



NEXO

The Official Newsletter of The Julian Samora Research Institute
The Midwest's Premier Latino Research Center

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JSRI's mission is to generate, disseminate, and apply knowledge to serve the needs of Latino communities in the Midwest and across the nation.

MICHIGAN STATE UNIVERSITY

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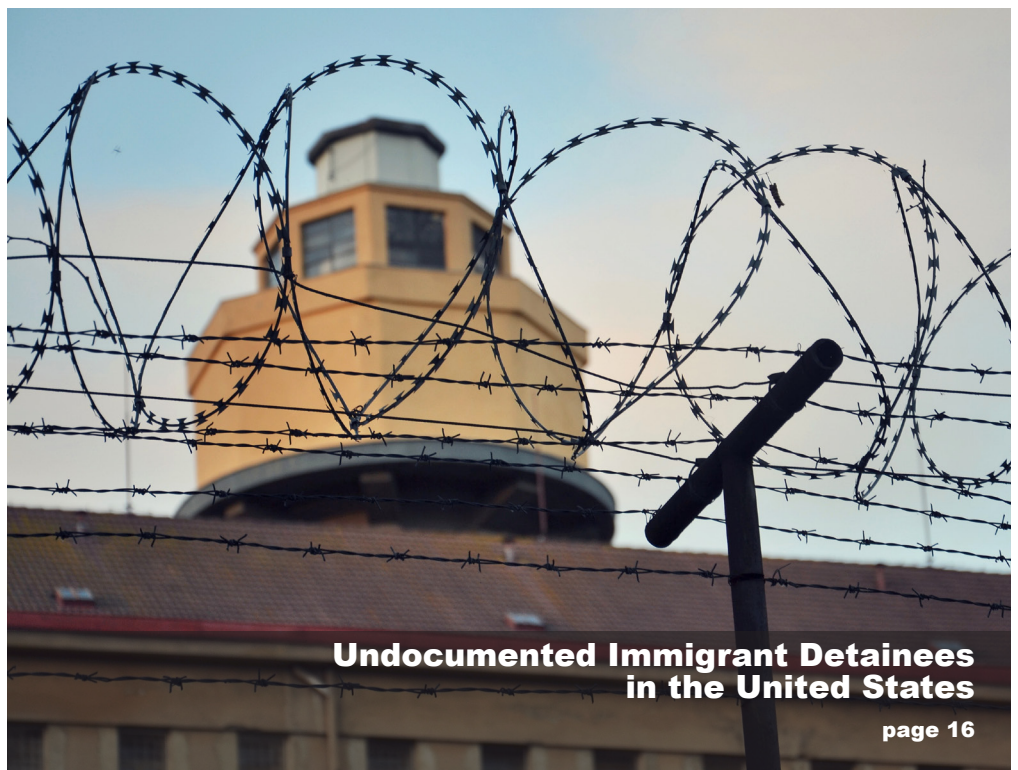
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JSRI at Michigan State University is committed to the generation, transmission, and application of knowledge as it relates to Latinos and Latino communities throughout the Midwest and the nation.

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Farmworkers and America's Food Systems



Rubén O. Martínez
Director

The demand for labor on America's food-producing farms and the current anti-immigration climate are crashing into each other and putting America at risk of food shortages and exorbitant prices. Farmers need workers to nurture and harvest the crops, milk the cows, and tend to the livestock, but American workers are unwilling to perform this type of labor. Consequently, farmers are forced to depend on foreign workers willing to do the work, often undocumented workers. Conservative politicians and White Nationalists have for several years promoted and stirred anti-immigrant sentiments, especially against persons and families

coming from the many countries south of the border. In this context, immigrants willing to perform farm labor have been forced to enter the country without going through the legal process—a system and process that does not meet the nation's demands for farm labor.

The number of farmworkers in this country is not known exactly, and estimates range from 1.3 to 3.1 million, depending on which categories are used (e.g., agricultural, year-round, migrant and seasonal, etc.). Estimates of the number of farms in the country come from the Census of Agriculture which is conducted every five years. Figures from the 2012 census are available, but those from the 2017 census have yet to be released, and will probably be available in a year or two.

The 2012 census set the number of farms at 2.1 million, reflecting a long-term decline in the number of farms; in 1935 the number of farms was estimated at 6.8 million. At the same time, cropland has shifted from smaller to larger farms, with the midpoint in the average number of cropland acres shifting from 589 in 1982 to 1,234 in 2012. Mid-sized farms, those with \$350K to \$999K in "gross cash farm income" (GCFI), declined in number, while small farms (less than \$350K in GCFI) increased in number. In terms of productivity, large farms (with \$1 million or more in annual GCFI) comprise approximately 2.9 percent of the farms, but account for nearly one half of total production. Mid-sized farms comprise 5.6 percent of the nation's farms and account for approximately 23 percent of production. Small-sized farms comprise 90 percent of farms and generate approximately 24 percent of total production. The majority of small farms make less than \$150K in GCFI. Generally, the larger the farm, the more workers they employ. Not surprisingly then, most farmworkers tend to work on mid- to large-sized farms.

Those working on fruit and vegetable farms have attracted public attention relative to wages and working conditions, but those on dairy farms are increasingly attracting attention as well. The relationship between farm workers and farmers is a complicated one, involving immigration issues, federal labor laws, food safety, and the social conditions of local communities. Because of the broken immigration system, our food systems depend on the labor of a slight majority of undocumented farmworkers, and the current anti-immigrant climate, which, like all previous movements of nativism is driven by fear, irrationality, emotions and demagogues, promotes enforcement raids, detention and deportation without regard for the consequences to our agricultural industries and the larger economy.

There is fear, for example, that immigrants are changing the nation's institutions, and efforts are made to affirm what are regarded as core cultural institutions. Take the Official English bill that is winding its way through Michigan's legislature. The work of Michigan's governments already is conducted in English, so it does not address a particular problem, and is superseded by federal laws in many instances. With the many problems that Michigan has across many societal sectors, including a deteriorating infrastructure, increasing poverty, a public education crisis, among other problems, this legislation is needless and irrational. Since it does not have any positive practical consequences, it can only serve as a symbolic gesture that promotes anti-immigration sentiments. That is, it plays on the emotions of those holding anti-immigrant sentiments and who are willing to be led by demagogues to the abyss; in this case the potential collapse of our food systems.


Rather than seeking to develop practical and just solutions to the labor shortages that occur in Michigan's agricultural industry, our legislators pursue policies driven by political ideologies that promote fear and nativism. At the national level, the detention and deportation of undocumented immigrants puts the nation's agricultural systems at risk. We are told that these immigrants are criminals, but the fact, demonstrated in numerous research studies, is that immigrants commit fewer crimes than native-born Americans. And, contrary to popular belief, they are willing and motivated to learn English, but the demand is much greater than the availability of programs. Immigrants know that it is incumbent on them to learn English if they are to be able to take advantage of opportunities for advancement. No one has to tell them that, they know it.

The principles of free market fundamentalism, especially anti-government and radical individualism, shape the policy environment against funding public programs that promote immigrant integration. Further, Michigan legislators, guided by these principles, have voted on HB 4438 to amend the "Natural Resources and Environmental Protection Act," which directs the Department of Environmental Quality to develop rules for the management of sewage and septic waste. The Bill, however, exempts farm operations with regard to servicing portable toilets if they meet field sanitation, worker protection and food safety requirements. While these are laudable objectives, a problem that has plagued American agriculture has been the enforcement of farmworker protection laws, and this problem is exacerbated today when government is reduced through tax cuts and its enforcement capability diminished.

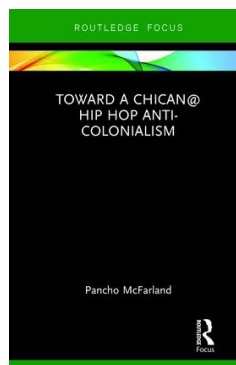
As such, it is not only immigration raids and a broken immigration system that put our food systems at risk, free market

fundamentalist policies are also contributing to the problem. With many reports predicting that global food shortages will reach crisis proportions in the coming years, it is imperative that Americans rise above the propaganda of anti-immigration, White nationalism, and free market fundamentalism if a rational and pragmatic approach is to be adopted in preventing the impending food crisis that is emerging here in the U.S. Already increasing income inequality puts the political and social stability of the country at risk. And while poverty rates are stabilizing, they remain high (12.7% in 2016), especially among Latinos (19.4%) and African Americans (22%), populations that already experience food insecurity. In 2015, it is estimated that 42.5 million Americans experienced hunger as a result of inadequate food access. The broken immigration system will exacerbate this problem by threatening farm production, causing food shortages that will ultimately lead to social disruptions that will shake the foundations of this great nation.

Moreover, farmworkers, as a labor force, have endured poverty for over a century. Low pay and harsh working conditions led to widespread strikes in 1933; strikes that were quelled by force and the use of immigrants as strikebreakers. This scene was repeated in the 1960s, when Filipino and Latino farmworkers sought to improve their wages and their working conditions. Indeed, it was César Chávez, Gil Padilla, Eliseo Medina, Dolores Huerta and many others who formed the United Farm Workers of America (UFW) and had the first major successes in organizing farmworkers; efforts that led to the passage of the California Agricultural Labor Relations Act in 1975. Despite initial successes by the UFW, the overwhelming majority of farmworkers today continue to suffer low wages and harsh working conditions. Perhaps the film "Harvest of Shame" (1960) best captured the lives and work conditions of migrant farmworkers, conditions that continue to prevail today, the limited gains by the UFW notwithstanding, especially given the ease by which undocumented workers can be exploited under today's conservative and anti-immigrant political climate.

One of the great ironies of the deportation of migrant farmworkers is that farming was introduced in southeastern Europe centuries ago by migrants from the Fertile Crescent in Western Asia. Today, our food-producing farms are sustained by migrant farmworkers, many of whom lead lives of fear because of their undocumented status; lives of poverty and hunger despite the fact that they perform one of the most critical labor functions in our state and national economies. Food production and farmworkers are at the heart of the future of this great nation. We should fix the broken immigration system and keep our food systems at the center of our thinking as we do so. 

Toward a Chicana@ Hip Hop Anti-colonialism



by Pancho McFarland.
2018. New York, NY:
Routledge.

Reviewed by
Richard Cruz Davila

Pancho McFarland's *Toward a Chicana@ Hip Hop Anti-colonialism* is the second volume in the Routledge Focus on Latina/o Popular Culture book series, which provides brief introductions to key issues that intersect Latina/o and pop culture today. McFarland's focus is on the political possibilities of what he calls "Xicana@ hip hop" and "Chicana@ street hop," the actual politics of current Xicana@ hip hop and Chicana@ street hop artists, and the gaps between them. Through five short chapters, McFarland surveys current trends in anti-colonial theory and, through discussion of a select group of Chicana@ hip hop texts, offers a framework for a more meaningful and effective Xicana@ hip hop/Chicana@ street hop anti-colonial praxis.

In the opening chapter, McFarland situates his discussion of Chicana@ hip hop within the context of "the current colonial capitalist crises facing Chicana@s" (2017, p. 2). Specifically, he identifies the criminalization of people of Mexican descent through the War on Drugs and other colonialist/capitalist tactics, the use of mass media and public education to normalize "the racist capitalist status quo" (ibid., p. 2), and gendered colonial practices that sow divisions between groups along lines of gender and sexuality, effectively undermining all people of Mexican descent.

Next, McFarland lays out his theoretical framework and analyzes Xicana@ hip hop and Chicana@ street hop, and argues that Xicana@/Chicana@ hip hop artists should aspire to achieve an anti-colonial praxis. He defines his political theory as: anti-authoritarian, drawing from anarchist and autonomous Marxist traditions; anti-colonial,

specifically informed by transnational feminism; and alterNative, which recognizes that those of Mexican descent "are not simply the colonized, but, also, and more importantly, we are native" (ibid., p. 16).

In Chapter Three, McFarland presents his analysis of Xicana@ (indigenous-identified people of Mexican descent) hip hop through discussion of "maíz narratives." Noting the historical and continued importance of maíz (corn) in the religion, philosophy, and social organization of indigenous Mexican and Central American societies, he positions Xicana@ hip hop as a continuation of a millennia-long maíz narrative, or, "an alterNative history of Xicana@ people" (ibid., 28). Using the examples of artists such as Kinto Sol, Tolteka, Olmecca, and Rain Flowa, McFarland praises the ability of Xicana@ hip hop to transmit indigenous identity and perspectives, and to reterritorialize the spaces in which Xicana@s/Chicana@s reside. At the same time, he contends that Xicana@ hip hop could benefit from increased attention to issues of gender and sexuality, noting that its "underdeveloped gender analysis and little room for la jotería limits its liberatory potential" (ibid., 44).

