TEXAS A&M UNIVERSITY
School of Law

TAMU Law Answers Webinars

LATINX CIVIL RIGHTS Webinar Series

"The Criminalization of Latinx Immigrants and its Relationship with Black Lives Matter"

Presented October 13, 2020

Panelists:

- Lisa V. Knox, California Collaborative for Immigrant Justice
- Donovan Grant, a formerly detained Activist and Organizer
- César Cuauhtémoc García Hernández, Associate Professor of Law, University of Denver Strum College of Law
- Moderator: Pilar Margarita Hernández Escontrías, Research Social Scientist, American Bar Foundation

Disclaimer: While some of the panelists are attorneys, they will be discussing the law generally, and nothing in the webinar should be considered as legal advice. Attendees should consult their own legal advisor to address their own unique circumstances.

TRANSCRIPT of webinar video at https://youtu.be/9Rbi2vTsexc :

- Good afternoon, everyone. And welcome to the Network for Justice's discussion today on crimmigration and the intersection with the Black liberation struggle. We're very happy to have you here with us today. And we also thank Texas A&M Law School and specifically Luz Herrera for organizing this as part of the Network for Justice project.

So just by way of a little bit of background, we have an hour here. We want to ensure that we get through some pretty critical questions with our organizers and our panelists. Prior to going into that, I would love to give you a little primer on what the Network for Justice is so that you can understand the framing and also to discuss a little bit future programming that we have as part of the Network for Justice.

So it is a project of the American Bar Foundation, and what we're really committed to is Latinx civil rights through collaboration with community organizations, practicing bar, scholars, law

students, policies, schools, and activists. It's part of a larger umbrella project that is called The Future of Latinos in the United States: Law, Opportunity, and Mobility. And that focuses on how law and policy can shape the incorporation and inclusion of Latinidad across the nation. And we focus most primarily on four policy drivers: immigration, education, economic participation, and political and civic engagement.

So today's panel, as I mentioned, is a broader speaker series sponsored by TAMU, and it really focuses on the intersection of immigration and Black Lives Matter.

So the Network for Justice acknowledges and feels that we have to take seriously that we are in the midst of a critical social moment of reckoning in which we're simultaneously acknowledging the specific and very unique pain that Black folks, including Black Latinx or Afro-Latinx people experience, as well as recognizing that this infrastructure of immigration, detention, and removal is at its core a racial project.

So while unfortunately scholars haven't engaged in these discussions very often, the reality is Black liberation and immigration have since the beginning of the colonial period been intertwined. The arrival, forced removal, and migration of Black bodies to the Americas rendered the Americas the largest population-- having the largest population of Afro-descendants than anywhere else.

So these topics can actually not be separated from one another, and so we're really excited to welcome a distinguished panel of folks who will be talking about their own personal experiences as well as their intellectual journeys to consider the ways in which we should as activists and lawyers and future attorneys for the students out there, how can we actually brainstorm ways of moving forward for liberation for us all?

So I'm happy to welcome Lisa Knox, who is the Legal Director for the California Collaborative for Immigrant Justice. Lisa herself is a Afro-Latina, and has lived her own experiences that have informed the work that she does. She was previously at the Centro Legal de la Raza in Oakland and has extensive experience working with detained communities across California. We're very happy to have her here.

We're also thrilled to invite Donovan Grant who is a formerly detained activist and organizer in Mesa Verde detention facility in Bakersfield who organized tirelessly and endlessly to get people released from that detention center, and who himself experienced the violence of those spaces that are curated specifically to-- sorry. For some reason, the PowerPoint is acting up. So we're happy to have him here.

We also have Associate Professor of Law César Cuauhtémoc Garcia Hernández, who will talk a little bit about the sort of history as well as his own-- perhaps provide a little bit of insight into how law students can get involved in this fight.

And I am the moderator, Pilar Escontrías. I am affiliated with the American Bar Foundation, and am also a soon-to-be hopefully attorney. I just took the bar exam last week, so I'm hoping that I'll

be able to continue this fight as a lawyer. I will be working for the California Appellate Project, working at criminal indigent appeals.

So I think it would be helpful for us to start off a little bit with some questions for Lisa who has experience in the last-- I don't know. How long, Lisa, have you been working-- doing this work? If you could give a little bit of background as to how maybe immigration detention has changed over time, how this machinery has really developed, especially since the 1990s.

- Yeah. Thanks so much, Pilar, for that introduction, and for putting-- to everyone for putting this panel on. And it's really interesting, because as Pilar mentioned, my personal background-- I identify as Afro-Latina. My father is an African American man. My mother immigrated from Mexico.

So for me, I sort of-- for me, it's very personal. I think I've sort of lived at the intersection of the criminal, legal, and the immigration system, and have always seen those connections, and that connection between Black liberation and immigrant liberation. So really excited to be part of this panel.

