Political Detentions, Political Deportations: Repressive Immigration Enforcement in Times of Trump

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Abstract
During the presidency of Donald Trump, US Immigration and Customs Enforcement (ICE) targeted migrant justice activists, journalists, and advocates with deportation proceedings. The recent political repression has a revanchist character that appears to be a new pattern introduced by Trump but is part of a longer project of securing the smooth functioning of economic and racial social control in the US. I read the recent political repression of activists in relation to texts produced by radical intellectuals who endured political repression in two prior historical moments: the detention and deportation of radicals in the McCarthy era through the words of C.L.R. James; the policing and imprisonment of Black radicals in the early 1970s through the words of Angela Davis. In a third moment, I situate the recent pattern of Trump-era political repression in a context of ongoing contestation over interior immigration enforcement. The struggle over immigration enforcement is not only about legality, but also about the politics of race and class marginalization in the US.

Keywords
Migrant detention, political repression, social control, migrant justice, immigration enforcement

Introduction
Early in the Trump Administration, US Immigration and Customs Enforcement (ICE) began targeting activists from Vermont-based migrant farmworker organization Migrant Justice. Migrant Justice had waged a successful campaign to qualify adult Vermont residents regardless of immigration status for driving permits. This reversed the criminalization of driving while undocumented. They had organized a campaign called Milk with Dignity,
through which they got Vermont-based ice cream company Ben & Jerry’s to commit to purchasing from dairies that meet labor standards that protect migrant workers. They had also campaigned against Secure Communities and intervened to prevent local police from transferring undocumented people to US Customs and Border Patrol (CBP) or ICE. They successfully worked to improve conditions for undocumented migrant workers at work and in the community, and some of this organizing has directly targeted ICE.

On 17 March 2017, ICE arrested Jose Enrique Balcazar Sanchez and his partner Zully Palacios Rodriguez, both key activists with Migrant Justice; ICE also arrested or detained at least 18 other members of their organization between 2016 and 2018. This targeting had clear hallmarks of retaliatory political repression, in which immigration laws were leveraged to thwart or punish anti-ICE organizing and political activity. Public records requests revealed that ICE noted activist affiliations with Migrant Justice in arrestees’ I-213 forms, which the arresting officer fills out to prove a person’s “alienage” prior to their removal proceedings. ICE officers gathered information about where to find and arrest Migrant Justice members through Facebook posts and through informants who associated with the group. As ICE apprehended more and more members, the arresting officers are alleged to have verbally commented on arrestees’ affiliation with Migrant Justice or commented that if the arrestee were to contact the organization Migrant Justice during their processing that “it will be worse for you.” ICE officers are also alleged to have threatened released arrestees with re-arrest at protests (see Migrant Justice v. Nielson, 2018). This type of political repression was not restricted to Vermont but was part of a nation-wide pattern.

Interior immigration enforcement in the United States has multiple functions, one of which is social control (Kanstroom, 2007). The US immigration enforcement system is racially targeted (Golash-Boza, 2016) and produces forms of social control that marginalize and discipline immigrant workers in the US interior (Mares, 2019; Harrison and Lloyd, 2012). This is accomplished through techniques of carceral control: containment, highly regulated mobilities, surveillance, and criminalization. In the Trump era, ICE and CBP redirected their carceral control over human mobility against those who contest them. This pattern seemed to be new, and to be of a piece with Trump’s anti-democratic politics, limiting free speech and punishing his opponents. In this paper, I mark this political repression as a moment in a longer trajectory of struggle over the economic and racial social order, and of political repression of activists and intellectuals who contest this order. The struggle over immigration enforcement, like the struggle over other forms of carceral control, is not only about legality, but also about the politics of race and class marginalization in the US.

In the next section, I provide a framework for this paper by discussing the economic and racial social control function of immigration enforcement. I also connect the advent of mass immigration enforcement with mass incarceration and the revanchist restoration of an economic and racial social order. I then analyze recent cases of political repression via detention and deportation through a series of three “moments.” In “Moment 1,” I discuss C.L.R. James’ detention on Ellis Island for four months in 1952, which he wrote about in the long final chapter of his book Mariners, Renegades & Castaways. In this moment I establish how detention and deportation have been used to decapacitate and exclude radicals. In “Moment 2,” Angela Y. Davis was arrested in 1970, in the context of the repression of the Black Freedom struggle and prison organizing. Her essays and letters written from the Marin County Jail are collected alongside works by other political prisoners in the 1971 volume If They Come For You in the Morning . . . Voices of Resistance. In this moment, I establish the entanglement of dissent control and the broader project of racial and economic social control exercised through the criminal punishment, and now the immigration enforcement, systems.
In “Moment 3,” I situate the recent pattern of Trump-era political repression in a context of ongoing contestation over interior immigration enforcement to demonstrate the continuities between this repression and the Trump Administration’s vengeful, xenophobic immigration politics overall. The Trump Administration expanded the budgets for interior immigration enforcement, broadened ICE’s mandate to open deportation proceedings against all undocumented migrants and engaged in xenophobic, racist rhetoric. At the same time, a migrant justice movement succeeded in checking ICE enforcement in many jurisdictions. ICE’s attention drew towards anti-ICE activists and those who make anti-ICE statements in the media. This new pattern of political repression in the Trump era has a particularly vengeful, revanchist (Smith, 1996) character.