McFarland transitions in Chapter Four to an analysis of the "new pinto poetics" of Chicana@ street hop, connecting Chicana@ street hop artists to the tradition of the "pinto" as an outlaw figure, and specifically to the pinto poetry of Chicano prisoners in the 1960s and 1970s. Citing the lyrics of artists such as Thief Sicario, Juan Zarate, and Psycho Realm, he argues that Chicana@ street hop offers a critique of Chicana@s' subaltern status through images of life in the calle (street) and encounters with the carceral state. Noting the predominance of men in Chicana@ street hop, he contends that Chicana street hop artists Tenochtitlan and TopDime "provide a defiant woman-centeredness that sees women outside of patriarchal expectations and the male gaze and offers a third space within hip hop to develop a 21st-century Chicana@ identity" (ibid., 53). He concludes, that in order to increase its political efficacy Chicana@ street hop, like Xicana@ hip hop, must make room for female and GLBTQ2 identities and perspectives. He further notes

the need for Chicana@ street hop artists to align themselves with the politically active members of their communities.

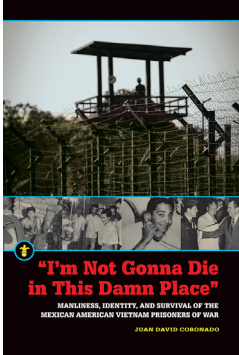
In his concluding chapter, McFarland highlights the importance of examining "how we define ourselves and how we are defined by others" (ibid., p. 56). While the stories told by Xicana@ hip hop and Chicana@ street hop artists offer a counter-narrative to the ways by which Chicana@ communities are defined by those in power, the question, McFarland contends, is how "these identities and the politics that accompany them contribute to a liberatory praxis" (ibid., p. 56). To this end, he argues that a Chicana@ hip hop anti-colonialism must embrace a pan-indigenous transnationalism by connecting to the pan-indigenous movement developing among indigenous peoples throughout the Americas and worldwide. He again stresses the importance of including "a decolonization of gender and sexuality and a third space for Xicana@s" (ibid., p. 60) in Chicana@ hip hop anti-colonial praxis.

McFarland's book is an engaging read with regard to the political possibilities of Chicana/o and Latina/o popular culture, hip-hop music, and popular music generally. His analysis of Xicana@ hip hop and Chicana@ street hop texts offers insight into the resistant politics of music scenes that rarely register in academic discussions of hip-hop or in the popular music press. At the same time, he provides a framework for anti-colonial praxis that challenges attempts by the dominant culture to sow divisions between groups or to co-opt resistant cultural practices, which is useful not only for the Chicana@ hip hop artists he discusses, but for all musicians and artists working to advance anti-colonialism.

At only 66 pages, though, the book suffers from being so short. McFarland often uses terms that readers not familiar with the subject matter may find difficult to understand, and the length of the book leaves him little room to define his concepts. For instance, the distinction he draws between "Xicana@" and "Chicana@" is only gleaned through a parenthetical mention of indigenous identity, and the distinction between "hip hop" and "street hop" only becomes clear in the fourth chapter of the book.

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"I am not Gonna Die in this Damn Place:" Manliness, Identity, and Survival of the Mexican American Vietnam Prisoners of War



by Juan David Coronado. 2018. East Lansing, MI: Michigan State University Press.

Reviewed by Jean Kayitsinga

This is a great history book that reminds us about America's Vietnam War era. The author, Juan David Coronado, uses a social-historical lens to focus on the less told stories and experiences of Mexican American Vietnam War prisoners of war (POWs) in Southeast Asia. What is both great and unique about this book is that Coronado details the experiences of forgotten and overlooked Mexican American POWs in Vietnam and places them within the historical contexts of both the U.S. and the War itself. Methodologically, Coronado relies on the oral histories of ten former Mexican American Vietnam War POWs and on analysis of secondary information from various sources, including archival material, government documents, recorded materials, books, journals, and newspapers.

The men in his study share similar backgrounds: they all grew up in the barrios and farming communities of the Southwestern United States between the 1930s and 1960s. They experienced poverty, hunger, discrimination, and through those experiences developed survival skills that were later found useful when coping with captivity in Vietnam. In their youth, the men had to work long hours as laborers in commercial agriculture. All ten men began working at young ages to help provide for their families. In addition, they had to deal with segregation in the barrios and with open discrimination from law enforcement officials who treated them as criminals.

The Vietnam War (1954-1973) was controversial as Americans were deeply divided by it. According to Coronado,

there also were clear divisions about the Vietnam War within the Chicano community, especially by generation. The older generation wanted to address social inequality and worked closely with President Lyndon B. Johnson's administration to bring improvement to their communities and would not challenge him and his military strategy in Vietnam. In contrast, the younger generation was vocal, embraced demonstrations, and considered the war in Vietnam as unjust and a showcase for American imperialist goals.

According to Coronado, the Cold War, patriotism, religion, heritage, pro-war propaganda, camaraderie, the thrill of adventure, and a dreadful draft influenced these men to serve in Vietnam. Gender, ethnicity, financial need for their families, and military family traditions also played key roles in inspiring Mexican Americans to serve in Vietnam. Mexican American POWs served gallantly and, in many cases, without reservations. Toward the end of their captivity, two men became increasingly vocal in calling for an end to U.S. intervention in Vietnam. Older and career-oriented POWs, on the other hand, expressed their loyalty to the war effort.

In this book, Coronado examines the experiences of Mexican American POWs in Vietnam and contextualizes their unique accounts within the larger POW narrative. Mexican American POWs were interrogated, tortured, and made to attend indoctrination sessions that exposed them to socialist and communist propaganda. Cuban interrogators assisted the North Vietnamese in the cross-examination of Mexican American POWs. In addition to psychological and physical torture, POWs were fed disgusting meals at near-starvation levels, and they became sick from malnutrition, malaria, hepatitis, and beriberi.

The goal of the North Vietnamese was to use POWs' statements to convince the world, including the U.S., that Americans should withdrawal from a war they considered inhumane and imperialistic, and which wrought widespread violence and brutality upon the Vietnamese. The POWs' experiences took a dramatic shift as their captors intensified indoctrination efforts. Because of these efforts, Americans POWs

would continue to suffer as they stood together, resisting, enduring, and surviving.

In 1967, the U.S. was fully engaged in the war effort, and by 1968, it had suffered the most deaths in that military campaign. Between 1967 and 1973, 160 American POWs were held by the North Vietnamese. In the U.S., civil unrest and the antiwar movement grew as the war intensified. With the assassination of Martin Luther King in April and Senator Robert F. Kennedy in June, the country found itself in deep turmoil and more and more people were opposed to the war in Vietnam.

According to Coronado, the experiences that helped Mexican POWs cope with captivity started long before their capture. The qualities, skills, discipline, and characteristics that pushed Mexican American POWs to survive in Vietnam had been ingrained in them in rural communities, border towns, and barrios of the Southwest. The persistence and resolve developed by hard labor during their youth produced a capacity for tolerance that allowed them to survive in captivity. The cultural influence of machismo also sustained them as they sought to endure the many survival challenges of captivity.

The War ended in 1973 and American POWs were repatriated through Operation Homecoming. The return home presented new challenges for the former POWs, in addition to the physical, mental, and emotional wounds they had experienced; they now had to adjust to a changed society. As he concludes the book, Coronado indicates that the Mexican American former POWs served under extraordinary circumstances and must be remembered. Those still alive lead quiet lives and remain bonded to each other through the physical and mental anguish they experienced in Vietnam.

This book brings back old memories about the Vietnam War era. By focusing on Mexican American POWs and their experiences before, during, and after their captivity, Coronado brings to life the Mexican American perspectives within the history and complexity of the Vietnam War. As Coronado acknowledges, there remain more stories to be told of the Mexican American POWs in Vietnam.

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Immigration Today: A Background of Immigration and Undocumented Immigrants

Rose Rodriguez¹

This essay provides an overview of the conditions undocumented immigrants to the United States face today. It begins with an overview of immigration and then presents the struggles and challenges that immigrants face, such as abuse and profiling by Immigration and Customs Enforcement (ICE) agents and Border Patrol officers. Undocumented status makes many immigrants vulnerable to abuse and profiling due to the lack of information necessary for them to stand up for their limited rights. Other struggles that undocumented immigrants face arise in the area of detention and deportation. Again, immigrants face abuse and many of their basic human rights are often violated. Finally, this paper discusses Deferred Action for Childhood Arrivals (DACA), a pathway since 2012 that allowed undocumented immigrants to get one step closer to becoming documented but was rescinded by President Donald Trump in 2017. On Tuesday, January 9, 2018, however, U.S. District Court judge William Alsup halted the rescission, thereby providing a window for undocumented immigrants meeting the criteria to apply for or renew their status under DACA. Still, there is continuing pressure from the administration to end DACA.

Pat Buchanan stated on MSNBC in 2009 that Mexico would

be the greatest foreign policy crisis that America would face within the next 20 years, based on projections that there would be about 135 million Hispanics in the United States by the year 2050 (Chavez, 2008). Why is this considered a crisis? Leo R. Chavez (2008) argues that Robertson's claim is representative of what he calls the Latino Threat Narrative. Proponents of this narrative put forward the argument that Latinos are not like other immigrant groups in the U.S. because other immigrant groups ultimately assimilate into the national culture, whereas Latinos do not (Chavez, 2008). Latinos are often seen as invaders from the south who want to reconquer land that was formerly theirs and destroy the American way of life (Chavez, 2008). However, this is nothing new since similar threat narratives were previously levied against immigrant groups such as Germans, Catholics, Chinese, and Japanese (Chavez, 2008).

The number of immigrants in the U.S. has been growing at a steady pace since 1960. In 2008 the estimated number of undocumented immigrants living in the U.S. was around 10 to 12 million, with most of the immigrants coming in from Mexico (57%) and an additional 23% coming from other Latin American countries (Chavez, 2008). This increase of undocumented

immigrants led to public concern over immigration and legislative proposals to reform the immigration laws in the United States (Chavez, 2008). This appears to conform to the idea, known as the 10-year cycle, that concerns about immigration and proposals to reform immigration policies occur every 10 years (Chavez, 2008).

In the 1970s President Jimmy Carter considered the possibility of an amnesty for undocumented immigrants and imposing sanctions for employers who hired undocumented workers (Chavez, 2008). This possibility never occurred since immigration was not a prevalent issue at the time (Chavez, 2008). Ten years later, President Ronald Reagan signed the Immigration Reform and Control Act of 1986 (IRCA) (Chavez, 2008). The major provisions of IRCA gave sanctions for employers who hired undocumented immigrants and an amnesty program was put in place for over a million undocumented immigrants (Chavez, 2008). Following IRCA the number of unauthorized immigrants in the country rose from 5 million in 1986 to 11.1 million in 2013. High demand for immigrant labor in the United States and the negative effects of North American Free Trade Agreement which, launched in 1994, displaced millions of Mexicans from their farms. The Immigration Act of 1990 increased the number of legal immigrants allowed into the U.S. each year from 500,000 to 700,000 (Chavez, 2008). In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act. This act created tougher requirements for undocumented immigrants to adjust their status to that of a legal immigrant and began turning deportation decisions over to immigration courts; this essentially reduced the level of judicial review open to immigrants (Chavez, 2008). This change also widened the range of “deportable offenses” (Chavez, 2008: 8). In 2006, the U.S. Senate passed its own version of immigration reform that included a guest worker program for immigrants and a legalization program (Chavez, 2008). This, however, did not result in a new law. In 2007, President Bush took up immigration as well, but it also did not result in the passage of any new laws (Chavez, 2008).

Ice and Border Patrol Abuse

U.S. Immigration and Customs Enforcement (ICE) is a government agency that enforces the laws governing border patrol, customs, trade and immigration to promote homeland security and public safety (Johnson et al., 2015). ICE has the duty to apprehend, detain, and remove noncitizens who have committed crimes within the U.S. (Johnson et al., 2015). ICE takes custody of noncitizens detained during and after removal proceedings and they also serve as one of the “largest jailors in the nation” (Johnson et al., 2015, pg. 229). ICE focuses on three operation-

al directorates: The Homeland Security Investigations (HSI), the Enforcement and Removal Operations (ERO) and the Office of the Principle Legal Advisor (OLPA) (Johnson et al., 2015).