And so you know, for me-- and since I'm a lawyer, I'm going to focus on sort of the legal framework around mass detention and how that's developed. And for me, it's really interesting because we see that that has developed at the same time as this modern framework for mass incarceration and a criminal context has developed. And we see a lot of the same rhetoric being used, right?

So you know, going back to Ellis Island and Angel Island in the late 1800s and 1900s, there was immigration detention. But we really see it start to increase in the 1980s with Haitians and Cubans coming over in large numbers. And then we start to see in the 1990s, particularly under the Clinton administration, we start to see a real move towards large numbers of people being detained, right?

And in 1996, we see the Illegal Immigration Reform and Immigration Responsibility Act being passed, which the name itself I think really invokes a lot of the tropes around-- that we also see used to describe the Black community around people being irresponsible and needing to take personal responsibility for their actions.

And so that really created this framework where, one, a lot of people who were permanent residents became deportable. It expanded a category of something called aggravated felonies, which aren't all felonies. Could be minor crimes. And suddenly, a lot of people who have green cards and who may have been in the U.S. for decades suddenly are subject to deportation.

And it also created something called mandatory detention where a lot of those same people, because of their criminal convictions, weren't eligible to be released from detention. So we started to see in the 1990s this huge increase in the number of people in immigration detention.

And you know, it's interesting to me that this also coincides with the development of private detention facilities, right? So we see the first permanent immigration detention center in the U.S.

was a CoreCivic facility that's privately run by this corporation that opened in the 1980s. And since then, we've gotten to a place where now 81% of people in immigration detention are in these privately operated facilities.

And Congress actually had a bed quota from 2009 to 2017 that mandated there were at least 34,000 beds available at any time for detaining immigrants. So we've really seen that as this mass detention system and this legal framework develops, you also see private operators expanding, and I think it's no coincidence that the two things happened at the same time. And it's also no coincidence that this was happening at the same time that we were seeing the criminalization of the Black community and a lot of same tropes that are being applied there being applied in the immigrant context.

- Great. Thank you. And for César, during that time period, as Lisa mentioned, you're seeing the rise of mass incarceration. And yet it's interesting, because while there are so many parallels at the same time, there are no mandated quotas for jails, right? Private industry, at least to my knowledge, there are no mandated quotas that are written into contractual obligations between local entities and the private companies that detain folks.

So can you talk a little bit about maybe continuing on this discussion of the changes between-- the sort of federal laws perhaps that allowed for mass detention and mass incarceration to accelerate at the rate in which they did? And also to allow them-- like, how do they interact with one another, right? If you can tease that apart for us. And you're on mute, César.

And just really quickly-- I'm sorry. Before I go on, again, it was written in the notes. I failed to mention at the beginning that although some of us are attorneys or will be soon attorneys, none of this should constitute any legal advice. And to the extent that you are seeking assistance in any matter, you should consult with your own legal advisor. So I'm sorry for disrupting the flow of that, but I did want to get that out there. So César, I'll hand it over to you.

- No, thank you. Yeah. So the connection between mass incarceration in the criminal justice context and the immigration prison practice that has been rampant over the last several years in the United States is one that is-- I hesitate to describe it as two trends that run in parallel with one another, because I actually think of them as being two aspects of the same trend. That is, this widespread embrace of incarceration that really develops quite dramatically in the 1980s, beginning in the 1980s, as Lisa pointed us to earlier, and gains bipartisan support beginning in that period.

And that has largely not waned. So we see that administration after administration, presidential administration after presidential administration, Congress after Congress, regardless of whether it's being led by Republicans or Democrats, there has been this willingness to lock up people through various options.

Most of us are very familiar with the way that that phenomenon has developed in the context of the war on drugs, the federal and state government's decision to criminalize illicit drug activity use and commercial activity quite heavily beginning in the 1980s. And incarceration forms an integral part of that. And of course, the work of people like Michelle Alexander in *The New Jim*

Crow has brought a lot of-- the development of that policy to the attention of many, many people, and that's entirely positive.

But I think the flip side is equally momentous, and that's the way in which imprisonment in the immigration law enforcement context has also developed in this very same time period. And it wasn't simply during the same political moment, during this fervor that developed in the '80s and then throughout the '90s and so on to target migrants and other people of color with incarceration.

But it was, in fact, the very same pieces of legislation that were critically important to the development of the war on drugs-related incarceration practice and the immigration prison practice that exists today. So we can think of laws like the Anti-Drug Abuse Act of 1986, which is famous or infamous for having initially introduced the enormous crack and cocaine sentencing disparity, this 100-to-1 crack cocaine sentencing disparity.

But it also expanded the power that the Immigration and Naturalization Service-- so the predecessor to today's Immigration and Customs Enforcement Agency has to extend its resources by first seizing drug assets, and secondly by also simply detaining more people. So the Anti-Drug Abuse Act of 1986 is the first time in which Congress folds into immigration law the beginnings of a policy practice or a law enforcement practice that's very common today, which is the decision by ICE to issue a detainer, an immigration detainer against people.