These moments together clarify the relationship between the recent Trump-era political repression and the political project of economic and racial social control that extends through deportation, detention, and carceral networks more broadly. I demonstrate that repression of anti-ICE activists during the Trump Administration appears particular to the Trump era but is part of a larger project of securing the smooth functioning or economic and racial social control in the US. This repression follows a longer history of struggle and contestation over racialization, containment, and the suppression of political rebels and radicals in the United States (cf. Berger, 2014; Buff, 2008; Burden-Stelly, 2017; Davies, 2001).

**Background and framework**

**Immigration enforcement as economic and racial social control**

By FY 2019, ICE made 143,099 administrative arrests in the US interior and deported 267,258 people (US Immigration and Customs Enforcement, 2020). That year, the average daily population in detention was 50,165 persons confined in over 200 facilities across the US. Meanwhile, 2.9 million people were part of ICE’s non-detained docket, and remained under some form of surveillance by ICE, such as an ankle bracelet or in-person check-ins (Miller, 2019). This is mass immigration enforcement, which I identify as a racially targeted form of social control that marginalizes and disciplines a large portion of the working class, like mass incarceration.

ICE arrests, deportations, and detention disproportionately target working class and poor men who originated in Mexico and Central America (Golash-Boza & Hondagneu-Sotelo, 2013). According to ICE arrest data provided by TRAC (an independent clearinghouse for federal immigration enforcement data), between FY 2015 and FY 2018, 86.28% of ICE interior arrests were of people from Mexico and Central America, and 85.54% were from just four countries: Mexico, Honduras, Guatemala, and El Salvador. At the same time, 67% of all undocumented people in the US are estimated to be from this region. Meanwhile, 1.59% of all arrests were of Europeans, Canadians, Australians or New Zealanders, although 5% of the US’s undocumented population is estimated to be from these countries (Migration Policy Institute, 2018; TRAC, 2018). Black immigrants are overrepresented in the detention system: snapshot data for June 2018 shows that people with citizenship in African countries made up 5.49% of the detained population but 2% of the undocumented population; citizens of Caribbean countries make up 7.30% of the detained population but 4% of the undocumented population (Migration Policy Institute, 2018; TRAC, 2020).

ICE’s immigration enforcement system stratifies working class populations on the basis of nationality and race. Scholars have theorized this form of social control under the rubrics of “illegality” and “deportability” (De Genova, 2002), socio-legal conditions through which
people are socially included in the host society, but through conditions of protracted vulnerability and immobilization. Deportability socially differentiates, racializes, and devalues the labor and lives of undocumented workers, and punishes activities and behaviors that are non-productive or extra-legal. Immigration law and policy produce illegal immigration status (Ngai, 2004) and temporary, precarious or liminal legal statuses (Menjívar, 2006) that ascribe fewer rights and freedoms to non-citizens. These include restriction of access to various formal labor and housing markets, social benefits, forms of mobility, and labor protections. Social controls associated with immigration law and the state’s power to deport also include the revocation of legal status and deportation of non-citizens who have been convicted of criminal offenses (Macías-Rojas, 2016). It is well documented that the mass use of detention and deportation in the US interior has conditioned the mobilities (Maldonado et al., 2016; Stuessi & Coleman, 2014), workplace vulnerabilities (Harrison & Lloyd, 2012; Hiemstra, 2010), food security (Mares, 2019); and family lives and networks (Ybarra & Peña, 2017) within targeted communities. Migrant detention and deportation exist both as spectacles that invoke fear among deportable immigrant populations (Mainwaring & Silverman, 2017), and as material forces that extract resources and wealth (Boyce & Launius, 2019).

The politics of mass immigration enforcement and mass incarceration

ICE’s contemporary detention and deportation system is part of what Robert Chase (2019: 2–3) calls a “carceral continuum” in which a lineage of racial oppression links together “isolation of cages, incarcerations, detentions, deportations and expulsions.” While detention and deportation are raced, classed, and gendered forms of social control, in the US, this has been accomplished through techniques of carceral control adopted from the prison system, another repressive, racially targeted form of social control. The US federal and state prison and jail systems together incarcerate 2.2 million people, the majority of whom are poor and working-class people. This is mass incarceration. Although people of every racialized category are imprisoned, the majority of state and federal prisoners in the US are Black and brown; just 35% of sentenced prisoners in the US were white in 2019 (Carson, 2020). The “alienated citizens and criminalized immigrants” targeted with these forms of control together constituted what Kelly Lytle Hernández (2011: 55) calls a “racialized caste of outsiders,” disproportionately subject to state-sanctioned force in the criminal punishment and immigration enforcement systems.

The various systems of carceral control constitute “a broad and flexible modality of class rule” aimed at “managing capitalism’s unevenness across borders and within populations” (Singh, 2017: xv; see also Golash-Boza, 2016). As (Kilgore, 2012) points out, “vast swaths of the working class” are or have been behind bars, creating a distinction that divides the working class. Just as the threat of immigration enforcement marginalizes deportable communities, contact with the criminal punishment system leads to a variety of consequences such as reduced access to social services like cash welfare assistance or housing support, reduced access to jobs, and often deportation for non-citizens. As Ruth Wilson Gilmore and Craig Gilmore (2016), building on Stuart Hall (1980), have concisely put it: “if race is ‘the modality through which class is lived,’ then mass criminalization, and the policing it depends on, is class war.” That is, carceral controls not only marginalize and racialize the populations that they target, but the struggle over them constitutes a struggle over the racial and economic social order.