Customs and Border Protection (CPB) is one of the world’s largest law enforcement organizations. They are in charge of keeping terrorists out of the U.S. while facilitating international travel and trade (Johnson et al., 2015). In 2013, CPB officers processed more than 360 million travelers at U.S. air and sea-ports (Johnson et al., 2015). CPB also oversees the efforts to increase border security through enhanced technology and any construction that may be done at the Mexican border (Johnson et al., 2015).

CPB and ICE have often faced controversy over their removal tactics, as well as alleged harassment of undocumented immigrants. The ACLU argues that ICE’s removal tactics strip immigrants of the right to a fair hearing in court, “as the government rushes to judgment and tries to ram people through a rubber-stamp system that ignores individual circumstances” (“Ice and Border Patrol Abuses”). They further suggest that ICE’s enforcement programs pose multiple threats to the civil liberties of those with whom they come in contact, including the Fourth Amendment protection against unreasonable searches and seizures, the constitutional right to due process and the right to equal protection and freedom from discrimination (“Ice and Border Patrol Abuses”).

There are many reports that also show ICE agents harassing individuals who are leaving courthouses. There is often no reason for such questions or harassment. There has been an increase in this trend under the Trump administration all across the county. One such case occurred in El Paso, Texas in February 2017. Video evidence and reports show that federal immigration officers went to the El Paso County Courthouse and arrested an undocumented woman who had just been given a protective order that states that she was a victim of domestic violence. Agents had received a tip about the woman from her alleged abuser, who was already in the custody of immigration officers. Arrests that are being made in the courthouse are of great concern since it appears victims are punished for seeking out help from their abusers. They might fear that if they go to the courthouse they will be detained, deported or separated from their children. This is because the abuser has the power as they may give the victim’s name to ICE if the victim chooses to leave them. These are aggressive tactics that are being fought against by lawmakers and chief justices of California and Washington.

Similar issues arise with the U.S. Customs and Border Patrol (CBP), which has often been criticized for using both racial profiling and excessive force. CBP often uses checkpoints within 100

miles from the country's external boundaries. One of the most recent controversies that involved the U.S. Customs and Border Protection occurred in August, 2017 when Hurricane Harvey hit Texas. During this time, people were trying to leave Texas in search of refuge from the hurricane. In order to leave, residents of the state would need to go through CBP checkpoints. The CBP refused to close these checkpoints and by doing so put many undocumented people at risk because of their fear of being deported. This brought forth the issue of whether these Border Patrol checkpoints should be open when a natural disaster occurs.

Border Patrol officers often abuse their power in other ways as well. In the case of *United States v. Brignoni-Ponce*, there were two border patrol officers who were observing traffic on the side of the Interstate Highway 5, north of San Diego, California (Johnson et al., 2015). In this case, the officers pursued the car of Brignoni-Ponce because the occupants of the car appeared to be of Mexican descent (Johnson et al., 2015). The officers stopped the vehicle, questioned the occupants, discovered they were all in the country illegally and arrested them (Johnson et al., 2015). Here, the occupants of the car argued that the police stop was illegal unless there was a reason to suspect that the occupants were undocumented (Johnson et al., 2015). The Border Patrol is not allowed to stop a vehicle that is near the Mexican border and question occupants unless there is a ground for suspicion; however, the courts in this case created an exception (Johnson et al., 2015). The exception is that a vehicle may be stopped by a patrolling officer when they are aware of specific facts that create a suspicion that the vehicle is occupied by undocumented immigrants (Johnson et al., 2015). Factors that may be considered in exceptions are the characteristics of the area, the proximity of the border, and any relevant information about a recent illegal crossing in the area (Johnson et al., 2015). The Courts often tailor their response to claims that "undocumented migration" is out of control. (Johnson et al., 2015). These kinds of stops as well as racial profiling stops are still occurring today.

Detention

There are many detention centers located throughout the United States. These detention centers are either privately owned, city owned, or owned by ICE. Although the figures tend to vary depending on the source, the estimated cost to keep a detained individual in a private immigration detention facility is \$90.43 per day, higher than the average of \$72.69 per day to keep an individual in municipal jail (CIVIC, 2015). The U.S. has the largest immigration detention infrastructure in the world and detains approximately 380,000 to 442,000 persons per year

(CIVIC, 2015). Many detainees are asylum seekers, victims of human trafficking, or legal permanent residents. These detainees are held for months and sometimes years (CIVIC, 2015).

Immigration detention centers started to become more prevalent during the 1980s. Before then, there were only about 30 people in immigration detention each day (CIVIC, 2015). Then two private prison corporations, the GEO Group and Corrections Corporation of America wanted to expand detention facilities. As a result, these two private corporations lobbied for laws that achieved this goal and ultimately led to a new prison being built every 15 days throughout the 1990s (CIVIC, 2015). In 1996, President Clinton signed the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) (CIVIC, 2015). These two acts led the number of people in immigration detention centers to double from 8,500 each day in 1996 to 16,000 in 1998 (CIVIC, 2015). These laws also gave the U.S. Government the authority to deport lawful permanent residents who were convicted of certain crimes. Around 2015 there was an increase in immigration detention due to a "Lockup Quota" that was mandated by Congress. Due to this quota there are now about 34,000 people in immigration detention each day. Consequently, Congress has made large increases to the budget allocated for immigration detention (CIVIC, 2015). ICE estimates that it costs the government about \$12,500 to deport each individual (CIVIC, 2015). However, after adding on the costs of apprehension, detention, legal processing, and transportation it is shown that the government spends more than \$23,000 to deport each person. In 2015, it cost taxpayers about \$2 billion dollars just to keep undocumented immigrants in detention, not including other costs. (CIVIC, 2015).

A concern regarding immigration detention is that there is not much oversight in these systems, making the detainees subject to abuse. According to a national investigation done at the end of 2013 by the Detention Watch Network, as many as 250 detention centers out of 257 could not guarantee detainees basic medical care needs (Detention Watch Network, 2013). Also, these 250 detention facilities could not guarantee adequate protection against physical and sexual abuse. Since there has been a growth in immigration detention, the issue of immigration detention conditions has become more apparent. Also, "since detention is contracted out and the system is decentralized, ICE is unable to ensure access to counsel and uniform fair treatment of detainees" (Johnson et al., 2015: 538). Although operating under the National Detention Standards system, detention centers are seldom subject to the consistent enforcement of the standards.

Violations of due process are also a concern in detention

facilities because many of these facilities offer limited access to legal services and most detainees receive no legal representation. Many families are separated as a result of these detentions. Some of the detainees do not have a criminal background or charges but face deportation nonetheless. A 2009 internal ICE review found that only 11% of detainees had been convicted of violent crimes. In August 2017, President Trump stated at a campaign rally that his administration was going to start targeting immigrant “animals” who are involved in gang violence (Desgranges, 2017). However, in many cases, these so-called “animals” are children who have not been accused of any crime but have been falsely labeled as gang members (Desgranges, 2017). In many cases, children are labeled gang members because they wear clothing that may be associated with gangs, such as the apparel of certain sports teams, or because they may be playing soccer with another person who is a suspected gang member (Desgranges, 2017). This labeling allows ICE to pick up a child and place them in a detention facility (Desgranges, 2017).

Detentions of innocent children have led to court cases such as the 1997 *Flores v. Reno* case. The ruling in this case held that a detained child has a right to know why they are being placed in a detention facility and that they have the right to challenge the placement through legal representation (Desgranges, 2017). In 2008, Congress passed a law that immigrant children were not to be placed in highly restrictive detentions that had jail-like conditions unless the child posed a threat of danger to themselves or others, or if the child had committed a criminal offense (Desgranges, 2017).

Many detainees attempt to obtain legal help but are often given incorrect information or are refused help. Typically, immigrants held in detention facilities have a right to see an immigration judge for a hearing to see if they are eligible for relief to stay in the United States. However, when detainees ask ICE officials about a hearing, they are often told that they do not qualify for a bond or any other type of remedy (Gavett, 2011). This is usually not the correct advice because many of these immigrants are indeed eligible for relief. Many immigrants, if not all, who are detained are eligible for voluntary departure (Gavett, 2011).

Voluntary departure is not the same as a deportation order and does not carry the same penalties, such as a criminal charge for those who return to the United States (Gavett, 2011). For a voluntary departure, an immigrant may or may not receive a hearing before an immigration judge (Gavett, 2011). Immigrants also have the right to be represented by an attorney but at their own expense when they are being detained civilly and not on a criminal charge (Gavett, 2011). Immigrants who have been detained are also to be allowed a free telephone service in which

they are allowed to call an immigration attorney, and the number to call should be posted in each detention facility (Gavett, 2011). However, there are many news reports and complaints that this is often not the case and detainees are prevented from using the phones (Gavett, 2011).

Many immigrants who have been detained also have the right to be released on bond or can request a bond hearing with the immigration court (Gavett, 2011). It is often discouraged to be released on bond since immigration court proceedings often move more quickly if the person is detained than if they are out on bond (Gavett, 2011). But, when a detainee decides to fight their case it may become an issue because their detention may last for several months longer as the process is underway (Gavett, 2011). Contact with family is also a problem. There are many systems in which a person can search for the location of an individual through the ICE locator website by first and last name (Gavett, 2011). However, locating a person is often difficult since names are often misspelled in the ICE system (Gavett, 2011).

Another issue that arises is the unlawful detention of immigrants beyond a period of 48 hours. Legally, ICE can only detain an undocumented immigrant for 48 hours without a warrant, but often fails to comply with the law. Many of the individuals who are detained for longer than 48 hours file Habeas Corpus petitions. Habeas Corpus petitions are used in order to call upon the state or the federal court to intervene when the government has unlawfully taken away an individual's liberty. This relief can often lead to winning cases so it is always a good resource for detainees to know about. There are other remedies available for detained immigrants, but they are often unaware of their options or do not have access to legal representation. As a side note, longer detention periods affect U.S. citizens because more local tax dollars are spent on these detentions.

There is also the 90-day statutory removal period. Once a person receives a “Final Order of Removal, Deportation, or Exclusion” form, the Department of Homeland Security (DHS) has 90 days to remove them from the United States. When a person is detained for longer than 90 days they may be eligible for a custody review and often times for a parole or a supervised release from custody. If an individual is detained for longer than 90 days, then a deportation officer should review the case and may release the individual if they believe the individual is not a flight risk or a danger to the community. Some things that are considered when conducting a custody review are criminal history, the nature and seriousness of criminal convictions, sentences imposed and served, evidence of rehabilitation and prior immigration violations.

Baldemar Velasquez Speaks with Good Food Proponents

On November 30, 2017, at the recommendation of Dr. Rubén Martínez, the Michigan Good Food Steering Committee, which guides the Michigan Good Food Initiative in fulfilling the goals of the Michigan Good Food Charter, hosted Baldemar Velasquez, president and founder of Farm Labor Organizing Committee (FLOC), as their guest speaker in East Lansing. In his quiet but determined style, Mr. Velasquez shared his life experiences as a farmworker and labor union leader in Ohio and the Midwest. An articulate speaker, he eloquently addressed the current conditions of farmworkers, their challenges, and their aspirations, and advocated a supply chain strategy for change.

A native of South Texas, Velasquez came of age on the migrant stream to the Midwest. While on summer break during his days in college, he was a volunteer with the Congress of Racial Equality, an African American Civil Rights organization active in Cleveland, documenting police brutality cases. After making an impression on his mentor, he was told: “Good Lord, son! Why aren’t you doing something for your own people.” It was then that he decided to dedicate his life to improving the lives of farmworkers, and so he founded FLOC in 1967, organizing farmworkers in Toledo, Ohio.


Under Velasquez’s guidance, FLOC led successful national boycotts of Campbell’s Soup and the Mount Olive Pickle Company. Through his efforts, Velasquez learned that corporate food giants do not pay growers adequate prices for their goods, limiting them, in turn, on what they can pay their workers. Currently, he and FLOC are pressuring R.J. Reynolds Tobacco Company for better wages in one of the nation’s most unhealthy agricultural sectors.



During his presentation, Baldemar recounted a discussion with a well-to-do supporter of FLOC who asked if he had a pension:

Technically, I am already old. ‘Well he said, don’t you have something set aside for yourself? Don’t you have a pension of any kind?’ I said “no”. I’ve been offered a pension. I had a rich guy from Toledo who wanted to buy me a pension. “Well, that would be nice but I can’t take it because I represent farmworkers. I am asking them to take risks to get involved in a movement and they don’t have a pension. Some day when they have a pension, I will take [one] when we give it to them. You can donate some money to organizing, but I can’t take a pension.”

