away in court. This could be fair game to bring up" and "might actually come out in court and be a constant source of embarrassment."

Haque-Hausrath sometimes represents Arab and/or Muslim clients, so he believes it is reasonable to bring up the email if Norum were trying to deport them. His rationale is that, if reasonable evidence suggests that an officer may hold prejudicial views about certain groups of people, shouldn't a judge take that into consideration when weighing testimony? After all, why should pertinent information be off limits simply because an agency wants it to be?

Perhaps details from the investigation could clear up such concerns.

It's just hard to say when no one will talk.

Of course, this kind of institutional reluctance is nothing new. That's why the Montana Supreme Court concluded in the 1989 case *Great Falls Tribune, Inc. v. Cascade County Sheriff* that "whatever privacy interest the officers have in the release of their names as having been disciplined, it is not one which society recognizes as a strong right" and that "the privacy interest of the officers does not clearly exceed the public's right to know."

Does that apply here? Do other rulings at the state or federal level?

All signs suggest ICE will make someone sue just to find out.

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2 COMMENTS »



PeaceAndCharity July 13, 2012 at 5:12 pm -

Rock on Shane! Government “workers” generally have a hard time doing the right thing when they just don’t care. When there are no repercussions for being lazy and not doing your job, anything flies.



Shane Castle July 25, 2012 at 9:53 am -

I don’t get the sense that it’s laziness or some kind of issue with public employees’ work ethic. Sure, there are some lazy workers, just as there are within any working population, but I know lots of public employees—from law enforcement to FWP to the Dept of Revenue—who work really hard. No, I think the real sticking point here is the all-important and still apparently amorphous line between a law-enforcement officer’s right to privacy and the public’s right to know.

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