In this vein, Jordan Camp (2016) interprets the politics of the advent of mass incarceration in the US since the 1970s through the lens of revanchism. Revanchism connotes both
the restoration of the ruling class and an attack against social forces that had challenged this rule. Camp builds on the work of Neil Smith (1996), who described the revanchist city as one where urban space is reconfigured through ideological attacks on the poor, the carceral control of urban spaces, and gentrification that together established a neoliberal turn in cities since the 1970s. Keeanga-Yamahtta Taylor (2019: 231) summarizes revanchism as “the punitive turn away from the social welfare and consumption-side Keynesianism that underpinned the twentieth-century concept of the social contract”. The shift to neoliberalism brought a new paradigm that penalized poverty, scaled back welfare programs, and extended punishment and carceral controls. Camp argues that prison expansion that began in the 1970s is a revanchist expression of the neoliberal state’s counterinsurgency to the long civil rights movement. Camp (2016: 9) notes especially the “depiction of labor, civil rights, feminist, and social movements as the enemies of the nation.” Right-wing backlash against gains of these movements scapegoated them for declining social wages and the globalization of capital. This process involved an ideological project that unleashed and directed class anger through panics about race, poverty and crime (Camp, 2016: 10). Mass incarceration became a key component of the ideological victory of right-wing and ruling class over efforts to expand social rights and citizenship.

With the advent of mass incarceration came mass immigration enforcement. The US detention system, which had remained minimal and dormant for 30 years, began to reform in the 1980s as a response to the arrival of Cold War refugees and asylum seekers from Central America and the Caribbean, and in particular the arrival of Black Haitians and criminalized Cubans (Loyd & Mountz, 2018). It grew to its massive scale under the Trump Administration over the course of three decades of expansion related to the criminalization and securitization of immigration. Laws and enforcement priorities intertwine immigration and criminal law enforcement in the US (cf. Armenta, 2017; Dowling and Inda, 2013; Stumpf, 2006) and expand border control through national security discourses (cf. De Genova, 2007; Loyd and Mountz, 2018).

The criminalization of migrants built upon the law-and-order backlash to the civil rights movement, and efforts to maintain social control as the US economy restructured in the 1980s and 1990s (Macías-Rojas, 2016; Parenti, 2008). Throughout the 1980s, Immigration and Naturalization Services (ICE’s predecessor agency) took up a law-and-order agenda in their arguments for more funding and detention capacity (Macías-Rojas, 2016). The 1986 Immigration Reform and Control Act (IRCA) introduced the Criminal Alien Program (CAP) for deporting non-citizens who were convicted of felonies; CAP was established in state and federal prisons in 1988 to divert non-citizens who were finishing their sentences into deportation procedures. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) established “criminal aliens” as an enforcement priority and dramatically expanded the category of deportable criminal offenses. Although there had been criminal offenses associated with unauthorized entry into the United States since 1952, IIRIRA specified fines and prison sentences. The program Operation Streamline prioritized the prosecution of these offenses in certain courts along the US–Mexico border beginning in 2005. Meanwhile, post-9/11 the US reorganized its immigration enforcement apparatus under the new Department of Homeland Security (DHS), creating a new agency (ICE) responsible for detention and immigration policing in the interior.

However, the process of producing racialized, stratified working populations does not go uncontested. Resistance to immigration enforcement has a long history in the US (cf. Hernández, 2010; Loyd & Mountz, 2018; Ordaz, 2021). In the twenty-first century, these consolidated into a movement that gained mainstream and national attention. Massive marches and legislative advocacy in 2006 called for comprehensive immigration reform
and pathways to citizenship for certain youth ("Dreamers") who arrived as undocumented children. When these efforts were met with gridlock in Congress, the movement shifted towards increasingly militant, direct-action tactics focused on abolishing the use of deportation, especially with leadership from undocumented communities (see Marquez-Benitez & Pallares, 2016; Pallares, 2015). Activists succeeded at bringing immigration politics into local and national level media and legislative spotlight (Patler & Gonzales, 2015). Their efforts aimed at both national-level immigration reform and local-level protection.

In the Trump era, those engaged in such protest would become subject to political repression by the very repressive apparatus that they contested. That migrant justice activists would become targeted in that moment seemed to be a new development. The next two sections of this paper turn to two previous moments of political repression in order to contextualize the recent repression within a longer, ongoing struggle over social order in the US. The recent repression of anti-ICE activists was not the first time that the US government targeted political activists or dissidents with deportation, as I explore in “Moment 1,” which analyzes C.L.R. James’ writing from his time in migrant detention on Ellis Island in the McCarthy era. The recent targeting of activists is also not the first time that the US has used a system of carceral control to repress those activists and dissidents who contest that very system. I explore one such precedent in “Moment 2,” which analyzes Angela Davis’s written collaborations with other political prisoners during her time in pre-trial detention at Marin County Courthouse. These two moments contextualize recent repression in a longer history of struggle over economic and racial social order in the US.

Moment 1: C.L.R. James, the McCarthy era

Although the US experimented with detention and deportation as a way of expelling political or geopolitical opponents since its earliest days, the practice of political deportations was consolidated after both World Wars, when “Red Scares” involved the removal of communists, anarchists, and radicals who were foreign nationals. The Sedition Act of 1918 authorized the deportation of foreign-born people whose speech or actions espoused views that were radical, anarchist, or disloyal to the US. At the time, media and government discourses conflated radical ideologies with foreignness, and especially with Southern and Eastern Europeans, groups that were racialized as “new immigrants” (Gerstle, 2008). The Palmer raids in late 1919 and early 1920 involved the arrest of an estimated 4000 foreign-born radicals, especially targeting anarchists and labor organizers of Italian and Eastern European Jewish descent (Kanstroom, 2007). The Palmer raids offer the first clear example of the large-scale use of migrant detention and deportation to deter Left political activity in the US.