My pension is Mathew 6:26, this is Jesus talking, ‘Look at the birds of the air; they do not sow or reap nor store their grains in barns, and yet your heavenly Father feeds them. How much more am I going to care for you?’ I said that is my pension. You need that resoluteness [to succeed]. You can’t let worries get in your way. As a matter of fact, that is why we succeeded in that Campbell’s Soup fight as farmworkers, because as farmworkers we don’t have anything [to lose]. And nothing becomes something very big and very important because you’ve got nothing to lose. When you have nothing to lose, who is going to leverage you? We just have to be smarter and more creative on how we take on the powers that be. How we impede the rich man’s ability to make money [to bring him to the negotiating table]. Because at the end, that is what it is all about. It’s about the numbers. It’s about math. We don’t want charity. We want a fair day’s pay for a fair day’s of work.

The members of the Steering Committee were impressed and influenced by the power of Mr. Velasquez’s presentation, his authenticity in his commitment to help the most vulnerable of the nation’s workers, and his resoluteness in the pursuit of equity at the point of production in the nation’s agricultural systems. 

Maria (no tan Bonita) Hits Puerto Rico and the Caribbean

Hurricane Maria made landfall on the tiny island of Dominica as a Category 5 storm on September 18, 2017. From there it moved on to Puerto Rico on September 20 causing tremendous destruction as it moved across the island, leaving residents without electricity. Some months previous, Hurricane Irma had already wreaked havoc in the Caribbean, skirting Puerto Rico in early September. The total devastation by Hurricane Maria is still unknown. The number of deaths is also questionable depending on who you ask or what source you use. The official death count is 64, yet the Center for Investigative Journalism, The New York Times, and the Santos and Howard Study of Hurricane Maria all have the death count around one thousand. The number of missing persons continues to grow and what is quite clear is that the islands devastated by Maria will never be the same again.

These islands, specifically Puerto Rico, will not be the same not only because of the severity of the storm, but also because of the ineffectiveness of the U.S. Federal Government's response and its minimal recovery assistance efforts. President Donald Trump visited the island and tossed out rolls of paper towels to residents who attended his visit, telling them they messed up the nation's budget. President Trump was more interested in playing to his base of supporters than he was in providing aid to the island's residents. Although he and his base of supporters may not see Puerto Ricans as Americans worthy of relief, they are U.S. citizens and are deserving of adequate federal aid.

Puerto Rico became a territory of the U.S. with the signing of the Treaty of Paris (1898), which ended the Spanish-American War. It was with great controversy that the Treaty passed in the U.S., as part of the population held that the U.S. was on its way to being an imperial nation. Throughout the 20th century, Puerto Rico served as an important strategic location for the U.S. military engaged in Cold War activities. Today, during the Age of Austerity brought about by radical free market fundamentalism, all but two U.S. military bases have shut down. There is a lack of interest by the White House Administration in providing the necessary aid to Puerto Ricans. Although Puerto Ricans voted in favor of statehood, the island has yet to receive official recognition by the U.S., remaining instead as a commonwealth. This leaves Puerto Ricans without congressional representation and all that status entails.

Getting their hands on federal money from the Federal Emergency Management Agency are private companies that were awarded government contracts to "rebuild" Puerto Rico. Whitefish Energy Services, a Montana-based two-man



operation, received a \$300 million contract to rebuild the island's electricity grid, while Cobra Acquisitions LLC, a fledgling company that specializes in drilling and fracking received a \$200 million contract to design and build a new electrical grid. These contracts exemplify what Naomi Klein alluded to in her book, *The Shock Doctrine: The Rise of Disaster Capitalism*, as fortunes made in the midst of human tragedy. Such practices demonstrate the unsustainable trajectory that this nation is currently traveling.

Whether the Trump administration recognizes the severity of the crisis and ultimately decides to take action or not, the problems will persist. While conservative estimates suggest that over 100,000 Puerto Ricans have left the island for the mainland, NBC News suggests that the figure is closer to 200,000. According to a National Public Radio (NPR) report, over 167 public schools have shut down in Puerto Rico as the island has lost over 23,000 students who have relocated to the mainland. Again, where will this lead and at what cost to Puerto Rico? While the rich get richer from this disaster, the poor get poorer and are displaced from their homeland. We are living in an era comparable to that of the Gilded Age at the turn of the 20th century when the nation's top industrialists remained the most powerful forces in the country. When profit was second to none!

Today, the same is true as the ideas of free-market fundamentalism have blinded the public and created resentment toward the working class and the poor, the same people who "trickle up" wealth to those in power. On September 30, twelve days after Hurricane Maria hit, a Puerto Rican child interviewed by NPR had a clear message for President Trump, "Que deje de mandar tweets y que se ponga a ayudar a la gente." (Stop sending tweets and start helping the people.) The message was clear: stop playing politics, stop with the destruction, and help the people devastated by Hurricane Maria. 🇵🇷

JSRI at Cristo Rey Parish Church

In commemorating Hispanic Heritage Month 2017, and in fulfilling JSRI's commitment to the Lansing area Latino community, the Institute held a series of lectures at Cristo Rey Church during the fall. Invited and hosted by Dr. Saturnino Rodriguez, Drs. Rubén Martínez and Juan Coronado dedicated time on five Sunday mornings to address an adult learning group. The topics discussed included the history of Latinos in the United States, changing demographics of Latinos, educational needs and aspirations of Latinos, civil rights struggles of Latinos, and the history of the Virgin of Guadalupe.

The presentations were delivered in Spanish and English to primarily adult parishioners of Cristo Rey Church who are lifelong engaged learners. Between fifty and seventy-five enthusiastic attendees joined every Sunday, with several sharing pertinent experiences regarding the given topics. Many of the attendees recalled the segregated society in which they grew up. Jim Crow extended beyond White and African American communities to Latino communities. The attendees reflected on their school days as children being pushed out or forced to dropout due to their oppressive treatment in the school systems.

Mainly working-class persons, many of the older participants (60 years of age and older) came to Michigan early in life as part of the migrant farmworker stream. Most left their homes in Texas and sought better life opportunities than the limited ones riddled with open discrimination back home. Middle aged (45-60 years of age) participants were mostly of Mexican origin, while slightly younger immigrants were from either Mexico or Central America. The overall group was comprised of both U.S. citizens and resident aliens and although slight differences existed amongst them, uniting the entire group was their common struggle for inclusion beyond their marginalized statuses. The audience's genuine interest in the subject matter is demonstrative of their eagerness to learn. It is also evident that regardless of language barriers, Spanish-speaking people are interested in learning more about Latinos in the U.S. and their struggles for a better society.

Many Americans cannot distinguish Latinos who are citizens from those who are foreign born and tend to assign all of them a common identity—Mexican immigrants. They also seem unable to see the commonalities that they share with Latinos. The attendees at Cristo Rey, like many Michiganians, work hard to provide the very best possible for their families. Historically, Latinos have filled undesirable jobs and have steadily contributed to local, state, and national economies. The qualities that Latinos



share, including their devout Christianity have been the qualities looked for in perspective citizens. Latinos are a group that ought to be embraced as they preserve and make America a stronger nation. These folks show up with their Sunday best ready to be part of a greater society; one that does not judge them based on preconceived notions, but embraces them as equals in terms of human worth. 🌟

Toward a Chican@ Hip Hop Anti-colonialism Continued from page 4

Likewise, his discussion in Chapter Two of the role of the mass media in promoting dominant ideologies, which bears similarities to Louis Althusser's concept of Ideological State Apparatuses, is too brief to present a nuanced reading of power relations in the production and consumption of media and reads as totalizing. Additionally, his discussion of the music itself is brief and largely confined to Chapters Three and Four. One hopes McFarland will extend this work into a longer book where he can expand upon the ideas put forth here. 🌟

"I am not Gonna Die in this Damn Place" Continued from page 5

More oral history cases regarding the Vietnam POWs are needed to complete the accounts of the vast and complex experiences of these heroes. This book will be useful to historians, especially those interested in the history of military wars, POWs, and Mexican American participation in American wars. 🌟

Black/Brown Dialogues Summit: Working toward Common Ground

Latinos and African Americans represent the two largest minority groups in the State of Michigan and in the nation. Working collaboratively, these two population segments could wield significantly more political power in the state, but a number of barriers exist to coalitional politics. Most importantly, Latinos and African Americans are often pitted against each other in competition for scarce resources, perpetuating needless divisions in order to maintain the existing power structure. The current political climate across the nation and in Michigan highlights the need for increased understanding and coalition-building between these two groups, especially in the lead-up to the 2018 midterm elections.

The Julian Samora Research Institute and the Department of African American and African Studies at Michigan State University hosted the *Black-Brown Dialogues Summit: Working toward Common Ground* on November 13, 2017. The event brought together community leaders, non-profit leaders, scholars, and students to engage in a constructive dialogue on the unique histories and social contexts of African American and Latino communities and the barriers that exist that prevent effective collaboration on common challenges facing these two communities. Participants identified common issues these communities can address together, as well as the steps to take together in pursuit of a better Michigan for all.

The summit began with remarks from Hiram Fitzgerald, Associate Provost of University Outreach and Engagement at MSU. Dr. Rubén Martínez, Director of JSRI, then provided historical context for Black/Brown dialogues, noting that African Americans and Latinos have distinctive but not always divergent histories; both groups live within the orbit of the same system of domination, but with different points of entry. Rev. Alvin Herring, Director of Racial Equity and Community Engagement at the W.K. Kellogg Foundation, and Refugio “Cuco” Rodríguez, Program Officer, delivered the first of three invited speeches during the day. To overcome historical divisions between African Americans and Latinos they proposed a healing process that begins with truth-telling and a moment of shared public lament that fosters forgiveness and accountability. Armando Ojeda, President and CEO of Cadena, Inc., presented the second address. He stressed the importance of African American and Latino communities not just coming together, but connecting and collaborating to produce disruptive innovations. During lunch, Cook County Commissioner Jesus “Chuy” Garcia delivered the keynote address. Drawing on his experiences as a Chicago City

Council member under Mayor Harold Washington and his own mayoral campaign in 2015, Garcia identified focus issues for future Black/Brown coalitions, as well as barriers that must be overcome in order to build successful coalitions.

The summit was designed as a deliberative process to facilitate constructive dialogue among participants throughout the event. This was accomplished by facilitating two general working sessions, one in the morning and one in the afternoon, with “reporters” from each small group discussion presenting their results to the plenary group. The morning session was organized into small working groups, each with the same task: identify and agree upon the top five issues facing African Americans and Latinos in Michigan. As the reports were made a list was being developed on large sheets of paper and displayed for all to view. Participants then prioritized issues by voting for the ones they believed were most important. The ten issues with the most votes were presented to the full group in rank order based on the number of dots received. During the afternoon session, tables were designated with one of the ten priority issues and participants chose tables based on which issue they wished to discuss. Each group then worked to unpack the dimensions of their issue, and identified steps that could be taken to address the issue. A speaker from each group then presented a report to all attendees.

Most importantly, Latinos and African Americans are often pitted against each other in competition for scarce resources, perpetuating needless divisions in order to maintain the existing power structure.

The following are the top ten topical issues that were identified by summit participants presented in rank order: 1) Education; 2) Healthcare/Mental Healthcare; 3) Cross-cultural Communication/Collaboration; 4) Community Economic Development and Empowerment; 5) Civic Engagement/Political Clout; 6) Voter Suppression; 7) Criminal Justice Reform; 8) Anti-Blackness; 9) Trauma/Historical Crimes against Humanity, and 10) Immigration.

This initial summit represents a first step in ongoing dialogues to improve relations and increase collaboration between African Americans and Latinos in Michigan. Moving forward, the task of those engaged in Black/Brown dialogues is to develop plans to implement the recommendations put forth during the summit. 

Demographic Profile of the Latina/o Population in the United States

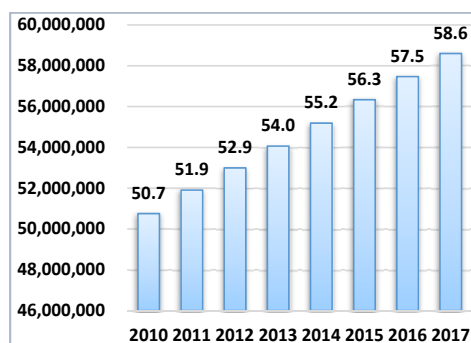
The Latina/o population in the United States has been increasing rapidly in the last four decades and is projected to reach 110.9 million or 28.6 percent of the U.S. population by 2060. As of 2017, Latina/os are the largest ethno-racial minority group in the U.S. This brief report provides a demographic profile of the Latina/o population for the 2010-2017 period using data from the U.S. Census Bureau population estimates and projections and American Community Surveys.