Two years later, the Anti-Drug Abuse Act of 1988 provides something like $200 million in funding for federal prisons in one year alone, in 1989 alone. But it also allows the INS to forfeit those-- to seize and use the proceeds of those sales of property of all kinds that was seized in the course of drug activity-- of investigating drug crimes. And then they could use that to buy vehicles for INS, to buy aircraft for the INS.

But most importantly, actually, going back to a comment Lisa made about the evolution of this concept called the aggravated felony, well, that gets incorporated. That gets introduced into immigration law courtesy of the Anti-Drug Abuse Act of 1988. And we see that over and over again through the 1990s and so on that laws that are ostensibly about, say, illicit drug activity also incorporate enormously significant immigration law provisions.

And we see the inverse too. Laws that are sold as being focused on enforcing immigration law, promoting compliance with immigration law includes some really significant provisions that target illicit drug activity. And then post-September 11, 2001, we see a similar dynamic playing out with regard to so-called anti-terrorism measures, including, most importantly, the creation of the Department of Homeland Security within which ICE and the Customs and Border Protection, the Border Patrol agencies are currently situated within the federal government.

So these phenomenon are developing rapidly at the legislative level with regard to the actions that Congress is taking. And they're happening also by creating a more seamless relationship between the federal immigration officials on the one hand and their partners in state and local law enforcement agencies on the other hand.

And so that helps to move us away from a situation in which we had a criminal justice system that operated in its own sphere and then an immigration justice system that operated in its sphere, and one in which there's a fairly seamless-- these days, there's a fairly seamless relationship between these two entities. So I think of it as the relationship between local police officers in cities and towns across the United States and the ICE officers who staff immigration prisons and deportation flights as being a single immigration prison and deportation pipeline rather than two bureaucracies or two sets of law enforcement entities that are operating independent of one another and sometimes interact.

Quite the contrary. I think at this point, thanks to some of the legislation and policymaking that's been happening going back several decades now, it's a seamless stream that it wouldn't even be accurate to call it a transition from one to the other, because they're so heavily intertwined.

- So César, you mentioned how-- thank you for identifying the ways in which mass incarceration and immigration detention really became popularized in the academy as well as in public consciousness in the last decade, right? In particular, you mentioned Michelle Alexander's work. You identified the role of legislative action in creating what you identify as a seamless relationship between the criminal and justice system and the immigration system, and the pipeline that therein exists.

But of course, as we know, folks in immigration detention and folks who are incarcerated by virtue of their own lived experiences have long recognized many of these things that academics are now writing about. And so I really want to pivot here to Donovan. I'm especially curious to hear about what your experiences are, having been in immigration detention, and how you may compare that with your experiences in the criminal legal system.

- Yeah. First, I want to address-- Lisa says this started in the 1980s. You know, what I want everybody to know, this was way before the 1980s. This started so long ago. Like, maybe over 100 years ago. And you know, this is like a new way of modern-day slavery in a way, you know? So I don't want nobody to get it twisted. You know what I'm saying?

This is a new way of-- it's not no minority. Minority is basically-- when they say minority, minority is just Black and Hispanics, people with color. You know? And the white is exempt. The system for the white people and the Blacks and the Hispanics is totally different, you know? It's two different systems.

Because I've been in the federal system wherein I learned so much about the prison system, how it works. And when you go to court-- when you go to court, the rules and the laws is totally different between us, meaning the Black, the Hispanic, and it's so different from the white, you know? We can be charged for the same-- absolute the same charges and the white men will get probation and then the Black men or the Hispanic will get-- you know what I'm saying-- time in prison.

And it's so ironic to the fact that even in my circumstances, you know, I see people that came in on worse charges, for rape and stuff like that. But white people, you know, the white guys will

come in. And you know, sooner or later, they get a $20,000 bond. So it's two different systems for two different-- you know what I'm saying?

They try to basically say, you felons or we felons, just for the fact that they can keep us in this bubble, you know? They keep us in this bubble by branding us as felons, you know? And other people like the whites will get probation or misdemeanors for their crimes. And it's just to keep us at bay in a way.

So it's very crazy. I experienced a lot of stuff where it's more privilege to whites. And then the Black and the Spanish, they will just treat us like-- you know what I'm saying? OK. OK. We take a deal for this particular person. OK, five years or six years. You know what I'm saying? There's no chances. There's never no chances for Blacks or Hispanics at all, you know?

So we was put in a system to fail, automatic. You know? Because when I got arrested, they say, you was arrested for such and such. But what I was arrested for, they arrested me for drugs. But when they did their research and see that it wasn't a controlled substance, and they still charged me for drugs. How can you charge somebody for drugs, but still yet it's not a controlled substance? You know? When they did their testing.