The practice of political detentions and deportations of foreign-born radicals continued after the second World War in what is known as the “McCarthy era,” after Senator Joseph McCarthy who was one of many government officials active in efforts to investigate, accuse and punish “communists and communist sympathizers” in the late 1940s through the mid-1950s. The McCarran Act, also known as the Internal Security Act of 1950, required members of Communist parties to register with the government, and authorized the detention and deportation of non-citizens who were political radicals and subversives. The McCarran Walter Act, also called the Immigration and Nationality Act of 1952, defined those non-citizens who advocated in support of communism or anarchism as deportable. Government officials, the law, and a broader public again conflated certain ideologies with foreign influence, non-citizenship, and disqualification from belonging or
citizenship in the United States. Anti-racism and Pan-Africanism were among the ideologies that the US government and mass media identified as Un-American. The use of deportation and detention as political repression was only one piece of the larger project of suppressing communism, Black radicalism and the Left in the US at the time. As Carol Boyce Davies (2001: 956) points out, the US’s revocation of W.E.B. DuBois’ passport and refusal to issue one to Paul Robeson (both were Black radicals with an international audience) in this same era is an “analog” of the deportation of Black radicals like C.L.R. James.

Renowned Black radical intellectual Cyril Lionel Robert James was among those held under the custody of US Department of Justice’s Bureau of Immigration in migrant detention at Ellis Island for four months in 1952 under the McCarran Act. James, a radical Trinidadian intellectual, had lived in the US for 14 years. The government’s exclusion of C.L.R. James was based on his political activities and especially his publishing record. Charisse Burden-Stelly (2017: 350) has called his immigration case “the quintessential example of the conjuncture of antiforeignness, antiradicalism, and antiblackness, and its usage by the U.S. government to expel racialized dissidents from the nation’s border.” James was an independent Marxist who published books on world revolutions (James, 2017), and in particular the protagonism of Black proletarian revolt within revolutionary struggles (James, 1963, 2012). Prosecutors from the Department to Justice offered his books as evidence in James’ immigration hearing. Although he staunchly opposed the Soviet Union, his radical internationalism that challenged white supremacy and capitalist hegemony were enough “to produce violent foreclosure from the state and citizenship” (Burden-Stelly, 2017: 346; see also Keith, 2013).

The Bureau of Immigration placed James in a detention unit with other political prisoners. He described his time on Ellis Island in his book *Mariners, Renegades and Castaways: The Story of Herman Melville and the World We Live In* (James, 2001). The book as a whole is a set of essays on Herman Melville’s writing, primarily *Moby Dick*. In the book, James offers his critique of American liberalism, through an analysis of the inversion of individualism and sovereignty into tyranny on Captain Ahab’s ship *The Pequod*. James’ final chapter, “A Natural But Necessary Conclusion,” provides a remarkable personal account of his detention that thematically builds upon arguments from the rest of the book. James draws parallels between the whaling ship *The Pequod* and the migrant detention center Ellis Island, and between the tyrannical Captain Ahab and the Department of Justice.

James (2001)’s description of migrant detention and deportation proceedings emphasizes the domination, dehumanization, and illiberalism of a system which allegedly upholds the rule of law at the limits of liberal democracy. While detained on Ellis Island, James describes suffering physically from a pre-existing gastro-intestinal condition that stress and an inadequate diet in detention exacerbated. He wrote about his efforts to gain proper medical care and nutrition as his health problems escalated, including daily negotiations with Ellis Island’s doctors and nurses, grievances to the immigration authorities, and attempted interventions of his attorney. All the while, James endured the callous and racist remarks of authority figures who encouraged him to give up. He wrote:

To a man in my condition, there was added not only the sense of unwarranted inhuman persecution but a never-ceasing battle to put an end to it. My attorney offered to make himself responsible for having some food sent in to me. The Ellis Island authorities replied that it was against regulations, this in a place where not only regulations but law is disregarded at will. My attorney spoke to Mr. Shaughnessy, the District Director of Immigration and Naturalization of the Port of New York. Mr. Shaughnessy’s reply was that if I did not like it there, I was not being
detained against my will. I could always leave and go to Trinidad, where I was born, and drink my papaya juice. (p. 138)

In this passage, James describes how immigration authorities attempted to leverage his deprivation as a mode of coercion within a system of law; they both invoked and ignored regulations in ways that made James’ own decapacitation possible. Inadequate food and medical attention, racist threats, and efforts to use deprivation as dissuasion, combine to produce the subordinating experience of disregard for the personhood of the detained subject. Then as now, the doctors, nurses, and kitchen staff at the migrant detention center were not equipped to provide special care; adequate health provisions were slow to come. James’ medical condition worsened to a crisis, and he was hospitalized, under the 24-hour watch of guards. In this experience, as James describes it, delayed medical care and inadequate provisioning played a function in leveraging pressure on the deportable subject to give up his case. The efficacy of detention and deportation at decapacitating James, placing him outside the social order, is clear.

Resonances with the political repression of today are also clear. ICE brought undocumented activist Eduardo Samaniego into custody in October 2018. Samaniego was public and active in campaigns not only for immigration reform, but also for universal healthcare, access to education and other progressive causes. From a 2019 statement written by Samaniego while he was detained:

For many years I have advocated for the civil rights of the most vulnerable in our country… but I sincerely never imagined the extent of the inhumanities committed against immigrants in our prison industrial complex… This process has taken away much of my ambition to make a better world through my actions and has reduced them to small expectations. There are days in which my desire to fight for access to healthcare is reduced to an expectation for what will be my next meal, would I have oatmeal? Or will I have a sweet apple?