Latina/o Population

Latina/os became the largest ethno-racial minority group early in this century. According to the U.S. Census Bureau, population estimates as of July 1, 2017, the Latina/o population was estimated at 58.6 million persons, a number which corresponds to about 18.0 percent of the U.S. total population. By comparison, African Americans, formerly the largest ethno-racial minority population, represented 12.5 percent of the total population, Asians 5.6 percent, American Indians or Alaska Natives 0.7 percent, Native Hawaiians 0.2 percent, and two or more races 2.1 percent, respectively. The Non-Hispanic White population remains the majority population in the U.S. and is estimated at 60.8 percent. The Latina/o population is much younger than the White population. The median age for the Latina/o population is 28 years, whereas the median age for the Non-Hispanic White population is 43 years (2012-2016 ACS).

The Latina/o population is very diverse. About 66 percent of Latina/os are native born and 34 percent are foreign born. The majority of Latina/os are of Mexican origin, accounting for 63.6 percent. The remaining segments of the Latina/o population are originally from Puerto Rico (9.6%), Cuba (3.8%), Dominican Republic (3.2%), Central America countries (9.1%), South America (6.1%), and other countries (4.7%).

Figure 1. U.S. Latina/o Population Growth, 2010-2017 (July 1st Estimates; In millions)



Source: U.S. Census Bureau, Population Division.

Latina/o Population Change

The Latina/o population is continuously reshaping the demographic composition of the U.S. population. Figure 1 displays July first estimates of the Latina/o population in the U.S. from 2010 to 2017. The Latina/o population increased from 50.8 million in 2010 to 58.6 million in 2017, reflecting a 15.5 percent increase. The Latina/o share of the U.S. population increased from 16.4 percent in 2010 to 18 percent in 2017, reflecting a 9.8 percent increase.


Geographic Distribution and Concentration

In 2016, 43.3 million, or 75 percent, of Latina/os lived in nine states with Latina/o populations of one million or more (CA, TX, FL, NY, IL, AZ, NJ, CO, NM).

In California, Latina/os accounted for 15.3 million (27%) of the total population, in Texas 10.9 million (19%), Florida 5.1 million (9%), New York 3.7 million (7%), Illinois 2.2 million (4%), Arizona 2.1 million (4%), New Jersey 1.8 million (3%), Colorado 1.2 million (2%), and in New Mexico 1.0 million (2%). Latinos in New Mexico were highest, comprising about 49 percent of their state population. Latinos were 17.8 percent (national level) or more in eight states (AZ, CA, CO, FL, NJ, NM, NY, TX).

In 2016, Latina/os were the majority (more than 50 percent of the total population) in 99 out of 3142 counties. Most of those counties are in states bordering Mexico (TX, CA, NM, AZ). Latinos are also the majority in counties within Washington (Franklin and Adams), Colorado (Conejos and Costilla), Kansas (Seward and Ford), New York (Bronx), and Florida (Miami-Dade, Osceola, and Hendry).

Summary

- Latina/os are the largest ethno-racial minority in the U.S.
- Latina/os are a younger population compared to Whites.
- About one third of the Latina/o population is foreign born.
- Latina/os are diverse; the majority being of Mexican origin.
- Between 2010 and 2017, the Latina/o share of the U.S. population increased by almost 10 percent.
- About 75% of the Latina/o population are concentrated in nine states (CA, TX, FL, NY, IL, AZ, NJ, CO, NM).
- Latinos are the majority in 99 out of 3142 counties and most of those counties are in states bordering Mexico 

Special Issue of *Diálogo* focuses on Latinas and Latinos in the Midwest

In the fall of 2016, Rubén Martínez and Juan Coronado proposed a special issue of *Diálogo*, an interdisciplinary-refereed journal published by the Center for Latino Research at DePaul University in Chicago, that would focus on “Latinas and Latinos in the Midwest: Historic and Contemporary Issues”. The editor, Elizabeth Martínez, and her editorial board accepted the proposal, and she worked closely in the final stages with Drs. Martínez and Coronado to produce an issue that makes substantive contributions to our understanding of Latinas and Latinos in the Midwest. The special issue is scheduled to be out in April 2018.


The special issue consists of seven original studies and essays, a book review of *The Latina/o Midwest Reader*, an interview with Omar Valerio-Jimenez, a co-editor with Santiago Vaquera-Vasquez and Claire F. Fox of the *Reader*, along with other works included by Elizabeth Martínez. Authors from various fields responded to a “call for manuscripts” focusing on the Latina/o experience in the Midwest. Manuscripts were blind-reviewed by scholars across the country.

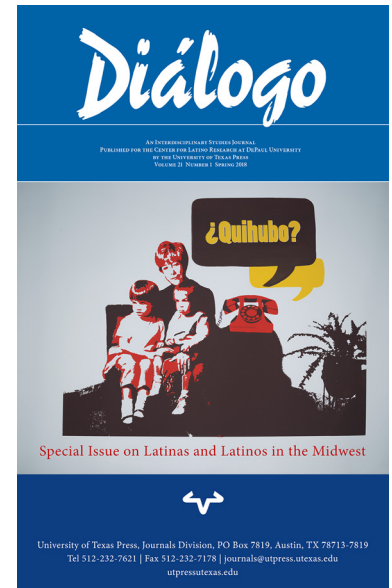
Among the final contributors are Onésimo J. Sandoval who provides a demographic overview of Latino-majority neighborhoods in Chicago from 1980 to 2010. He highlights the rapid growth of the Latino population in Chicago including what he calls hyper barrios, neighborhoods in which Latinos comprise more than 75% of the population. Daniel Gonzales in his study on Mexican immigration to St. Louis sheds light on the Latino populations during the early decades of the twentieth-century. His work provides an insightful perspective on what made the city unique from other Latina/o enclaves in the Midwest.

Historian Ray Rast focuses on the impact Mexican Americans had on the built environment in Kansas City, Kansas, and how the flood of 1951 had a devastating impact on and reshaped the barrios of the city. Coronado and Martínez contribute the results of a qualitative study that explores the challenges and needs of Michigan’s Latino business owners. This study is part of a project the Julian Samora Research Institute at Michigan State University has undertaken for several years.

Hinda Seif has a piece focusing on visual artist, art educator, and cultural organizer Diana Solis from Chicago. Her essay gives attention to Chicano and Mexican spaces of empowerment within Chicago’s Pilsen neighborhoods. Julia Albarracín and Michael Kohler lend a quantitative study of Mexican and Mexican American women’s access to healthcare in Chicago. They

argue that structural factors have a stronger influence on accessing health insurance than on the use of medical services. Jordan A. Arellanes and Kimberly Greder provide a qualitative study concentrating on the educational needs of first-generation Mexican immigrant families in two Midwestern communities.


This special issue of *Diálogo* is timely as Latinos now account for 7.6 percent of the Midwest’s population. As the Latina/o population continues to grow, it is important that the issues raised by the contributing scholars be addressed as that will only strengthen the lives of Latinos and the vitality of the region in numerous areas. A copy of the special issue of *Diálogo*, “Latinas and Latinos in the Midwest: Historic and Contemporary Issues,” can be purchased here: <https://utpress.utexas.edu/journals/diálogo>. 



New Faces



Jessica Gonzalez is a senior at MSU studying Social Relations and Policy. From a young age, her parents instilled in her to have a passion for education. This shaped her academic and professional trajectory in which she plans to return to her community in South Texas and serve as a leader in education. She believes education is fundamental for growth and

development. Moreover, the future of the U.S. is tied to the demographic growth of Latinos, making it imperative to promote exceptional Latino leaders to help guide the country. She aspires to one day become a superintendent in the school district she attended growing up to empower students through education. 



Undocumented Immigrant Detainees in the United States

Alejandra Uribe¹

Undocumented immigrants are often reduced to a subhuman status due to stereotypes that portray them as bearers of disease, crime, and economic destruction. Although many people fear that undocumented immigrants are importing diseases to the United States, research has shown that immigrants in the United States are, on average, healthier than their native-born counterparts, and do not carry any increased risk of sparking an epidemic (Beirich, 2007). The perception that undocumented immigrants are responsible for higher crime rates is deeply rooted in American public opinion as portrayed by the media. Millions of Americans believe that undocumented immigrants are more prone to criminal activity than the rest of the population and that “Latino immigrant men molest girls under twelve, although some specialize in boys, and some in nuns” (Quoted in Beirich, 2007: para. 1). This fear often justifies mass incarceration in the eyes of many Americans. Lastly, and probably the most pervasive misguided perception, is that undocumented immigrants depress the wages of Americans and “steal” their jobs. Several studies have shown that immigrants have created jobs and contribute more in taxes than they use in services. Because of their status, undocumented immigrants can never reap the benefits of social security or any other federal government program, even though they pay into this system.

These myths reveal the dominant views in which undocumented immigrants are portrayed as outsiders leeching on to the recipient nation.

Undocumented immigrants are not the only group that is feared and portrayed in a negative light in the United States. Minority groups are constantly at a disadvantage because they are forced to occupy lower classes. Racism has become a systemic institution that is deeply rooted in America’s history. The concept of Black inferiority was culturally based, and it still resonates today—we have grouped people to fit into certain categories. African Americans have been systemically at a disadvantage in all aspects of public and private life because of it. Undocumented immigrants, more specifically undocumented Latino immigrants, face a similar form of disadvantage due to being framed as outsiders and intruders who crossed the border illegally into the United States. This creation of boundaries between “us” and “them” serves to further alienate migrants as distinct from the rest of the population, thereby unworthy of the same recognition and entitlements.

Origins of Mass Incarceration

Over the past quarter century, the mass incarceration of African Americans had been the largest of any racial group in

the history of the United States; however, immigrant detention has become the largest mass incarceration movement in recent years. This article brings to light the injustices that occur in immigration detention centers and the difference between prison labor in the criminal justice system and detainee labor in detention centers.

Although there are laws like the Civil Rights Act of 1964 which call for an end to segregation in public settings and ban discrimination based on color, racism is still fundamentally rooted in the political framework of the United States. De facto segregation and discrimination based on race continue in our society. As might be expected, discrimination based on race is heavily reflected in the American prison system. Racial minorities make up less than half of the population in the United States, but comprise more than half of the prison population. Racial disparities within the prison system are not new phenomena as prisons have historically been racial in their characteristics.

The dividing line between slavery and involuntary servitude as forms of punishment moved the country away from formal enslavement. However, subsequent history questions the story about the Thirteenth Amendment as marking the end of institutionalized slavery, racial inequality, and white supremacy.

Mass Incarceration Generally

Mass incarceration, although a relatively new phenomenon, can be distinguished from traditional prison punishment in two ways: (1) mass incarceration “implies a rate of imprisonment and a size of population that is markedly above the historical and comparative norm for societies of this type;” and (2) the “social concentration of imprisonment’s effects” (Garland, 2001: 1). Mass incarceration is a function of the shift from rehabilitative to punitive imprisonment and is tied to the rise of private prisons, which warehouse prisoners and tend to keep them for longer periods. As a result, it has had a greater negative effect on communities of color, especially young men, and on immigrant communities.

Blackmon argues that the term mass incarceration “refers not only to the criminal justice system but also to the larger web of laws, rules, policies, and customs that control those labeled criminals both in and out of prison” (Blackmon, 2008: 13). As Alexander accurately states, “mass incarceration in the United States had, in fact, emerged as a stunningly comprehensive and well-disguised system of racialized social control that functions in a manner strikingly similar to Jim Crow” (Alexander, 2010: 4). A shockingly high number of racial minorities are subjected to the discriminatory practices within the criminal justice system. Mass incarceration arose as a critical role in coercing and controlling

racialized groups of people. Per Blackmon, “those trapped within the system are not merely disadvantaged, in the sense that they are competing on an unequal playing field or face additional hurdles to political or economic success; rather, the system itself is structured to lock them into a subordinate position” (Blackmon, 2008: 180).

Although mass incarceration began with the confinement of Black people in early American history, the concept is still the same; “mass incarceration is a set of structural arrangements that locks a racially distinct group into a subordinate political, social, and economic position, effectively creating a second-class citizenship” (Alexander, 2010: 180). Detainee labor is often described as “modern-day slavery” in the sense that it involves the exploitation of systemically oppressed people. Immigrant detainee labor is basically a continuation of exploited labor through incarceration. The human rights of undocumented migrant populations are frequently overlooked even though they are greatly diminished by the racialized practice of mass incarceration.

