

**Statement of Howard Slavitt  
Partner at Coblenz, Patch, Duffy & Bass LLP**

**Thursday, April 26, 2007**

Kebin is a 7 year old boy living in the Canal District of San Rafael, California. In almost all respects, he's a typical first grader. He goes to school. He likes to play on the playground with his friends. He's learning how to count and to tell time. He's beginning to learn about United States history. He's at an impressionable age.

Kebin was born here and is a United States citizen. On March 6, 2007, several United States Immigration and Customs Enforcement, or "ICE" officers, seized Kebin and his father and took them into their custody. The officers took Kebin from his home at about 6 am, without cause or a warrant, even though Kebin's father showed them Kebin's passport, identifying Kebin as a United States citizen.

Kebin's father asked several times if he could make a call to arrange for his brother or a family friend to take care of Kebin, but the ICE officers refused. Rather, the ICE officers insisted on taking Kebin into custody.

Kebin's father was handcuffed. The immigration officers also instructed Kebin to place his own arms behind his back, like his father's. Then they took Kebin and his father to an Immigrations and Custom Enforcement Office and held them against their will. They told Kebin that he would only need to stay there for an hour or two.

Instead, they held Kebin all day. Kebin thought he was in jail. The immigration officials who had taken Kebin and his father into custody had the word "police" written on their clothing. Kebin saw the immigration officials' guns. The officials refused to give Kebin any food, other than bread and water. Kebin was hungry and crying. He didn't know when he'd be able to leave "jail." The officers finally released Kebin that evening, only after Kebin's uncle learned about the incident from neighbors and had rushed to the ICE office and had been forced to wait several hours.

This was a traumatic incident for Kebin. There was no reason for his arrest, and no explanation that Kebin's family can offer him. That's because the arrest was arbitrary and irrational. Over six weeks have passed, and Kevin is still having nightmares. He's afraid. This incident has changed Kebin's life.

The 4th Amendment to the United States Constitution provides that every person has a right to be secure in his or her person and home, and against unreasonable searches and seizures. It guarantees people in the United States the absolute right to be free from unreasonable searches and seizures carried out by immigration officers. An agent acting under guise of United States authority possesses a far greater ability to do harm than an individual who is only acting under his own authority.

What we'd like is to be able to magically make Kebin's memory of March 6th go away. But the only remedy that's available law for someone like Kevin is to vindicate his or her rights through a lawsuit. Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*,

403 U.S. 388 (1971), a 1971 ruling by the United States Supreme Court, Kebin is entitled to bring a lawsuit against the immigration officials who have damaged him.

My firm, Coblenz, Patch, Duffy & Bass LLP has a tradition of providing *pro bono* legal services. My firm, the Lawyers' Committee for Civil Rights, the ACLU of Northern California, and the ACLU Immigrant Rights' Project are bringing this lawsuit for Kebin. We'd like to teach him that federal officials cannot arbitrarily put someone in jail without facing the consequences of their conduct.

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