While in detention, Samaniego assisted others detained with him on their (English-language) paperwork and advocated for opportunities for those in ICE detention (many of whom are newcomers) to file such paperwork and requests in their home language. ICE transferred Samaniego through a series of three different facilities where detention providers placed him in solitary confinement repeatedly, and blocked him from receiving contact information, mail, and messages from his supporters outside detention (personal communication, 2020). Under the pressure of this isolation, Samaniego eventually agreed to a “voluntary departure.”

Prisons and migrant detention in the US work on the bodies and the souls of those confined in them, decapacitating them and “coercing submission” (Berger, 2014: 184, citing politicized prisoner Ruchell Magee). Samaniego’s words echo the decapacitation of James: deprivations involved in migrant detention and deportation work as a tool of social control, silencing and eliminating resistant and dissenting persons. However, deprivation occurred in a context in which immigration authorities also offered a “choice” to “voluntarily” submit to return to a country of origin. C.L.R. James describes how immigration authorities reminded him of this “choice” in the passage above. In Samaniego’s case, the decapacitating conditions of detention was a lever for provoking his “choice” of voluntary departure. That the detention system simultaneously seeks to decapacitate the human and to resuscitate that person’s subjectivity so that they can make such a “choice” speaks to the interplay between illiberal brutality and liberal individualism in this system, a tension that James highlights in his book.
There is also a significant divergence between political repressions via immigration enforcement of the 1950s and under the Trump Administration. Under the McCarran Act and McCarran Walter Acts the US deported dissidents based on their outlawed communist, internationalist, and Black radical activity. In the more recent version of immigration enforcement as political repression, ICE prosecutes activists’ deportation cases on the grounds of irregularities in their documentation, visa overstays, loss of status due to other convictions, or illegal entry. Pamela Oliver (2008: 14) draws a distinction between three modes of political repression: deterrence, which represses dissent by outlawing it and thus threatening prosecution for political opposition; incapacitation, which represses by prosecuting dissidents on a pretext; and coercive surveillance, which represses by gathering information, identifying dissidents to control and then disrupting or blocking them. For Oliver, authorities can repress political dissent through the control of “ordinary” crime – and by extension, the control of immigration. In Oliver’s terms, for the first half of the twentieth century, the Department of Justice used immigration laws as political repression by deterrence – they made certain political activities themselves illegal and subject to deportation. Now, the Department of Homeland Security uses immigration laws to repress by incapacitation and coercive surveillance, removing activists and rebels from the political arena based on immigration offenses that are not related to ideology. The next section of this paper will address this kind of political repression through an examination of a different “moment” – the Black prison struggle and its political prisoners in the early 1970s. While the first moment in this paper demonstrates that the United States’ use of migrant detention and deportation to repress dissent is not new, the second moment will demonstrate how, when carceral systems that enforce the social order become subject to struggle, dissent control and crime control (or immigration control) can become entangled.

**Moment 2: Angela Y. Davis, suppression of Black prison activism**

The late 1960s and the 1970s saw a particular turn within the long Black freedom struggle in the US. In this period, there was a condensation of political organizing around the notion of Black Power, alignments of US-based Black liberation movements with anti-colonial struggles across the globe, the emergence of powerful formations like the Black Panther Party and a surge of Black militancy. State-led and extralegal backlash against the long civil rights movement had long aimed at punishing and diffusing these movements (cf. Biondi, 2015). Decades long surveillance and repression of Black freedom leaders by J. Edgar Hoover’s FBI continued and intensified, as Black revolutionaries were arrested, framed-up, imprisoned. The Blank Panther Party, a nationally organized, militant political organization, was especially targeted; many Panthers spent time in prisons and jails alongside people whose criminal convictions were connected to their poverty and exclusion. Prisons were already politicized spaces within the Black freedom struggle, but ongoing and militant organizing among prisoners began to converge with Black Power movements at this point (Berger, 2014).

In this era, uprisings in jails and prisons from New York (Losier, 2017; Thompson, 2016) to California (Berger, 2014) combined the analysis of politicized prisoners with the rebellion of people caught in an antagonistic relationship with the state. Inside prisons, opposition was met with violent repression: isolation in solitary confinement units, standoffs, and death. Meanwhile, the opposition of activists outside landed many on trial or in prison, in order to repress their activities. In October 1970, Angela Davis, a prominent radical and Black militant at the time, was arrested and charged with conspiracy to murder within this context. She owned guns that her bodyguard Jonathon Jackson (brother of imprisoned
prison organizer and Black militant George Jackson) used in a takeover of the Marin County Courthouse in August. Davis spent 16 months in pre-trial detention in Marin County Jail before the court acquitted her. In 1971, she published the edited volume *If They Come For You in the Morning… Voices of Resistance*, as part of an ongoing strategy to build public and political support for her case and the other cases associated with the Marin County Courthouse takeover.

The structure of *If They Come For You…* reflects the interplay between politically conscious prisoners who experienced retaliation for their radical political organizing, and the political repression of revolutionaries who opposed the prison system from the outside. The book is a multi-genre compilation that contains essays that Davis penned from jail alongside poetry, letters, and manifestos of other contemporary prisoners involved in Black prison organizing, and writings by campaigners on the outside. It places writings by Angela Davis and imprisoned Black Panthers Bobby Seale and Erica Huggins along with writings by Black revolutionaries who became politicized during their imprisonment, such as Soledad Brothers Fleeta Drumgo, John Clutchette, and George Jackson as well as Davis’ co-defendant Ruchelle Magee.

