

## DISAPPEARED IN AMERICA

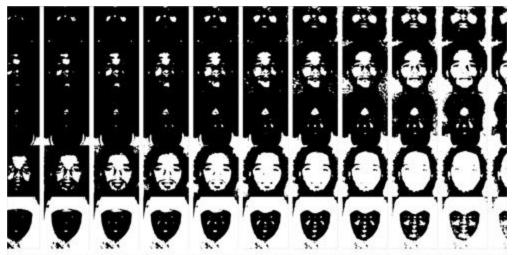
**JUL-AUG 2006** 

By Naeem Mohaiemen

DISAPPEARED IN AMERICA is an ongoing project by Visible Collective/Naeem Mohaiemen that uses films, installations, and lectures to trace migration impulses, hyphenated identities, and the post-9/11 security panic. Excerpts of the project have been shown at various venues, including the 2006 Whitney Biennial.

The majority of migrants detained amidst the recent security hysteria have come from the invisible underclass of cities like New York—the shadow citizens who drive our taxis, deliver our food, clean our restaurant tables, and sell fruit, coffee, and newspapers. The only time we "see" them is when we glance at the hack license in the taxi partition, or the ID card around the neck of a vendor. When detained and deported, they cease to exist in the American consciousness.

Visible Collective and Mohaiemen are based in New York City. For more info, go to www.disappearedinamerica.org



entral Park. Widing expend the tenior and we heard about "avage will paiks", hearth the park (Peter Breedin, who also went for emigrants or Man Na pair), "an average of Black Middles (eds). A carefully confirming a term managine break park a carefully and a similar on a same maked to of whother the ways are been to go "America" as books on five. Preaden Nov!— or all of laws; (et a) from the confirming and and pass the amendment of Edward Calaboration and a same park and and pass the amendment of Edward Calaboration and a same pass to be a firm of Edward Calaboration. The Calaboration and a same pass to be a firm of the Calaboration and a same pass to be a firm of the Calaboration and a same pass to be a firm of the Calaboration.

	Hamdi v. Rumsfeld	Rasul v. Bush	Th
	24 S.CL 2633, 2646 -2649 (2004)	124 S.CI. 2686, 2898 (2004)	18 U.
	"Moreover, as critical as the Government's interest may be in detaining those	"Petitioners contend that they are being held in federal custody in violation of	18.85
renty	who actually pose an immediate threat to the national security of the United	the laws of the United States. (FN15) No party questions the District Court's	is m
B	States during ongoing international conflict, history and common sense	jurisdiction over petitioners' (custodians, Cl. Braden, 410 U.S., at 495,	impr
See	teach us that an unchecked system of detention carries the potential to	93 S.Ct. 1123. Section 2241, by its terms, requires nothing more). We	office
Eno	become a means for oppression and abuse of others who do not present	therefore hold that § 2241 confers on the District Court jurisdiction to hear	with
ute of	that sort of threat. See Ex parte Miligan, 4 Wall., at 125 ("[The Founders]	petitioners' habeas corpus challenges to the legality of their detention at the	deta
ations.	knew the history of the world told themthe nation they were founding, be	Guantanamo Bay Naval Base.	testi
100	its existence short or long, would be involved in war; how often or how long		furth
he	continued, human foresight could not telt; and that unlimited power, wherever	"FN15. Petitioners' allegations - that, although they have engaged neither in	of a
1.	lodged at such a time, was especially hazardous to freemen"). Because we	combat nor in acts of terrorism against the United States, they have been	the r
ction , at	live in a society in which "Injere public intolerance or [animosity cannot constitutionally justify the disprivation] of a person's physical liberty."	held in Executive detention for more than two years in [territory subject to the long-term, exclusive jurisdiction and control] of the United States.	Crim
*	O'Connor v. Donaldson. 422 U.S. 563, 575, 95 S.Ct. 2486, 45 L.Ed.2d 396	without access to counsel and without being charged with any wrongdoing-	200
	(1975), our starting point for the Mathews v. Editidge analysis is unaffered by the allegations surrounding the particular detainee or the organizations with which he is farlequed to have associated. We reaffirm today the fundamental	<ul> <li>unquestionably describe "ousfody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c/g), Cf. United States v. Vendugo-Unguidez, 494 U.S. 259, 277-278, 110 S.Ct. 1056, 108 L.Ed. 2d</li> </ul>	125 t
n and	nature of a citizen's right to be free] from involuntary confinement by	222 (1990) (KENNEDY, J., concurring), and cases cited therein."	The
o an	his own government without due process of law, and we weigh the	3000 A 300 C C C C C C C C C C C C C C C C C C	com
the	opposing governmental interests against the curtailment of liberty that such		con
a clear	confinement entails."	Immigration Act	1,000
The		8 U.S.C.A. § 1227 (2005)	FNI
treaty:			reac
	Rumsfeld v. Padilla	(xi) Classes of deportable aliens	of or
ict	124 S.Ct. 2711, 2735 (2004) (Justice Stevens, J., dissenting)	(C) Violated nonimmigrant status or condition of entry	[oor
		(i) Nonimmigrant status violators	perio
salm :	"Executive detention of subversive citizens, like detention of enemy soldiers	Any alien who was admitted as a nonimmigrant and who has	reas
fiction	to keep them off the battlefield, may sometimes be justified to prevent	(falled to maintain the nonimmigrant status in which the alien	hos
	persons from [launching or becoming missiles of destruction]. It may	was admitted or to which it was changed under section 1258.	by F
5	not, however, be justified by the naked interest in using unlawful procedures	of this title, or to comply with the conditions of any such status, is	Torre
he	to extract information. Incommunicado detention for months on end is	deportable.	dense
ner:	such a procedure. Whether the information so procured is §more or less	(ii) Violators of conditions of entry	E0."

