



# Black Deported Veterans of America

Bring Home All Deported Veterans

U.S. House Committee on the Judiciary Subcommittee on Immigration and Citizenship

## “Oversight of Immigrant Military Members and Veterans”

Testimony from James L. Smith II  
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The Honorable Zoe Lofgren  
Chairwoman, Subcommittee on Immigration and Citizenship  
House Judiciary Committee  
U. S. House of Representatives  
2141 Rayburn House Office Building  
Washington, DC. 20515

Dear Chairwoman Lofgren and the Members of Subcommittee on Immigration and Citizenship

I joined the United States Marine Corps in 1981, as a black, dark skinned 17-year old kid. I was an only child in desperate need of relative companionship. A place where I fit in. On the very first night that we set foot upon the grounds of MCRD San Diego; among all the yelling to “get over here” and “hurry the ‘f’ up” were these words from one of our drill instructors, “There are no white Marines! No black Marines! No brown Marines! No yellow or red Marines. You are only... Green!” With this declaration, my civilian life, culture, and all the dynamics that go with it were set aside. My life had been simplified. I did not have to compete with any other color to be successful cause we were all the same color. This is where the seed of the veteran brotherhood was planted for me.

Fast forward to 2013. I am a broadcast journalism student at San Diego City College. I have an assignment to report on a community of Americans that live together in Mexico. While researching, I came upon the term “deported veteran” on a message board. Deported Veteran? How can this be? How do you deport a veteran?! There wasn’t much to find online, so I reached out to Jan Ruhman from the local chapter of Veterans for Peace. Jan introduced me to Fernando Cervantes, a formerly deported veteran. He is believed by many to be the first veteran to return home from this traumatic exile because of post-conviction relief. Jan also introduced me to Heather Boxeth, an immigration attorney in San Diego that provided the most common-sense solution to a very fixable problem: HONOR THE OATH OF ENLISTMENT for the same purposes of the OATH OF ALLEGIANCE for citizenship. This was supported by the National Law Guild...but not by our members of Congress.

And therein lies the rub. The former President Bill Clinton and the 104th Congress put us in this mess. They successfully created “The Disposable Soldier”. And every Congress since then has ignored or swept aside the stench of this betrayal and the foul works included. Unfortunately, it is going to be up to us--the people--both

veterans and civilians alike to clean it up.

One of the first piles to clean up is this notion that this is simply just an immigration issue. Immigration is just one of the tools that was used to effectively segregate the United States military without publicly stating: “we don’t like certain shades or types of people.” But if you create the circumstances that can corral known behaviors, you can manipulate the outcomes however you want.

Currently, a select few of the estimated thousands of veterans who have been deported over the last 26 years are being given the opportunity to return to the United States through the ImmVets portal. Those that have not already passed away can experience a tortured hope that at times results in denials of their requests to return with no direction nor reasoning. How can you be genuine in your effort to correct this situation, in any way, if you do not offer further instructions or the reasons why the applicant was denied their request to return home?

Different organizations like Unified U.S. Deported Veterans, Deported Veterans Support House, Repatriate Our Patriots, LULAC/Green Card Veterans, and Black Deported Veterans of America; in association with Veterans for Peace, the ACLU, Immigrant Defenders Law Center, Public Counsel, Latham & Watkins, and other law offices; and the outstanding legal support offered by great law schools like Yale, are more responsible for the “trickling back” of the patriots we’re seeing than should be necessary.

It took a congress and a president to exercise this betrayal to the American public. But, more so, to the men and women that chose to raise their hands, and knowingly, accept that they were willing to fight first, and, if necessary, sacrifice their lives in order to protect a way of life that they considered their own. To stand for a land that they considered their home! It’s going to take a Congress and a President that really wants to support those that make it possible for them to sit in their respective seats to re-legislate this!

To our congressional and executive leadership: Shame on you! Shame on you all for hiding behind the ignorance of immigration and not stepping up to reinstate the honor of the United States Military Veteran Community.

You trained us to be as ONE. To move as ONE. To eat as ONE. To be as ONE. When you take away from the ONE, you weaken the integrity of the ONE. That One can be any ONE. A Brother. A Sister. A Son. A Daughter. An Aunt. An Uncle. A Father. A Mother. A Family Friend. A Life Companion. That’s a lot of ONE’s. Think! The removal of ONE affects all the others! This is the construct that has been unduly affected by this horrible injustice. Warriors are reconciled to the loss of ONE’s on the battlefield, but no is prepared to be permanently banished from the only country and home that they know over paperwork!

In closing, when Memorial Day comes around, we don’t say “Thank you for the sacrifice, if you were born here!” On Veteran’s Day, you don’t hear, “Thanks for your service, as long as you got your paperwork!”

Past administrations could have gotten this done. Are you going to be derelict in your duty to properly look out for the people that have offered up more than most?

As a veteran, I ask, and as a citizen, I demand that you actively take up the task of restoring the integrity of military service in this country.

Thank you,

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