Davis (2016 [1971]) elucidated the structural relationship and continuity between the politicization of prisoners, and the struggle for Black liberation that lands political activists inside prisons. Dissidents inside and outside prison articulated their critique of the ways that the police and prisons both figured Black people as outside the social order and punished opposition to racial hierarchy. They connected political imprisonment with the role of prisons in their oppression as poor people within a capitalist system. Davis (2016 [1971]: 36–37) specifically pointed out how, “Prisoners – especially Blacks, Chicanos, and Puerto Ricans – are increasingly advancing the proposition that they are political prisoners.” That is, their imprisonment is political insofar as it is a result of their poverty and exclusion from the social order. A letter by Fleeta Drumgo, a politicized prisoner, asserts: “I am constantly thinking about unemployment, underemployment, poverty and malnutrition that are the basic facts of our existence; it’s this which sends persons to these concentration camps; it’s this which causes so-called crime in general” (p. 131). Davis herself writes of the heightened form that racism takes within US prisons, which spurred prisoners into political consciousness and action:

The disproportionate representation of the Black and Brown communities [on prison], the manifest racism of parole boards, the intense brutality inherent in the relationship between prison guards and Black and Brown inmates—all this and more cause the prisoner to be confronted daily, hourly, with the concentrated, systematic existence of racism. (p. 36)

In the 1960s and 1970s, activists “identified the prison as fundamentally entangled with the creation and persecution of blackness” (Berger, 2014: 12). Davis points out how the “concentrated” form of violence in prison interpellates the “prisoner” in a confrontation with state power and the racism ingrained in it, making opposition to the US prison system one of the products of the system. As politicized prisoner John Clutchette writes, “we are, like the people outside of the prison walls… forced… into… resisting… force!” (Davis (2016 [1971]: 153, ellipses in the original).

In linking politicized prisoners and political prisoners, Davis (2016 [1971]) argues for a broader definition of the category of political prisoner and draws the reader’s attention to the pervasive, racializing nature of carceral techniques of social control that dehumanize and place prisoners in an antagonistic relationship with the economic and racial social order.
These connections are instructive in analyzing the political repression of migrant justice activists during the Trump Administration. Just as people in prisons in the early 1970s engaged in political struggle from within the prisons, in the 2010s there were individual and collective struggles taking place inside ICE’s detention system. Struggles inside detention often took the form of hunger strikes and work stoppages (Ríos Alegria et al., 2017). These struggles inside detention are subject to intense forms of retaliation such as force feeding, solitary confinement and use of force (ACLU & Physicians for Human Rights, 2021). In February 2018, Jesus Chavez Flores sustained injuries after a guard in Tacoma, WA assaulted him; he was placed in solitary confinement. Chavez was part of a group that guards believed to be instigators of a strike (Hellman, 2018a).

Hunger strikes in detention often arise out of a critique of detention conditions but are also connected with the overall movement to transform the system of targeted exclusion that ICE’s detention system advances. In parallel with the Black freedom struggle, migrant justice activists critiqued the ways that immigration enforcement marginalizes and racializes undocumented or criminalized immigrant populations. ICE in turn put many dissidents in deportation proceedings, what Oliver (2008) would call repression by coercive surveillance and incapacitation, in which dissent control becomes entangled with lawenforcement. The political repression of activist Maru Mora Villalpando is an example. In December 2017, ICE served her with a Notice to Appear, the formal initiation of deportation proceedings. Mora Villalpando, who was already deeply involved in organizing against the detention system, became vocal about her undocumented status in 2014, during a protest that she had co-organized and that blocked buses of detained people outside a detention center in Tacoma, WA. According to ICE’s I-213 paperwork on her, ICE knew Mora Villalpando to have “extensive involvement with anti-ICE protests and Latino advocacy programs” and considered her a “public figure” (Mijente, 2018). In the words of Mora Villalpando, “This is not about legality. This is about politics” (field notes July 19, 2019).

On the dates of her immigration hearings, Mora Villalpando’s defense committee held press conferences and protests outside the court that featured speakers who ICE had previously detained, or who read written statements from people currently in detention; these statements critiqued abhorrent prison conditions, the racism of guards, or brutalities of the detention system. This positioning of activists who ICE targeted with repression next to the oppression of people who ICE detained clearly parallels the sensibilities of Davis’ book, which links political prisoners (activists who were imprisoned) with politicized prisoners. In doing so, Mora Villalpando and her defense committee highlighted the structural relationship between the activists inside and outside detention, and between the repressions of both.

What connects the struggles inside and outside confinement, in both the early 1970s and more recently, is the entanglement of carceral control with the contest over the economic and racial social order. To modify the phrasing of Pamela Oliver (2008: 13), “[‘border control’,] ‘crime control’ and ‘dissent control can never be empirically disentangled. They are specific instances of the more general problem of social control, or the maintenance of order.” Carceral technologies, like prison, detention, and deportation, are one of the state’s means of exerting its sovereignty and control, to (re)-establish an economic and racial social order. Meanwhile, these same carceral technologies then become political tools within an ongoing struggle over that social order. Their significance surpasses the impartial implementation of law, but punishes political activists who challenge racialized poverty, hierarchies, and exclusions. In Davis’ words, “As the Black Liberation Movement and other progressive struggles increase in magnitude and intensity, the judicial system and its extension, the penal system, consequently become key weapons in the state’s fight to preserve the
existing conditions of class domination, therefore, racism, poverty and war” (2016 [1971]: 33). Black radicals in the early 1970s were surveilled, prosecuted and incarcerated for non-political offenses just as migrant justice organizers were during the Trump Administration, revealing a legacy of repression of those who challenge carceral control. Organizers and thinkers in both “moments” identify linkages between political activists outside prison or detention, and dissidents who oppose these systems from their position inside prison or detention. Within the antagonism between the state’s repressive apparatus and dissidents, carceral control becomes a tool not only for marginalizing and racializing working-class populations, but also a political tool for blocking dissent.