So as I say, the system is so crazy, because I think the way the system was designed is once you're in, you're in. And if you're in, we're going to brand you as a felon. And once you are a felon, you know what I'm saying, you can't get nothing done, or this going to be like a bug in your system, that we control you for the rest of your life.

The immigration system, when I left there, they picked me up. I've been here since I was a kid. I went to school here, everything. I've got my kids here, all that. You know? And when they picked me up-- because I did everything in the federal facility. I did English, how to be a parent, I did my diploma, I did hard work, I did-- you know, I did so much. I got maybe 100 certificates, you know? And it didn't even matter in a way, you know?

And my counselor, my counselor said my final week-- my final week in the federal facility, my counselor came to me and said, man, you know, I wish you all the best in the world. You know, you was a good guy, you was the rep here, and you know what I'm saying? You kind of hold stuff down for us, you know? You shouldn't have a problem.

And then that day, immigration came and got me when I was being released. So I went over there to immigration and I said, you know what? There's no way I'm going back to a country that I don't even know. You know what I'm saying? And you know, I met a few guys over there that was over there fighting, and we organized. And we were saying, boy, you know, we got to do something about this immigration and this criminal system, because I think it's just unfair.

And a lot of guys that was there before me, you know, it was so sad, because I could see guys at times on the phone, as they learn their mom died. And I think immigration should be a civil case, a civil matter. I don't think you should be, after your prison time, you should be in a system where it's even worse than even the actual prison that you was at, you know what I'm saying?

Because the medical system there, it sucks. They treat you like you're still a criminal, like you're still doing time. So you finish your time, but yet you're still doing time.

And I can see people, their family member, the kids getting out of hand because their parents is not around. And you know, even guys that never had not even one conviction on their record, but because they was picked up by the police, they put them into that system, you know?

And it's just sad, because I don't think us, especially me, should be away from your kids. And I think every kid should have their parents around, no matter how it is. You know what I'm saying? We have American-born kids, you know? And I think every kid needs their parents to at least keep them grounded in a certain way.

A kid without a parent around, they seem to stray and do other stuff, maybe illegal stuff or it seems to get into trouble a lot, you know? So I think it's better having parents around at all times.

And you know, I see, just for a civil matter in immigration, I see people die in jail and in the immigration system, I should say. And a good friend of mine's-- you know, we always-- this Asian dude. His name was Ahn. He was, like, 70-some years old. And every morning, we'll get up early and we'll get up and we'll talk and we will say, like, Ahn, what's up, man? And he'd get up and he was like, what's up, bro?

But in the immigration system, we're all like brothers. We're more tighter than ever, because we have Blacks, we've got Asians, we've got Hispanics, we've got people from all over the world, you know? People that-- a lot of these people have kids and family and moms and dads here, you know? Never had a problem in their whole lives.

And when I see from-- actually seen how the system was run there, and this old man, Ahn, you know, he just finished his time, came here to immigration, and he's 70-something years old, and I see him trying to survive. You know, excited, like, yo, I'm trying to go see my family. Excited, you know? Like, OK. I want to get released. I've got to go see my-- spend some time with my grandkids and stuff like that. I'm like, yo, man, Ahn, it will be OK, you know? Everything going to be OK.

This man had so much medication. Sometime I got to be like, Ahn, you sure you know what you're taking? Because they give him all this medication to take on your own. Like, administer on your own. You know? And I was like, yo, Ahn, you're taking a lot of medication, man. You sure you exactly know what are you taking and the time period you should be taking it in? You know, the time. And he was like, oh, I know, I know, I know, I know. I said, OK. No problem.

And when the COVID came in-- when the COVID came in, I said, Ahn, man, I don't think you should be here. I don't think a lot of these guys should even be here, because it's a lot of people, and I see a lot of people here sick, man. They don't do no type of testing. I don't know. People can be coming in and out.

People always come in and out, in and out, in and out, because they try to keep the bed at least filled at all times. So every unit will have over 100 people in every unit, bunks all lined up next to each other, like maybe two feet apart. Up and down, top and bottom.

And you know, he was right across from me. And the COVID came in, and then I see a lot of people getting sick, and they're sneezing and they're coughing. And I'm like, you know what? We've got to do something pertaining to this.

So I spoke to some of the reps. I was the rep for the others, meaning the whites, the white-- maybe a few whites that was there from other countries like England and stuff like that. We had two white dudes there, so I'm the rep for the others, meaning the Asians, the Africans, you know, and so forth.

And I spoke to someone because the Spanish majority is the most-- the biggest population in jail. You know, the biggest population. Since I've been in the system for four years, I've never seen-- I don't think I've ever seen 10 white folks at all. Not even 10. And when they do come in, they come in and they go right back out. You know what I'm saying?