Lack of Constitutional Rights

Being in the United States without legal authorization is a civil offense, not a criminal one, which leaves these detainees stripped of the protections afforded to them by the Sixth Amendment, namely the right to a speedy trial and the right to counsel. The lack of these basic constitutional rights opens immigrant detainees to a greater level of exploitation, a level of exploitation that is comparable to the enslavement of Blacks, subordination through the Black Code laws, and now within immigrant detention centers. In most criminal sentencing systems, judicially found facts that employ the use of a minimum sentencing structure are exactly that—judicially found facts. The guilt is determined by a trier (finder) of fact or by a jury; however, citizen or not, immigrant detainees are being subjected to an unlawful mandatory sentencing system that denies them the protections that are granted in other situations where one’s freedom is at risk. It is quite appalling that this is common practice in the “Land of the Free.”

According to the Pew Hispanic Center, the number of unauthorized immigrants arriving in the United States has declined in recent years, but this has not halted the number of detained immigrants in the prison system. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) has led to an increase in immigrant detention. This law “place[s] obstacles in the path of desperate, and often confused, asylum seekers, and contain[s] provisions that strip immigrants of many of the rights to fair hearings, judicial review, and relief from unreasonable

detention that U.S. citizens take for granted” (ABA, 2004: 1). The IIRIRA has also broadened the definition of various crimes, which has resulted in mandatory detention and deportation. For instance, it expanded the definition of “aggravated felony” to include crimes such as “[h]air pulling, a high school brawl . . . shoplifting, joy riding, passing bad checks, and other relatively minor offenses” that now can result in mandatory detention and deportation (ABA, 2004: 24). Originally, the term aggravated felony applied only to truly serious crimes such as murder, drug trafficking, and trafficking in firearms or destructive devices. A conviction for any of these lesser crimes, however, now results in automatic removal and permanent expulsion.

As stated previously, violating immigration law is not a crime. It is a civil offense overseen by the Department of Homeland Security (DHS), which determines whether or not an individual can remain in the United States. Civil detention serves a different legal rationale than prison. According to 8 U.S.C. § 1227, an alien is considered deportable for any of the following: 1) if, at the time of entry, he or she was present in the United States in violation of this Act, 2) whose nonimmigrant visa has been revoked, 3) violated nonimmigrant status or condition of entry, 4) was involved in marriage fraud or smuggling, or 5) permanent resident status has been terminated. Alien removal proceedings are governed by the Immigration and Naturalization Act, 8 U.S.C. § 1231(a)(1)(A), which states that “when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days” (8 U.S.C. § 1231[a][1][A]). More often than not, aliens are detained for well over the ninety-day period based on the rationale that prolonged detention ensures that immigrants show up for their court dates before an Immigration Judge, instead of disappearing into American society after arrest. Even though many detainees may pose no risk to society and would not be considered a flight risk, they are forced to endure harsh conditions of confinement until they have the opportunity to appear before a court to have a bond set or their case heard. The right to a bond hearing within a reasonable period of time after being arrested is a fundamental right afforded to criminal defendants, but it is not currently afforded to detained immigrants. Thus, it may be years before immigrants in detention centers find out whether they are considered a flight risk or a danger to society. As described in *Rodriguez v. Robbins*, *Chavez-Alvarez v. Warden York County*, and *Giron v. Shanahan*, recent court decisions have ruled that indefinite detention without a bond hearing violates the due process rights of detained individuals. However, in North Carolina, three judges were refusing to hold bond hearings for detainees.

Detainee Labor and the Thirteenth Amendment

Although there are significant differences between the harm inflicted on African Americans by Europeans and the harm associated with detainee labor, drawing a comparison between the two reveals critical themes surrounding discrimination based on race and nationality today.

Thirteenth Amendment

Immigration detainee labor raises the issue of whether this labor is a violation of the Thirteenth Amendment’s prohibition of slavery and involuntary servitude. The Thirteenth Amendment, ratified by Congress in 1865, states that “neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have power to enforce this article by appropriate legislation” (U.S. Const. amend. XIII, § 1).

Many thought the ratification of the Thirteenth Amendment and abolition of institutionalized slavery would end racial inequality; however, it did not. The Thirteenth Amendment abolished slavery and involuntary servitude, but slavery and involuntary servitude were still permissible as a form of “punishment for crime whereof the party shall have been duly convicted” (U.S. Const. amend. XIII, § 1). A new form of involuntary servitude arose through the practice of detainee labor. This exception became a basis for a de facto re-creation of enslavement.

The Thirteenth Amendment marks a dividing line in the American story of aspiration to freedom as unique to this world. Yet, the aspiration has not fully achieved its purpose of ending all forms of forced labor aimed at the same minority racial groups formerly enslaved. The Thirteenth Amendment proved ineffective in protecting former slaves from falling back into their previous enslaved state (Blackmon, 2008). Due to this, southern states enacted a set of laws known as the Black Codes which sought to undermine the fundamental aim of the Thirteenth Amendment. Black Codes were selectively applied to persons of color. For example, Black Codes prosecuted people of color for engaging in “mischief, insulting gestures, and the vending of spirituous or intoxicating liquors” (Blackmon, 2008: 101). Violations of these ambiguous laws often resulted in Black imprisonment for inability to pay the fines imposed on them. Following the end of the Civil War, former slaves were often arrested for minor violations, were easily convicted, and forced to work for little or no pay, thereby creating the convict leasing system. This system differed from slavery but had affinities with it in that it consisted of forced labor. It became the basis of the system of forced labor by today’s

modern private prison industry.

While exploited custodial labor first emerged on the backs of African Americans in the infamous forms of convict leasing and chain gangs following the abolition of slavery, it did not end there. As Blackmon sets out, convict forced labor became “slavery by another name” (Blackmon, 2008: 101). The convict leasing system worked hand-in-hand with the Black Codes to allow white plantation owners to maintain control over the lives of imprisoned African Americans. The convict leasing system slowly disappeared during the late nineteenth century but what replaced it was a more brutal form of forced labor, chain gangs. Prisoners in southern chain gangs worked under inhuman conditions and in chains “permanently riveted on them, and were worn every minute of the time” (Friedman, 94). Today, although cheap labor is significantly less physically brutal, it is still a widespread practice and a source of cheap economic labor for private prison systems.

Immigration Detention

Since 2009, Congress has ensured through legislation that more than 33,000 noncitizens are, on average, detained each day. This per-day detention average is the result of a Congressional mandate first passed in 2008 subjecting DHS to what has been referred to as a “bed quota” (DWN v. ICE). Many individuals who cross the border into the United States are coming in search of the “American dream.” They are simply looking to work toward a better life for themselves and their families. Others are looking to flee violence and poverty in their home countries. Included here are individuals, families, and unaccompanied minors; all ranging in age, race, and immigration status. Half of all immigrant detainees held in detention have no criminal record, and many of them have been in the United States for several years. Not everyone who the government has placed in removal proceedings are undocumented individuals who entered without inspection or overstayed their visas. In fact, some are lawful permanent residents or asylum seekers, torture survivors, human trafficking victims, longtime lawful permanent residents, or parents of United States’ citizen children. Due to 8 U.S.C. § 1226(c), many of those detained are subjected to mandatory detention, thus imprisoning a group of people that have already suffered victimization in their own countries.

Private Prison Systems

Per West’s Encyclopedia of American Law, detainees are persons kept in jail despite not having been convicted of a crime. There are about 350 immigrant detention facilities located across the United States with over 32,000 detention beds available

(U.S. ICE, 2009). On any given day, there are, on average, 30,000 people in administrative immigration detention centers, which costs an estimated \$159 per bed day (Global Detention Project, 2017). The United States spends nearly \$6 billion on Immigration Customs and Enforcement (ICE) operations alone, and government funding for ICE has steadily increased each year (U.S. ICE, 2010). The immigration detention system in the United States relies heavily on subcontracting with the private prison industry and with local jails and prisons. In many ways, privatization of the detention system creates pressure for increased detention. The annual cost of detention alone in 2009 was nearly \$2.5 billion, which has directly benefited the private prison industry (U.S. ICE fiscal year 2010). Subcontracting with private prisons distances the Federal Government from the daily detention center operations and can potentially lead to abuse within the system due to a lack of oversight and monitoring.

New immigration laws have led to these mass incarcerations, which have in turn, created cheap labor for private companies. Detainees are forced to work long hours for as little as thirteen cents a day, saving the government and private companies millions a year because it allows them to avoid paying outside contractors the federal minimum wage (Urbina, 2014). This seems ironic as it is illegal for detainees to work because of their illegal alien status. In most private detention centers, migrants participate in “Voluntary Work Programs,” carrying out the basic functions of the facility including working in the kitchen, painting walls, gardening and cleaning the facility.

For example, Pedro Guzmán, a Guatemalan native, was held for roughly nineteen months at Stewart Detention Center in Lumpkin, Georgia where he worked as a chef being paid \$1 a day in the kitchen while he had made \$15 an hour when he was free (Urbina, 2014). He stated that he had been required to work even when he was running a fever and that guards threatened him with solitary confinement if he was late for his 2 a.m. shift (Urbina, 2014). As a result of his detention, Guzmán’s family incurred more than \$75,000 in debt from legal fees and lost income (Urbina, 2014).

Many incarcerated migrants do in fact work under coercive control, threatened with solitary confinement if they refuse to comply (Starr, 2015). This type of coercion makes the “voluntary work program” involuntary. Being forced to partake in labor with little to no pay is essentially involuntary servitude, which was supposedly abolished by the Thirteenth Amendment to the U.S. Constitution. Per Bouvier Law Dictionary, involuntary servitude is defined as:

employment that is physically or legally coerced.
Involuntary servitude occurs when a victim is forced

to work for a person or entity by the use or threat of physical restraint or physical injury, including the use of threat or coercion through law or the legal process, or the use of fear of such means (Sheppard, 2012: para. 1).

Per West's Encyclopedia of American Law, there are two essential elements of involuntary servitude: (1) involuntariness, which is compulsion to act against one's will; and (2) servitude, which is some form of labor of another (2008, para. 1).

The privatization of these detention centers has brought to light the underlying ideology of neoliberalism which advocates the very idea of the government retreating from the welfare and social functions of immigrant detention centers and allowing for the privatization of them. Private prison companies are paid by ICE daily per inmate and per bed. In order to make this operation profitable, private companies often specify the occupancy rate ICE is obligated to supply. The immigrant population within these detention centers has become a function not of crime rates and public safety, but of supply and demand and contractual obligation. The private prison system is not regulated as are state run facilities, and because their primary purpose is profit, they are likely to skimp and save on costly goods, services, and programs. It is clear that a neoliberal transformation of the prison system has resulted in a situation where undocumented detainees are forced to work to increase the profit margin for corporations.

Mandatory Sentencing

Furthering the injustices that undocumented immigrants face in detention centers, current immigration deportation laws impose mandatory minimum sentences for immigrants who have been previously convicted of aggravated felonies. According to Bill 114 H.R 3011, the Senate has proposed to amend the Immigration and Nationality Act which establishes mandatory minimum sentences for aliens who were previously removed and have sought reentry. Often times, these mandatory minimum sentences impose excessive sentences disproportionate to the crimes committed for which they have already served time in the criminal justice system.

While detained, undocumented individuals are overwhelmed by the challenges they confront. Not only are they stripped of their constitutional rights, but it is also extremely difficult for them to win in court proceedings because of the strict criteria that must be met in order for a claim to be valid. For example, for an inmate to prevail on a claim of medical mistreatment, the inmate must allege "acts or omissions sufficiently harmful to evidence

deliberate indifference to serious medical needs" (Clement v. Crawford, 1993 U.S. App. LEXIS 8746, 1). The indifference to medical needs must be substantial. Inadequate treatment due to negligence, inadvertence, or differences in judgement between an inmate and medical personnel do not constitute cruel and unusual punishment (Clement, 3). Furthermore, in order to test the validity of constitutional challenges, courts must give deference to the adoption and execution of institutional policies and are to judge prison regulations by a lenient reasonableness standard (Clement, 6). Under this standard, a prison regulation will be found valid if it "is reasonably related to legitimate penological interests" (Clement, 6).

Detainees as a source of cheap labor

Detainees are a source of cheap labor for contractors, similar to the way that slaves were a source of cheap labor in the 1800s. Privately owned prisons are a demonstrative example of chattel slavery and until the early 1980s, there were virtually none within the United States. Between 1990 and 2009, the number of prisoners in private prisons increased by 1600% (U.S. DOJ, 1997). During this decade two companies emerged that dominated the private prison industry and led the way to what we currently have today— Corrections Corporation of America (CCA) and GEO Group. Private prisons are often regarded as a more cost-effective alternative to public institutions, although several studies have already disproven this claim.