### Moment 3: Political repression of anti-ICE activists

The previous two historical moments shed light upon how the use of deportation is not new and nor is the entanglement of carceral control with dissent control; I now contextualize recent political repression within the growing antagonism and struggle over interior immigration enforcement in the twenty-first century. The Trump-era move towards placing activists in deportation proceedings built upon political struggle over large-scale, immigration enforcement in the US interior. In the twenty-first century, two major developments shaped the implementation of immigration enforcement in the US interior: the devolution of immigration enforcement powers to state and local governments (Coleman & Kocher, 2011), and the adoption of local policies that either restrict or protect immigrants (Varsanyi, 2011; Visser & Simpson, 2019). The 1996 law IIRIRA included a provision under subsection 287(g) that allows immigration authorities to enter into agreements (“287(g) agreements”) with state and local police officers that devolve federal immigration enforcement to local law enforcement agencies. In 2008, the US government piloted the Secure Communities program, and by July 2010, 97% of all US counties had implemented it. Secure Communities requires local law enforcement agencies to run arrested foreign-born persons’ fingerprints through immigration databases. When the database identifies a person as potentially deportable, it automatically notifies ICE, which then places a detainer or hold request on that person for 48 hours, during which time ICE can assume custody. The federal government’s capacity to detect, arrest, and detain immigrants in the US interior mushroomed with Secure Communities.

That immigration enforcement has devolved to local authorities has led to a highly uneven geography of immigration governance and enforcement that Monica Varsanyi and her colleagues call a “multilayered jurisdictional patchwork” (Varsanyi et al., 2012). Some jurisdictions adopted 287(g) agreements or passed new laws that restricted migrants’ mobility and access to resources. Other jurisdictions began to pass new laws to protect migrants. In the later years of the Obama Administration, in the context of a vibrant, persistent movement that migrant youth spearheaded, municipalities, counties and states began to adopt “sanctuary” ordinances to block the cooperation of local law enforcement and criminal punishment systems. For example, such ordinances block jails from honoring some ICE detainers, and block police from using their resources to enforce federal immigration laws.

Beginning in his campaign for presidency in 2015, Donald Trump focused on immigration restriction as an issue. Xenophobic, racist rhetoric and efforts to restrict or even eliminate immigration animated the Trump Administration’s efforts at restoration of racialized class rule, congealed in the slogan “Make America Great Again.” In its first weeks in the White House, the Trump Administration (2017–2021) released a series of executive orders that called for sanctions on “sanctuary cities,” funding for an expanded border...
wall, a ban on immigration from a set of seven Muslim-majority countries, and an expansion of the immigration enforcement forces at both the border and in the US interior. The 25 January 2017 Executive Order entitled Enhancing Public Safety in the Interior of the United States, reinstated Secure Communities (the Obama Administration had discontinued the program in late 2014) and expanded the categories of people prioritized for immigration enforcement. Meanwhile, the migrant justice movement was already practiced at defense and began to scale up its efforts. Grassroots networks for deportation defense, countersurveillance of ICE, immigration bond funds, and “sanctuary” ordinances quickly formed, often incorporating leadership and vocal participation from undocumented communities that needed defense. By the end of 2017, 300 “sanctuary” jurisdictions existed.

Evidence suggests the effectiveness of restraints to federal immigration enforcement that anti-ICE activists won in sections of the national interior impacted ICE’s performance there (cf Capps et al., 2018). In 2019, TRAC reported their analysis of case-by-case ICE interior arrest records. They concluded that the geography of enforcement is highly uneven. Of the cities and counties with the highest numbers of undocumented residents, those jurisdictions with protective ordinances had a far lower rate of deportations, leading TRAC to conclude that “the location of your home has an outsized influence on whether ICE will target you” (TRAC, 2019). The vast majority of deportations overall were due to the Secure Communities program. Where “sanctuary” ordinances or other immigrant protections impeded this program (NYC, Chicago, Los Angeles) deportations were fewer. Conversely, in places where a 287(g) program was in place (Orange County, Maricopa County) arrests and deportation rates were up to 10 times higher.

Meanwhile, ICE officers moved towards arresting more people in the community – at their homes, workplaces, and during their daily routines, as well as arresting people outside of courthouses. ICE spokespeople framed their intensification of enforcement in the community as a response to “sanctuary” ordinances (Alvarado, 2017). The Trump Administration positioned so-called “sanctuary cities” as opponents to the federal government. While campaigning for the presidency in 2016, Trump announced that he would block funding for sanctuary cities. When attempts to impose financial sanctions to pressure cities like New York, Los Angeles and Chicago to repeal such ordinances proved unsuccessful, the Administration tried other modes of punishment. For example, in the lead-up to the 2020 election, the Trump Administration announced an autumn ICE campaigns to target and arrest immigrants in “sanctuary cities” (Miroff and Barret, 2020).