TOP: Detail from "DRIVING WHILE BLACK BECOMES FLYING WHILE BROWN" Digital C Print,  $8\times2'$ , 2006. Visible Collective/Mohaiemen, Lin

BOTTOM: Detail from "PRUDENT JURIES, OR HOW TO REALLY READ THE LAW" Digital C Print,  $8\times2'$ , 2005. Visible Collective/Mohaiemen, Roy, Huq

PRINCIP (Maintener) NAME UNAVAILABLE 30s (Egypt) MEDHAT SHEHTA | NAME UNAVAILABLE 20s. Finding Otto Briss) NA ry | HAIDER AL-TAMIMS 20 (100) | ADHAM AMIN HASSOUN, 4C, Surrise, Force (Palestre) | MAME UNAVAILABLE 2 MID HAMMAD 32, New York (Jordan) MAME UNAVAILABLE 29 Pressure); MAME UNAVAILABLE 20s, Minoral Broad ( CHOUE AND (COVO) | NAME UNAVAILABLE 300 (TUNN) | JAYED HASNAIN, 10, BIOCHYN, NEW YON (FUNDERS | NAME UNAVAILABLE yn, New York Polisian) | BASAM NAMSHAL, Trieste Avec (Nomer) | NAIM SHAHAB, 27, Linconhunt, New York (Atghanistan) RI | IRFAN AHMED, 39, Torrigion, Connectical Plansters | NAME UNAVAILABLE 35, 52, Louis, Missouri Glaud Anabas | AMYR SOUR BOOK | RAZA AHMAD, New Josey Poliston | MOHAMMED YOUSSEF, Eveneville, Indiana | NAME UNAVAILABLE | RAJCOOMAR SS, Line Worth Forth (Forth (Forth) | SAMIR AL-MAZAAL 29 (1991 | SAIMA SAIMA 32 (Forthbril) NAME UNAVAIL | mp • i uhaqal-Mazra • M R 108AL BUTT, 21, Pennsylvine Paketers | SABAH AL-HACHAMI, 47, Detot, Mongan frag | SALEH HAMZE, 31, 76 state Ans. New Jersey (Syris) | KHOSHAL WARID NASERY, 25 (Agranutar) | MAHER ARAR, 32 (Syris) | SIDI MOHAMED OULD ADD Now Jarray Street Ethodshall Wahilo Raddert 20 Apparental Industrial Address Apparent States Common UR AL-DIN SAFFI, 36, Auckland, New Zealand (ring) | SHADI KHUFASH 38, Fort Worth, Toxas (Palestine) | NAME URAYA INCON | ANSER MERHIGOD, 41, John V. Cir, Nov. Jorgey (Palester) SAEED AL KANTANE AHMAD ATTAIL 15, Callonia (Palestri Vov. Egypti | ALL AL-MAGTARE (Vo. For Campbel, Kyntucky (Nervit | AHMED BADAWI, 4), Otanos, Fords (Egypt | MONL Mercery | TARIEK MOHAMED FAYAD. 35. San Demacho, Calibria Signal | MAME UNAVAILABLE, Kertucky Mountain DATE TO THE PROPERTY OF CARSET RAPIG. TO CARDON NAME JOSEPH PARKETY | NOTE BUTBUL 26. TH-SAD AND BURNE | A SECURITY OF CARDON NAME UNAVAILABLE 21. PROPERTY OF PARKETY | NAME UNAVAILABLE 21. SPORTATION

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LEFT: Detail from "NAHNU WAHAAD, BUT REALLY ARE WE ONE?" Digital C Print, 8×2', 2005. Visible Collective/Mohaiemen, Roy [Post 9/11 Detainee Names from Migration Policy Institute, Washington DC]

RIGHT: Detail from "IT'S SAFE TO OPEN YOUR EYES NOW, PART3" Digital C Print, 8×2', 2006. Visible Collective/Mohaiemen, Huq

## CONTRIBUTOR

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