Private prison companies operate more than half of the immigration detention centers across the country. CCA and the GEO Group, Inc. remain among the largest private prison operators in the United States. While it is illegal to employ immigrants without documents, these private prisons employ thousands of undocumented immigrants through detainee "voluntary" work programs in the detention centers. The Federal Government, "which forbids everyone else from hiring [employees] without documents has effectively [circumvented that requirement and has] become the [largest] employer of undocumented immigrants in the country" (Starr, 2015: xx). Immigration detention has become a very lucrative business and detainee labor plays a significant role in how these private corporations maximize their profits.

In 2013, "at least 60,000 immigrants worked in the federal government's nationwide patchwork of detention centers— more than worked for any other single employer in the country" (Urbina, 2014). Cheap labor at 13 cents an hour "saves the government and private companies \$40 million or more a year by allowing them to avoid paying outside contractors the \$7.25 federal minimum wage" (Urbina, 2014).

According to several studies on ICE data, detainee labor has saved counties and detention centers several thousands of dollars by relying on detainees for janitorial work, kitchen work, and other work that is integral to the running of and daily functions of detention centers. More than 135,000 immigrants a year have been involved in these Voluntary Work Programs, where private prisons and the government avoid paying more than \$200 million in wages that outside employers would collect (Urbina, 2014). Furthermore, Sheriff Richard K. Jones of Butler County, Ohio, said his county saved at least \$200,000 to \$300,000 a year by relying on about 40 detainees each month for janitorial work (Urbina, 2014).

Human Rights Violations

The increased use of private prison systems has led to the rise of risks associated with human rights abuses which target individuals most at risk—like children, women, asylum seekers, trafficking victims, the elderly, and the sick. Other concerns raised by non-governmental organizations and other advocates include the lack of access to legal representation, frequent transfers of detainees without providing notification to family members or attorneys, the absence of a registration system for subcontracted detention centers, and the use of detention facilities in remote locations often thousands of miles away from the detainee’s home community in the United States. As mentioned above, these concerns arise out of the fact that ICE facilities run by private corporations are not overseen or effectively monitored by the Federal Government.

The lack of adequate care within the walls of immigrant detention centers has had debilitating effects on those who have been detained. Those detained often suffer from debilitating psychological symptoms due to confinement and remote location from their families. Deaths go unnoticed by the community. The rising death tolls in detention centers further demonstrates the systemic racism that prevails in the United States. The lack of medical care occurs across immigrant detention centers. For example, at the Otay Mesa Detention Facility in California many pregnant women came forward accusing DHS of improperly detaining them and failing to provide them with adequate medical care. Since August 2016, ICE has had a policy of not detaining pregnant women unless under “extraordinary circumstances,” and in those cases providing access to “immediate counseling” and a “full range of reproductive health care options” (Etehad, 2017). A recent report from the Women’s Refugee Commission on women asylum seekers in the U.S. found that pregnant women detained by ICE receive only the bare minimum of

services and accommodations, and are routinely denied extra blankets, additional food, and adequate prenatal care.

This arbitrary detention regime perpetuates many human rights abuses. Detention centers were originally designed as short-term holding facilities which is why there are very few standards regulating conditions within these facilities. Today, however, detainees are often not provided with basic needs due to extensive backlogs and overpopulation in these detention centers. Detainees are denied medical treatment, access to phones, legal services, or access to legal materials to prepare a compelling case or complain about the substandard treatment.

Conclusion


While the main purpose of the Thirteenth Amendment of the U.S. Constitution was to prohibit slavery and involuntary servitude, the exception within this amendment allowed for a type of enslavement as a form of punishment for those who were convicted of a crime. This exception demonstrates the difficulty of dismantling the legacy of slavery in the United States. Although slavery inflicted upon African Americans and the harms associated with detainee labor are significantly different, one can still draw a comparison between the two based on racial discrimination. Racial discrimination is deeply rooted in America’s history, and it continues to be a persistent social problem today. Inherent racism has led to the creation of boundaries between “us” and “them” that serve to alienate both African Americans and undocumented immigrants as distinct from the rest of the population and therefore undeserving of the same recognition and entitlements.

Detainees are treated like criminals, yet are not even afforded the same rights as criminals. Most undocumented immigrants are not detained because they present a public security threat, but are detained in order to compel them to appear in court while their deportation cases proceed. ICE detention is not supposed to be a form of punishment but merely a holding center for those awaiting hearings or who are seen as a flight risk. Therefore, there is a legal difference between prisoners who have committed a criminal offense and detainees who have committed a civil offense.

Immigrant detainee labor should be prohibited because it is a violation of the Thirteenth Amendment. Immigrant detainees are held for an indefinite period of time which violates their due process rights under the Fourteenth Amendment. This is because being in the United States without authorization is merely a civil offense, not a criminal one. Detainees are left stripped of the protections afforded to them by the Sixth Amendment, namely, their rights to a speedy trial and the right to

counsel.

Unfortunately, being detained indefinitely is not the only injustice that plagues undocumented immigrants. While detained, migrants are forced to work long hours for little pay to afford supplies in commissary. This is due to the fact that many immigration detention centers have been privatized to allow for cheap labor. Thus, detainees both sustain and maintain the institution that is incarcerating them. Immigrant detainee labor has raised the issue of whether migrant labor within detention centers is a violation of the Thirteenth Amendment's prohibition of slavery and involuntary servitude. Involuntary detainee labor should be prohibited because it constitutes a form of involuntary servitude; although plainly different from the enslavement of African Americans it leads to pain, suffering, and, in many cases, death.

The Thirteenth Amendment is marred by the fact that people within various minority groups continue to be enslaved. However, racialized mass incarceration of both African Americans and undocumented immigrants has reduced their role in society to that of a subhuman state due to various stereotypes that portray both groups of people as inferior to White Americans. This type of confinement demonstrates how slavery has merely been re-created and not eliminated in America. 

Endnotes

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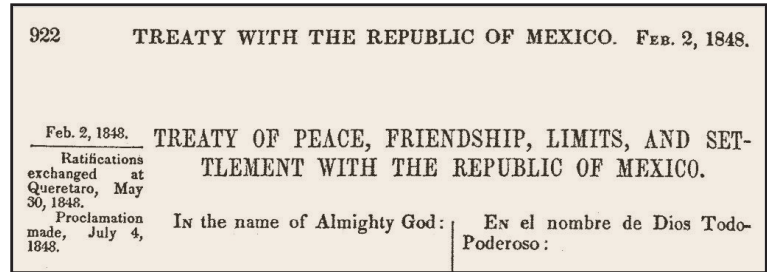
Treaty of Guadalupe-Hidalgo

One hundred and seventy years ago on February 2, 1848 the Treaty of Guadalupe Hidalgo was signed between the United States and Mexico, thus ending the U.S.-Mexican War, or as known in Mexico, the War of North American Aggression. Ironically, the Treaty that cemented the United States as an imperialist nation was proclaimed by Congress on July 4, 1848. Perhaps as a symbolic gesture legitimizing the brutal act of aggression that allowed the United States to greatly expand its borders, the Treaty fulfilled the American obsession for Manifest destiny.

Whether through media, historical writing, or colloquial concepts such as “manifest destiny,” American spin doctors have been able to whitewash what otherwise was a land-grab and occupation of a sovereign country. Manifest Destiny, or the belief that Americans had the God-given right to rule from the Atlantic to the Pacific coast and from North Pole to South Pole, provided an indirect defense for American military aggression against Mexico. After all, this expansion was inevitable and was reflective of God’s will. Who can argue with that view? The United States saw itself as the “City on the hill,” thus rules, morals, and/or ethics were inherent in its actions, or so goes the view.

Countering this self-righteous perspective were the experiences of veterans who served in combat during the war. Before becoming the leading general of Union troops during the Civil War, Ulysses S. Grant served as a junior officer during the U.S.-Mexico War. In his latter years he reflected on his time in Mexico: “I was bitterly opposed to the measure, and to this day, regard the war, which resulted, as one of the most unjust ever waged by a stronger against a weaker nation.” (Ulysses S. Grant: *Memoirs and Selected Letters Personal, Memoirs of U.S. Grant Selected Letter 1839-1865*, 41) He added, “I do not think there was ever a more wicked war...I thought so at the time when I was a youngster, only I had not moral courage enough to resign.” (General Grant, 69) Grant like many other Americans saw the U.S.-Mexican War as an opportunistic act to widen American territory while also expanding the interests of the Southern slave states.


The war, which was the first American war fought in foreign territory, had unanticipated consequences for the U.S. The newly acquired territories rushed Americans into the divisive debate of whether to amplify slavery or not. The dispute proved to be too much to bear and just a dozen years later contributed to the outbreak of the Civil War. Mexico also continued a tumultuous path that included a civil war between liberals and conservatives



and culminated in a French occupation between 1861-1867. Both countries suffered countless deaths from direct and indirect consequences of the U.S.-Mexican War.

Also deeply impacted by the U.S.-Mexican War were the thousands of new citizens throughout the Southwest that now had to adopt a new identity. Mexican Americans were born out of the Treaty of Guadalupe-Hidalgo and their conquest. Yet, Mexican Americans were seen as foreigners on their homeland and the overwhelming majority lived as second-class citizens. Despite the Treaty of Guadalupe-Hidalgo securing the equality of Mexican Americans, given their history of honoring treaties Americans did not respect its terms. Even worse, the version that Congress ratified omitted Article X which had been previously agreed upon by both countries and that protected land grants that had been awarded throughout the Southwest by the Spanish crown and Mexican government.

During the 1960s, decedents of the Tierra Amarilla land grant among other land grants in New Mexico attempted to reclaim their properties. La Alianza Federal de Pueblos Libres, a group led by Reies Lopez Tijerina, attempted to appeal their claims to the American government. Notwithstanding the endless research efforts by Tijerina and his tireless organizing, the government did not acknowledge the group’s claims, leaving the land struggle alive and continuous.

It is within this historical context that Chicanos emerge in the U.S. The Mexican American experience has a legacy of inequality, inequity, and poverty. This treatment starts with the Treaty of Guadalupe-Hidalgo and its unequal treatment of Mexican Americans and the lack of enforcement of its terms that subjugated Mexican Americans to a second-tier standing. Yet, despite the social, racial, and political strife, Mexican Americans continue to serve the U.S. in multiple capacities and remain loyal advocates of democracy. History is often murky and complex, and by not respecting the Treaty of Guadalupe-Hidalgo the U.S. not only further darkens its legacy, but continues a path of disparity, and perpetuates a nation divided. 

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In some cases, the request may be denied if there are continued reasonable efforts for removal. However, the concept “reasonable efforts” is vague, which in turn leads to many issues regarding interpretation. There have been numerous instances in which it has been held that, because reasonable efforts were being made for removal, continued detention was allowed.

There are also plans for the expansion of detention facilities as more undocumented immigrants are being detained. Expansion of detention facilities can only lead to further problems with lack of oversight and abuse. According to a 2017 report by the National Immigration Justice Center, “[t]he Trump Administration...asked Congress to allocate \$2.7 billion dollars to lock up a daily average of 51,379 immigrants in 2018” (p. 1). This raises concerns regarding safety and basic healthcare for detainees (National Immigrant Justice Center, 2017). As a general statistic, currently about 65% of immigrant detainees are held in private prisons and 25% are held in county jails that contract with DHS (National Immigrant Justice Center, 2017).

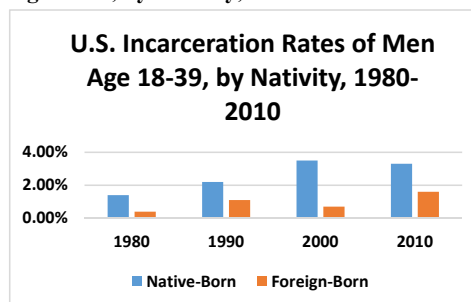
Deportations and Incarceration

Recent deportations have targeted those with criminal backgrounds. In 2015, a study by the American Immigration Council on the criminalization of immigrants in the United States showed that they are less likely to commit serious crimes or be behind bars than those who are native-born (Ewing, W., Martinez, D.E., & Rumbaut, R.G., 2016). However, regardless of this fact undocumented immigrants are often targeted for deportation for felonies as well as minor offenses.