While much of this vengeful rhetoric was public, visible and aimed at cities that are strongholds of Trump’s opposition, the Democratic Party, the politics of revenge also played out through an unannounced, coercive pattern of targeting migrant justice activists with unauthorized or precarious immigration status. In addition to the cases already highlighted in this paper, there were many more. For example: in May 2017, ICE arrested Claudia Rueda in California after she organized to support and free her mother from ICE detention (Garcia, 2018). In November 2018, ICE deported Saja Tunkara shortly after a long-form article in The Seattle Weekly exposed his case of inadequate medical care in detention. His wife at the time was an active participant in anti-detention protests (Hellmann, 2018b). In August 2019, Marcos Baltazar who is on the board of Adelante, a migrant justice group in Alabama, was arrested and detained during his regular ICE check-in along with his son. The next day in Chicago, ICE arrested Francisco Silva, who volunteers with the group Organized Communities Against Deportations during a bond review (Del Valle, 2019). When these and other similar incidents happened, it was ambiguous
whether they were intended as retaliation, though the targeting of vocal people has a chilling effect on dissent.

In other instances, the repression was more pronounced. On 2 August 2018, Sergio Salazar was arrested on the day his DACA status expired; he was participating in an anti-ICE encampment in San Antonio at the time and he reports that FBI agents questioned him about his fellow protesters while ICE detained him (Currier, 2018). In May, Jose Bello, who was already in ICE’s non-detained docket, read aloud a poem that critiqued the US immigration system and its exclusions at a public forum; ICE arrested him at his home two days later. The ACLU reported that ICE had told Bello, “We know who you are and what you are all about” (Entralgo, 2019). These activists were put into deportation proceedings but believed themselves to be targeted because of their activism.

The political repression of people who contest carceral bordering in the US underscores that ICE is in an ongoing antagonistic struggle with anti-racist, migrant justice activists who seek to expand economic and social mobility for undocumented people and to decriminalize immigration. The repression of anti-ICE activists constitutes a backlash against the gains of immigrant rights activists in particular, and anti-racist activists more broadly: these movements had reshaped the geography of immigration enforcement across the US interior, and stymied ICE’s smooth functioning. This surveillance and intervention is situated in a politics of revanchism that seeks not only vengeance against those who have contested carceral control, but the restoration of an exclusionary, white-supremacist vision of the social order. The use of immigration enforcement as political repression is not new, and neither is the political use of carceral controls. However, the recent use of immigration enforcement as political repression against dissidents marks a level of revanchism and antagonism within the struggle over immigration enforcement that is new.

**Conclusion**

Incidents where ICE retaliates against migrant justice activists, targeting them with the very same system of racialized confinement and mobility control that they contest, are part and parcel to struggle over the economic and racial social order, a kind of class struggle, refracted through race, citizenship, and the criminalization of immigration. I contextualized this struggle in two prior historical moments of freedom struggle and political repression in the US: the detention and deportation of radicals and subversives in the McCarthy era, and the policing and imprisonment of Black radicals in the early 1970s. While a multitude of moments have linked racism, political repression, and incarceration or deportation with economic and racial social control, I have focused on these two moments because of the light they shed on the contemporary era. They illustrate how (1) immigration enforcement has operated as a tactic of dissent control, decapacitating radical, Left, labor, and racial justice movements by incarcerating and removing organizers and intellectuals; and (2) the antagonisms at play between the state’s repressive apparatus and dissidents reveals an entanglement between struggle over carceral control and the maintenance of an economic and racial social order. These insights prompt us to situate recent, revanchist political repression in a longer genealogy of struggle over the economic and racial social order.

The more recent moment of political repression of activists, like the ones before, is not so much about the infringement of rights to free speech and political discourse or action, and not so much about asserting the rule of law. The political repression of migrant justice activists under the Trump Administration was part of an ongoing and escalating struggle over immigration enforcement in the US interior, through which the boundaries of exclusion and distribution were being contested. The revanchist repression of anti-ICE activists is
retaliation for ground gained by them, as they have stymied ICEs smooth functioning, and part of a larger project of securing the smooth functioning of immigration enforcement, but also economic and racial social control more broadly. Such revanchist repression was also directed at citizens in the Trump era — or example, the prosecution of citizens volunteering with No More Deaths to provide humanitarian aid to unauthorized border crossers in borderland deserts (Fernandez, 2019), or Homeland Security intelligence operations’ targeting of racial justice protesters in Portland in 2020 (DHS Internal Review Team, 2021).

Immigration enforcement can and has played a repressive role in efforts to silence dissidents. It is important to remember that the repression of migrant justice activists was not unique or anomalous to the Trump era. The political repression that flared in the Trump era is a recurring process in the struggle over the economic and racial social order, in which liberatory political visions and expanding claims to stakes in the society are violently suppressed.

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Notes
1. US Immigration and Customs Enforcement is responsible for the detention of all adults and family units, including those who are initially arrested by Border Patrol. ICE reports that 73% of its FY 2019 removals entered their system following arrests made by US Customs and Border Patrol. The majority of population centers in the US are within the jurisdiction of the US Border Patrol, and therefore some of these are of people who were residing and working in the US interior.
2. Only about 500 deportations, including that of Emma Goldman, are associated with the Palmer Raids, as compared to an estimated 6000 warrants and 4000 arrests.
3. Voluntary Departure is a process that allows the US to return people to their country of origin without the same status and consequences as deportation.
4. He famously opined in 2015 that “When Mexico sends its people, they’re not sending their best. They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people.”
5. DACA status (Deferred Action on Childhood Arrival) is a status that gives relief from deportation and a work permit. Young adults who immigrated to the US as undocumented children and who met certain eligibility requirements could apply for this status.

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