So it's so crazy, because I'm like, when you look around, all you see is Hispanics and Black. That's all you see. And I'm like, OK. We've got to come together and we've got to form a group of guys, and we've got to talk to our people. And we've got to organize and let them people know that-- you know what I'm saying? They can't hold us for a civil matter. A lot of us here is fighting our case. We don't think we should be in this type of environment with no bleach, no soap dispensary, no paper towel dispenser, nothing.

And you know, the cops be coming in and out, in and out. And sometimes-- they never have a face mask at all. And then we sent a note. We sent a note to the warden. And we send a note to the warden saying that, yo, we need bleach. We need social distancing. And they just brushed it off. Every time, they just brushed it off, like, oh, you know-- you know, just fight your case, or whatever.

So we start organizing, and I put a few of the guys together, and we started to basically refuse a lot of stuff, you know? We start refusing going to chow. And you know, at first we started-- we're not going to chow for three days. And you know, we went outside on rec. We let everybody clear out the old dorm and went outside. [Learn more: https://www.prismreports.org/article/2020/6/12/immigrants-stage-a-hunger-strike-for-black-lives-inside-ice-detention-facility, https://www.latimes.com/california/story/2020-04-19/advocates-say-hundreds-of-immigrants-detained-in-california-are-on-hunger-strike-ice-says-just-two-are]

And when we went outside, normally we go outside for an hour. And when we go outside for that hour, we decide-- we form a circle and we say, we're not going back inside. We need this. We need that. And then they call ICE. They call the warden. They call a few people up. And you know, they start asking us questions. They call a couple of reps over and they were like, what's the problem?

You know, it's going to be a problem and people are going to start to get shipped out because we're outside and we don't want to-- we don't want to come in. And we've got drones flying around now and they don't want that attention. You know, it was a big thing.

So they asked us what we want. We say, basically, a lot of people's here. You know, it's sick. And we need some type of hygiene product like lotion-- I'm mean soap dispensers or at least some bleach or disinfectant. Take away the germs and stuff like that.

And they promised us for weeks. It didn't go as planned. You know, so we decided not to go to commissary. You know, we're still going to go on fasting. You know, we're not going to do none of that. And they keep calling us down and saying they're going to do that, but they've got to go to their people, and they've got to go through ICE administration. And you know, it was just a whole bunch of runaround. And then we started taking it very serious. And then it started getting worse, and people started getting sicker.

You know, that friend of mine, Ahn, they transferred him. They took him out of the dorm, brought him downstairs, and I never heard from that man again. Two days after, I heard Ahn died. You know? And that was so crazy, because that man was full of life. Everybody knew Ahn, you know?

And when he died, it's like everybody just took it to a different level, you know what I'm saying? I said, people is really dying, and that man wouldn't even hurt-- I don't think that man would ever hurt himself, you know? And they was trying to say, oh, I think he killed himself and he didn't want to be there. That's why he killed himself. That's a whole bunch of crap, you know? [Learn more: https://www.aclusocal.org/en/press-releases/immigrant-74-dies-suicide-mesa-verde-detention-facility]

And when he died, we formed a tighter grip, you know? Everybody started forming together. And then we started demanding stuff. They tried to get us to go down to eat, and we say, no. We're not going, you know? And they threatened us. Oh, we're going to stop your commissary. We're going to stop your money. We're going to stop a lot of stuff.

And some of the guys is really sick, because we wanted to stop taking their medication, because all they do when you go to the medical, they always ask you, oh, what's wrong with you? Ah, ibuprofen. Every situation that you go to medical for, they always issue you one thing, ibuprofen.

And I was like, yo, why do they always try to offer you ibuprofen for every situation you have? That don't make no sense. So we tried to refuse medical and stuff like that. But a few of the guys that was there that was on insulin and stuff like that, we let them go, because they have to take their insulin because they're going to die without insulin.

And you know, that's where we started. We started the pushing with a few of the ACLU lawyers, and we started pushing. And we're pushing and pushing. They start taking out people and start releasing people. At first, they released all the females and they start spreading people out.

So the females, they had their own dorm, which was 120 females. So they got rid of all the females first, and then they start taking some of the guys from different dorms to the female dorms. And then they broke it down to, like, 60 people.

But it's still not social distancing, because everybody used the same set of stuff, the same showers, the same toilet, the same sinks. You know what I'm saying? People lined up to go to chow and the same-- you know what I'm saying? So it wasn't working.

And then we started to push. We started to push. We started to push. We started to push, and then they start releasing some of the guys, you know? And then I end up getting released. They say, get this guy out of here, because this guy is creating too much of an issue, you know? So I end up being home, you know?

But even though I came home, I still can remember, and I still can feel these guys that been away for so long in immigration for two, three years. How can you be in immigration for two, three years? I left an older guy down there. He was fighting for almost four years in immigration, and that was so sad, you know?

So I'm here. I'm still fighting. A lot of news media call me every now and then just to ask me a few questions, or what's going on, or how can they help, or whatever. So the fight still goes on.