According to this study, immigrants are less likely than the native-born to engage in either violent or nonviolent “antisocial” behaviors (Ewing, W., Martinez, D.E., & Rumbaut, R.G., 2016). The study also showed that immigrants are less likely than the native-born to be repeat offenders among “high risk” adolescents. Finally, this study showed that immigrant youth who were students in middle schools and high schools in the mid-1990s and are now adults have the lowest delinquency rates among all young people groups (Ewing, W., Martinez, D.E., & Rumbaut, R.G., 2016). Despite these low delinquency rates, there was an increase in the incarceration rates for immigrants from 2000 to 2010 (Ewing, W., Martinez, D.E., & Rumbaut, R.G., 2016). This is most likely due to changes in the enforcement of immigration laws and not so much the increase of criminal behavior from

immigrants, especially since more people were being sought out for immigration related offenses. Figure 1 shows the differences in incarceration rates between native- and foreign-born men from 1980 to 2010.

Figure 1. U.S. Incarceration Rates of Men, Age 18-39, by Nativity, 1980-2010.



Source: Cited in Ewing, W., Martinez, D.E., & Rumbaut, R.G., 2016)

This criminalization of immigrants applies not only to undocumented immigrants but also to legal residents who are not yet citizens. For example, when a person is booked into jail, local authorities usually run fingerprints against the federal immigration and criminal database (Johnson et al., 2015). Fingerprints of county and state arrestees are submitted to the FBI only. However, under Secure Communities, a deportation program that relies on the partnership of federal, state, and local law enforcement agencies, the prints also go through ICE databases (Johnson et al., 2015). If these prints match those of a non-U.S. citizen, then an automated process notifies the Law Enforcement Support Center (LESC) of ICE (Johnson et al., 2015). Note that this applies to legal residents as well (Johnson et al., 2015).

Many immigrant detainees are detained without a hearing, which is a violation of their right to due process. However, in 2015 it was held that a person facing deportation proceedings had a right to a bond hearing. A bond hearing allows the person to go before a judge so that they can decide if imprisonment is necessary. In the 2017 case of *Jennings v. Rodriguez*, the question was brought up again as to whether it violates the Constitution and immigration law to subject immigrants in deportation proceedings to long-term detention without individualized bond hearings (Garland, S. and Kim, J. J., 2017). The case of *Jennings v. Rodriguez* challenges the government’s practice of detaining immigrants facing deportation proceedings for months or years without due process. This not only includes undocumented immigrants, but it also includes long-term green card holders and asylum seekers. The Ninth Circuit Court ruled that the government must provide individualized bond hearings to assess danger and flight risk when detention exceeds six months, and every six months after that (Garland, S. and Kim, J. J., 2017).

Immigrant paths to citizenship

There are several means through which an immigrant can obtain legal status in the United States. Immigrant youth can either get a green card through the Special Immigrant Juvenile status (SIJ), U-visas, or relief under the Violence against Women Act (Johnson et al., 2015). The focus in this essay is on SIJ. Adults have forms of relief for immigrant status as well as through Deferred Action for Childhood Arrivals (DACA) and state-specific Dream Acts.

SIJ was created by Congress in 1990. The main purpose of the SIJ program is to help foreign-born children in the United States who have been abused, neglected, or abandoned. This means that certain children who cannot be reunited with a parent can be given a green card through SIJ (USCIS, 2017). Children who get a green card through the SIJ program can then live and work permanently in the United States. In 2008, the Trafficking Victims Protection Reauthorization Act made changes to the eligibility requirement for SIJ status and reworked certain SIJ procedures (USCIS, 2017). There are two key agencies in determining SIJ status, the Juvenile Court and the United States Citizenship and Immigration Services (USCIS) (USCIS, 2017). The Juvenile Court makes the factual findings that concern the care and custody of the juvenile and the USCIS makes the immigration decision, meaning they determine the eligibility for SIJ status for green card decisions for juveniles (USCIS, 2017).

One important thing to note is that if a child receives a green card through the SIJ program they can never petition for a green card for their parents (USCIS, 2017). Children with SIJ cannot petition for a green card for their brothers and sisters until the child becomes a U.S. citizen (USCIS, 2017). In order for a juvenile to be eligible under SIJ the state court must determine that it is not in the best interest of the juvenile to return to their home country, that the juvenile is a dependent of the court, and that the juvenile cannot be reunited with a parent because there is abuse, abandonment, neglect, or a similar reason under the state law (USCIS, 2017). The juvenile must also be under the age of 21 on the date of filing Form I-360 for SIJ, they cannot be married when the form is filed, and the juvenile must be inside the United States at the time of filing (USCIS, 2017).

Once all the eligibility requirements have been met for SIJ status the juvenile then needs to establish eligibility for a green card. Often times a waiver needs to be filed in order to get a green card if the juvenile has certain ineligibilities (USCIS, 2017). A juvenile might not qualify for a green card if they were or are: 1) a risk to people or property because of a disorder, 2) a prostitute or pimp, a drug addict or abuser, or 3) a smuggler

for undocumented immigrants (USCIS, 2017). There are some exceptions to these ineligibilities, which means that the juvenile might receive an exemption if they: 1) get medical treatment that controls a dangerous mental or physical disorder, 2) were forced into prostitution, were arrested only once for drugs, and only for 30 grams or less of marijuana, or 3) if they had smuggled only their parents or brothers/sisters into the United States (USCIS, 2017). Additionally, an applicant may be eligible for SIJ if they are exempted from such inadmissibility criteria as the juvenile cannot financially support themselves, they entered the U.S. as a stowaway on a boat or plane, or they are unlawfully present in the United States (USCIS, 2017). As a note, USCIS can waive most disqualifying grounds if the juvenile can show a good reason for waiver such as humanitarian concerns or it is in the public interest.

The most well-known relief for adults was DACA, which was established by executive order by President Barack Obama. The essay also discusses the Development, Relief, and Education for Alien Minors (DREAM) Act, although the DREAM Act has not been passed despite multiple attempts. These two mechanisms serve two separate purposes but are often times lumped together. It is important to touch upon the history of DACA and its purpose. DACA was implemented by the Department of Homeland Security through a memorandum that was issued on June 15, 2012 (Duke, 2017). The program uses deferred action, which means that prosecutorial discretion by an agency or officer is to be applied only on an individualized case-by-case basis in order to grant certain benefits to undocumented immigrants for which Congress has not specifically provided a law (Duke, 2017).

DACA provides undocumented immigrants who entered the United States before the age of 16 a two-year period of deferred action and eligibility to obtain employment authorization. To be eligible for DACA an applicant has to be under the age of 31, must have continuously resided in the United States since June 15, 2012, and must be currently in school or have a GED (Duke, 2017). Applicants are disqualified if the applicant has been convicted of a felony or a significant misdemeanor (Duke, 2017). DACA was revoked by the President Donald Trump in 2017. However, it has since been reinstated by a recent court decision.

According to the 2018 court case *The Regents of the University of California v. United States Department of Homeland Security*, the DACA program will continue enrollments with the same terms and conditions that were in effect prior to the rescission but with three exceptions (1) the program does not have to process new applicants; (2) the advance parole feature is not required for the time being; and (3) defendants may take administrative steps to ensure fair discretion is exercised on each

renewal application.

In 2014, President Obama signed another executive order, the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). This order expanded the age range and arrival date of undocumented immigrants as well as lengthened the period of the deferred action and work authorization from two years to three years (Duke, 2017).

Prior to the implementation of DAPA, 26 states challenged the policy announced in 2014 in the Fifth Circuit Court. Ultimately, it was held by the United States Court of Appeals that DAPA violated the Constitution and a temporary injunction was issued in February 2015. This injunction blocked DAPA from going into effect while the lawsuit was pending and in June 2016 the U.S. Supreme Court left the injunction in place by a 4 to 4 vote (Duke, 2017). In October 2016, the Supreme Court denied the request from DHS to rehear the case after the appointment of a new Justice (Duke, 2017). After this denial, both parties in the case regarding DAPA agreed to allow the new administration to review the issue (Duke, 2017).

In January 2017, President Trump issued an executive order titled “Public Safety in the Interior of the United States,” which established new enforcement priorities regarding “removable aliens” (Duke, 2017). For the time, DACA was left in place, but in June 2017, Texas and other states sent a letter to Attorney General Jeff Sessions asserting that the 2012 DACA memorandum was unlawful for the same reasons the Fifth Circuit found that DAPA was unlawful (Duke, 2017). The letter sent by Texas stated that if DHS did not rescind DACA by September 2017, the States would collectively amend the current DAPA lawsuit to include DACA as well (Duke, 2017).

After this letter was received, Trump’s DHS determined that the DACA program should be terminated (Duke, 2017). DHS was provided a limited window in which to make formal decisions on certain requests for DACA and associated applications that were filed prior to issuance of the memo rescinding the program

(Duke, 2017). The memo allowed those who currently have DACA to retain both DACA and their work authorization until they expire, unless they are terminated or revoked. The primary concern among immigrants and their supporters is that after a person’s DACA benefit expires, there is no current law that grants any legal status for those individuals. When the period of their deferment expires, individuals will no longer have a deferred status and will no longer be eligible for lawful employment. Nearly 700,000 DACA recipients are directly affected by President Trump’s rescission. Given U.S. District Court judge William Alsup’s order, however, renewal applications for DACA continue to be accepted. Still, there is continuing pressure from anti-immigrant forces to end DACA. With all the confusion surrounding DACA, there has been increased pressure to pass the DREAM Act.

The DREAM Act seeks to address the issue of undocumented immigrants growing up in the United States and who are being denied the opportunity to receive education beyond high school (Johnson et al., 2015). Each year, there are about 65,000 undocumented students who graduate from high school but find it difficult to go to college because of their status (Johnson et al., 2015). These undocumented students are also not allowed to join the military or work in the economy (Johnson et al., 2015). They are left in a limbo status in which they are unsure of where to go or what to do. Many of these undocumented students were brought over at a very young age and do not have much attachment to their home country since they have little memory of their time there (Johnson et al., 2015). As a result, these undocumented students feel more American but are denied the same opportunities given American-born children.


The first version of the DREAM Act was proposed in 2001, and many different versions of the act followed, but none of them have become law (Johnson et al., 2015). The closest a version of the DREAM Act came to becoming law was in 2010 when the bill was passed by the House of Representatives and the Senate came only five votes short of the 60 Senators that were needed to proceed with the Bill (Johnson et al., 2015). Five Democrats voted against it (Kay Hagan of North Carolina, Mark Pryor of Arkansas, Ben Nelson of Nebraska, and Jon Tester and Max Baucus, both from Montana). A new version of the DREAM Act was proposed in July 2017 in the Senate. This version of the Act would allow for current, former, and future undocumented high school graduates and those with a GED to have a three-step pathway to U.S. citizenship through college, work, or the armed services. Under this DREAM Act an individual would be eligible to obtain conditional permanent resident (CPR) status for up to eight years, which includes work authorization if the individual



entered the United States when they were under the age of 18, entered four years prior to the enactment of the act, have not committed a crime, and are either currently in school or have acquired a GED. Under the DREAM Act anyone who maintained the CPR status can obtain residency if the individual completes at least two years of higher education, two years in the military, or is employed for a period of three years. It is yet to be seen if this version or future versions of the DREAM Act will finally pass into law.

Additionally, since states cannot legalize the status of undocumented immigrants, some have enacted legislation that helps overcome the issues of higher education that hinder their enrollment. Undocumented students are able to attend state universities and qualify for in-state tuition in 18 states.² However, even with these policies available in a few states, it is still difficult for some of these undocumented students to receive a higher education. This is because students who have been given the opportunity to attend college do not qualify for federal financial aid such as grants, student loans, work study, and other forms of financial assistance (Ewing, Martinez, & Rumbaut, 2016).

Conclusion

This essay provides just a brief overview of some of the challenges undocumented immigrants face today. Further discussion is needed on a variety of issues, including family separation, the detention of pregnant women, and the violation of civil rights beyond profiling and discrimination. There is also need for further discussion of the rescission and reinstatement of DACA. It is important to note that while DACA is still filled with uncertainty, there may be other resources that can be used by undocumented immigrants to work in the United States legally, such as U-visas, Asylum, and the Nicaraguan Adjustment and Central American Relief Act (NACARA), to name a few. It is important for both undocumented and documented immigrants to be well informed about these issues and the resources available. Likewise, it is crucial for immigrants to be aware of their rights in case they or someone they may know is in a situation in which they are detained or are served an order of deportation. It is also important for the general population to receive factual information about immigration in order to dispel myths and stereotypes that circulate about immigrants. 

Endnotes

¹Rose Rodriguez is a third year student at the MSU College of Law, where she is the Vice-President of the Latino Law Society.

²The states include California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York,

Oklahoma, Oregon, Rhode Island, Texas, Utah, and Washington.

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