- Well, we're grateful to have you in that fight, and I think you brought up a lot of really critical questions surrounding anti-Blackness, organizing within the system as you were a detained person within that system, and the lack of adequate health care. And we actually had a question about the ways in which, especially during the COVID pandemic, health care has not been a priority of discussion.

And again, in light of-- for folks who don't know, there was a recent whistleblower complaint out of Georgia related to inadequate health situation in a detention center as well as forced hysterectomies. And so these conversations are absolutely critical.

And we also had another question from a participant asking what our definition of liberation is, because all of us actually have used in some way or another the idea of liberation as we answer our questions. So I would love to talk a little more explicitly about how this work relates to Black Lives Matter specifically.

And why does the fight for immigrant justice have to include a struggle for liberation of Black folks, right? Why is that critical? It absolutely is. And so if we can talk through, panelists. I'll open it up to whomever, if Lisa wants to step in, César. What did we learn from BLM, right?

And I think this goes directly to some of Donovan's work as well, because as Donovan mentioned in his organizing, you know, you invoked a lot the people who were lost at the hands of law enforcement, right? Loss is at the center of a lot of your work. You had a statement that was released, and you invoked Breonna Taylor, Oscar Grant, and that you do this protest in their memory as well. So I think re-centering our discussion around that, Lisa and César, do you have

any observations about why and how we can and must engage BLM more in our work as immigrant justice advocates?

- Yeah, I can start. Yeah, I mean, I think for me-- well, one, I think one thing we've learned from Black Lives Matter is folks have been really intentional about centering, even in the Black community, the most marginalized Black folks, right? So queer and trans Black folks, right? And the idea that we're not truly free until the most marginalized among us is free, right?

And if we sort of focus on the most marginalized folks in the group and in the system, and how do we lift up those folks and fight for their liberation? Through that, all the rest of us will also achieve liberation.

And so I think in the immigrant rights movement, some of the most marginalized folks are Black folks. So for me, it's also remembering that-- it's the intersection, right? And as Donovan mentioned, who's in immigration detention? It's primarily Black and brown folks, right? Who is most impacted by our immigration system? It's Black and brown folks.

And I think right now, we're seeing, as someone mentioned in the questions, the situation on the border, you know? What we're seeing on the border-- and before COVID, I was going down there myself to try to provide services to asylum seekers. But we're seeing disproportionately that Black folks are those asylum seekers that are stuck at the border, trying to get into the US and claim asylum right now. There's a lot of folks from various African countries. There's a lot of Afro-Honduran folks and Afro-descendant folks from other parts of Latin America, right?

So I think part of how they're connected is that in some ways, it's the same movement, right? Immigrant liberation and Black liberation are intertwined in a lot of ways in this country.

- Pilar, you're on mute. You're muted.

- I'm so sorry. César, it would be helpful if you can weave that in perhaps to a discussion about how to end this system of immigration prison since you have given a TED Talk on it. Can you provide some of the major reasons why we need to do this and how we can think through ways to move this conversation forward toward abolition?

- Yeah, certainly, Pilar. So I think we have to be willing to start moving in the direction of abolishing immigration imprisonment frankly, because we know what happens if we do not move away from the current state of affairs. Just in the last few weeks, we've had multiple courts that have found that ICE has little regard for the lives of people in its care, and these are courts that are not particularly sympathetic to the plight of migrants. And there are many technical means by which they can avoid weighing in these questions.

But despite that, here's one way-- here's how one court described the process that ICE used to decide how many people could safely be kept in an immigration prison in Adelanto, California. There, that ICE official in charge, in the words of the court, imagined in his head that every detainee had a sphere around their body that measured three feet in every direction.

He did not measure any common area, did not measure any cell, did not measure any bed, did not measure any table, did not measure any hallway, and did not measure any other area. So this is the disregard with which ICE treats the people in its custody, so it's not a surprise that by October 1 in this facility alone, there were at least 114 confirmed cases between migrants who were detained and also staff.

So legally, there are two permissible reasons for ICE to detain somebody, because somebody's dangerous or because they might flee. But that claim falls apart when we noticed that ICE, for example, locks up children. One child who I wrote about in my most recent book, *Migrating to Prison: America's Obsession with Locking Up Immigrants*, was detained initially when he was just one year old. And he was two years old while he was still detained, and he turned three while he was still detained. So he was in there for multiple years.

And yet, ICE points to the fact that its justification-- its single justification is that people might not show up to hearings, that people might endanger the community. ICE has very little credibility upon which to make these claims. In another judicial decision from a federal court dealing actually with the Mesa Verde detention center, the court summarized the responses to the COVID-19 pandemic and then came to this conclusion that said, ICE has lost the credibility to complain and has lost the right to be trusted.

So what happens-- why should we move away from imprisoning migrants? Because we know the human consequence of doing what we're doing. We know that the legal basis and legal justification that they're using falls flat on its face when we probe just beyond the surface. And we know that the entire regime of immigration law is one that is rooted in various iterations of racism.

Immigration law is anchored in our nation's original sin, slavery. The Constitution's only explicit reference to migration comes in the form of the migration clause, the bar on congressional attempts to stamp out slavery before 1808. The country's first naturalization law, the law that allows people to become citizens if they weren't born as US citizens, limited full participation in our political community to free, white persons.

And so the way in which that racism appears has changed time and time and time again. The particular target of the racism has changed time and time again. But what hasn't changed is that just beneath the surface, if not on the surface of immigration law from the very first moments of the nation's founding, we see that it is heavily influenced by racism. And I think the experience Donovan was sharing about his own time incarcerated illustrates just that point.

- I'm wondering if we can talk a little bit about in the last few minutes that we have, how do we raise awareness? How do we engage media more to discuss these issues of this interconnectedness? How do we, for example, center the voices, Lisa, as you were discussing, the voices of the most marginalized, right? The trans folks, the folks with disabilities.

How do we center that discussion when we're talking about an issue that's already-- that many people already refuse to actually acknowledge, right? Like, many people in our society refuse to acknowledge that there does need to be an abolition movement.

So even getting folks to that point is difficult. How do we then really have these more sophisticated conversations about anti-Blackness, about organizing, as Donovan has highlighted for us? Like, how do we do that? Do we use the media? Is the media a-- and I'm bringing this specifically from a question from a viewer out there. So can we talk through that a little bit?

Maybe we'll start with Donovan. You mentioned while you were having your hunger strike there were drones flying over. Part of the problem that the people in power had with it was that it was getting too much attention. Can you just talk through that briefly with us?

- Yes. As I say, you've just got to highlight the situation as is, you know? We can't sugar coat nothing. We've just got to put it out here as it is, you know? And you've got to show the media what is really going on. You've got to put it out there, you know? I have pictures of people that were sent back to their country in the middle of the street, murdered. You know? You've got to show the media this type of stuff, you know?

Families here, American citizens. Dad was sent back and was slaughtered. You know what I'm saying? His head cut off his body in the middle of the street. You know what I'm saying? So once you start highlighting these situations that's occurring on a regular basis, then people will start gravitating and see the realness of what's really going on.

- Maybe César or Lisa can talk about, especially in the midst of the Trump-- you know, the situation with Trump since post-2016, what are some tools that we can use as activists in engaging the media?

- Yeah, I think particularly as a lawyer and somebody who has access to folks in detention who are so marginalized and so isolated, I think one of the tools that we have is our access to folks who are impacted by the system every day. And so one thing, as Donovan said, that's really powerful is I can talk all day to the media about what the situation is like in detention right now, but having folks who are in detention explaining that is so much more powerful and compelling, right? And they can tell their own story much better than I can. So I think for me, one thing that has been really important and I think that has also really resonated with the media and with the public is lifting up those stories of directly impacted folks.

- César, do you have any thoughts you'd like to share about that as a historian of this process?

- Yeah. No, I think for me as an academic, I think where I can weigh in best is to try to provide some of the context in which this kind of decision making process has played out at different moments in the nation's history.

And the thing that I turn back to is a moment in 1954 when we had a Republican in the White House, Dwight Eisenhower. And we had a practice at that point of jailing migrants in places like Ellis Island, and then earlier on in the 20th century on Angel Island out in the West Coast.

And yet, the Eisenhower administration at the end of 1954 announced that it was going to be closing down several of those facilities, including most importantly the one on Ellis Island. And it's not because all of the sudden there were no people who were violating immigration law.

There were. In fact, there were still people there who were just released into Manhattan and put on ferries, and then who knows what happened to them.

And it's not because all of the sudden the hearts and minds of decision makers in the White House and in the Justice Department, which at the time was responsible for immigration matters, changed and they took a more sympathetic view of migrants. 1954 is the same year in which Operation Wetback was responsible for rounding up Mexicans, including US citizens, and deporting them.

Well, what happened was that the politics of the moment changed. 1954 was a moment in which the Soviet Union was rising, was regaining its power after the pounding that it had taken during the war, in World War II. The U.S. and the Soviet Union had already faced off in a proxy war in Korea in the early '50s. And what was going-- and the Cold War was beginning.

In the Cold War, the Eisenhower administration realized that we needed allies, and one obstacle to gaining allies was treating their citizens poorly. And so the Eisenhower administration came to view its immigration policy, specifically its policy of imprisoning migrants, as part and parcel as part of the country's national security strategy.

So I think it's valuable to try to change hearts and minds, but for some people that's never going to happen. And so while we're waiting for all of the hearts and minds and while we're doing the work of changing those hearts and minds, I think changing the politics of the moment are equally important. Changing the political pressures that key decision makers are facing so that it becomes untenable.

It becomes impossible for them to continue to lock up migrants because we're ostensibly afraid that they're going to endanger the public or afraid that they're going to disappear into cities and schools throughout the United States. And that is something that I think we can continue to do.

I think that is something that we should continue to do to the extent that the private corporations are engaging in imprisoning migrants for the sake of profit off of human bondage. And raising the costs of that practice is enormously valuable. And we're seeing that in places like-- it happened in places like California at the state level. But we're seeing that in communities, cities, and smaller towns throughout the country in one instance at a time. So I think the politics of the moment, they're as important as changing the narrative that affects the way in which people view migrants and migration itself.

- So in our last five minutes now, I'm hoping that perhaps we can all answer one of the questions that was submitted prior to the registration here about making the connection again between BLM, Black Lives Matter, and the fight for Black liberation and immigration rights. If there is one takeaway that you can give as an activist, as an organizer, as an academic in terms of coalition building, right? Like, how do we actually build bridges from one another? From one another-- from me to you, from you to me, right? From all of us who have very different identities.

Like, I'll just start by saying that I think the most important thing is recognizing our own privileges. I am a Latina, but I'm a white-presenting Latina. I navigate through the world very differently, right? And I'm a woman who's cisgendered. I think naming these things are really critical. That's for me the number one place to start.

And I would love to hear from the rest of our panelists where you think the starting point is for actually getting a coalition built to start to dismantle some of this stuff, to abolish it. So Donovan, as the one who really put together a coalition of people from very different backgrounds during your strike, what do you think-- what was the first starting place for you all?

- The first starting place is just to get everybody involved that is in the same situation. Because as I say, people from all over the world is in the same situation. You know what I'm saying? And as long as you get people together-- they say unity is strength, you know? So we've just got to all come together, you know what I'm saying? And just make one big voice.

As I say, even if it's going to take a march or we just form people from all backgrounds come together and voice their experience, you know? And I'm telling you, it was a lot of people with different experience. So that's what we've got to mostly do. We've just got to come together at one big force.

- Great. Thank you. Lisa?

- Yeah. I mean, I think it's-- yeah. As Donovan said, kind of recognizing that we are all in this together, right? And that as César said earlier, it really is the same system that's impacting people in the same way. And I think with COVID, we've really started to see this, right? And in California, which I know is a little different than a lot of states, but people are locked up and dying in prison, in California state prisons. People are also locked up and dying in these private, for-profit detention centers.

And we've really been able to all come together and realize that this is the same system that's killing people, and also have common targets, right? So I was honored to participate along with 13 other lawyers and activists and undocumented folks at a direct action that we did at Governor Gavin Newsom's house in California, demanding that he take action to free folks from jails, prisons, and immigrant detention centers, right?

So we all realize that the target there and the person who had the power and potentially could be moved was Governor Newsom in that situation. And so we were all able to come together around that common target and those common demands.

And I think as lawyers, being willing to kind of step outside our comfort zone and do things like if you're able to and you feel comfortable, getting involved in direct action, right? And getting involved in ways that aren't necessarily strictly legal and showing up for folks I think really goes a long way towards building those bridges and those coalitions.

- So I think that it's essential that we consider the criminalization of migrants, the exploitation of Black people regardless of citizenship status as a matter of racial justice. But I think it's also one that incurs enormous class exploitation components.

And the best example from recent history that I can point to is actually what's playing out inside immigration prisons in the context of COVID-19, in the pandemic. So yes, detained migrants are getting sick. Some of them are dying.

But guards are too. And those guards are going in and out of the facility. And so they're taking this illness, this virus into the communities that they live in, including to their families. And they're often rural. They're isolated. These are poor communities with limited health infrastructures.

And yet, ICE's cavalier posture, that one court today that I quoted from, they said, we can't trust ICE. They can't be trusted. You know, that doesn't just affect the migrants who are locked up forcibly, but it affects all of these folks.

And the other thing that I think is invaluable to think about especially right now is that no matter what happens in a few weeks, no matter what happens with the outcome of the election in November, immigration prisons are going to continue unless they are forced to stop. The biggest immigration prison population in the history of the United States was under President Obama until President Trump.

And so a reversion to the pre-Trumpian days is certainly to be welcomed in many, many ways, but it certainly is going to be far from idyllic, and will involve many, many hundreds of thousands of people who are locked up every single year while CoreCivic and the jail groups of the world make a ton of money off of them, unless a Biden administration, if that's what happens, is forced to not do that.

- Well, thank you all to our panelists and to our participants for joining us. We also want to invite you to participate in our upcoming event on October 27 at 2:00 to 3:00 PM Central, 12:00 to 1:00 PM Pacific. It'll be focused on Latinx higher education and discussions of affirmative action at HSIs.

So we look forward to having you there with us, and thank you very much for taking your time to engage in this discussion. Specifically to Donovan, César, and Lisa, I've really enjoyed this, so thank you all. And to everyone out there, we look forward to seeing you again in the future. Bye.