

Migrant Organizing in  
an Era of Deportation  
and Dispossession  
**MONISHA DAS GUPTA**

A woman in a yellow dress with colorful embroidery is pouring water from a blue plastic bag. The scene is overlaid with various colorful elements: butterflies (orange, purple, blue), a hummingbird, and flowers (pink, white, red). The background shows a building and a cloudy sky.

# ALL OF US OR NONE

**ALL OF US OR NONE**

**BUY**

**ALL OF  
US OR  
NONE**

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Migrant Organizing  
in an Era of Deportation and  
Dispossession

**MONISHA DAS GUPTA**

**DUKE**

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To Kieran,

My ray of light

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## CONTENTS

ix	PREFACE
xxi	ACKNOWLEDGMENTS
1	<b>Introduction. Deportation as Settler Carcerality</b>
27	<b>1 “All of Us or None”</b>
54	<b>2 “It Is Our Moral Responsibility to Disobey Unjust Laws”</b>
82	<b>3 “Don’t Deport Our Daddies”</b>
109	<b>4 “Deportation = Genocide”</b>
136	<b>5 Not DREAMing</b>
167	<b>Conclusion. Jailbreak</b>
171	NOTES
207	BIBLIOGRAPHY
239	INDEX

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## PREFACE

On October 5, 2017, in an act of civil disobedience, undocumented members of the Los Angeles area Immigrant Youth Coalition (IYC) put their bodies and futures on the line by setting down ten metal prison bed frames to block rush hour traffic in Westwood, Los Angeles. They strategically positioned themselves at the intersection of Wilshire Boulevard and Veterans Avenue across from the Federal Building. Several IYC members, with megaphones in hand, leaped on top of the plywood base of the bunks. Screen-printed logos of the private for-profit prison giants GEO Group and CoreCivic and the data-mining corporation Palantir hung on the rails of the prison beds.<sup>1</sup>

Another group of activists linked to each other with chains stepped off the sidewalk onto the road to surround them. Demonstrators lined the sidewalks. They had marched from California senator Dianne Feinstein's office, holding hand-painted signs declaring, "All of Us or None," "Defend the Criminalized," "Border Patrol Out of Our Communities," and "Black Lives Matter." The day marked the tight deadline for Deferred Action for Childhood Arrivals (DACA) recipients to apply for a two-year renewal of their status.<sup>2</sup> The civil disobedience without a police permit and the prison abolition messages set this demonstration apart from many other pro-DACA marches across the country. The IYC, with undocumented queer youth at the forefront, organized the civil disobedience. The youth were supported by a new coalition, Justice LA, which included activists from the local chapter of Black Lives Matter, and other local organizations working to dismantle correctional control. The coalition was formed to fight the city's new spurt of prison expansion, estimated to cost \$3.5 billion, and had used the prison beds in a separate protest against the Los Angeles County

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proposals.<sup>3</sup> In the tradition of civil disobedience, the IYC activists risked arrest and deportation to expose the violence of the penal and deportation systems in the United States. The main message—“All of Us or None”—telegraphed their solidarity with all those who are fodder for the carceral system.

Predictably, police sirens soon rent the air, as did the blaring horns of enraged commuters stuck in the blockade. The commuters vociferously complained about missing their hospital appointments in Westwood and getting delayed for work. The privilege of their mobility and the temporary inconvenience of a traffic snarl was lost on them. The blockading activists suffer every day from the criminalization of their mobility. They live with the daily fear of arrest because they or their loved ones are forced to drive to work, school, and appointments without a license. They wanted to disrupt business as usual. By confronting cars full of angry commuters and armed police officers amid Donald Trump and Jeff Sessions’s war on migrants and people of color, the organizers enacted a common call-and-response, “*Sin Papeles / Sin Miedo*,” “No Papers / No Fear.” Helmeted Los Angeles Police Department officers wielding their batons announced the assembly unlawful. They arrested nine activists, several of them undocumented, and cleared the intersection within half an hour of the takeover. It was not until the evening that the last of the nine arrested was released from police custody.<sup>4</sup>

A week before the action, Immigration and Customs Enforcement (ICE) had detained 101 individuals in the larger LA area as part of “Operation Safe City,” a program endorsed by the Trump administration.<sup>5</sup> The operation targeted sanctuary jurisdictions, which refused to dedicate local law enforcement resources to aid the enforcement of immigration law. These arrests had failed to send the intended chilling message to this group of migrant activists. They were veterans of unpermitted civil disobedience. I had met many of them in previous shutdowns and takeovers of public spaces, and they trained me in civil disobedience. Under Trump, deportable youth continued to test their deportability by exercising the audacious power they built through collective action during the Barack Obama administration, which deported people at record numbers.

Local media reports framed the shutdown as a protest against Trump’s rescission of DACA, which it was. But the coverage glossed over IYC’s unambiguous resistance against criminalization and carcerality. On the streets, the Westwood protest dramatically linked prison expansion to the expansion of detention centers, the routinization of deportation, and the dangers of data



P.1. Immigrant Youth Coalition organizers shut down traffic in Westwood, LA, on October 5, 2017, by using prison beds to call attention to all forms of incarceration as police advance. Photo credit: Eduardo Lopez. Courtesy of Immigrant Youth Coalition.

collection, algorithmic analyses, and data sharing for criminalized US citizens and noncitizens. The links, however, were neither apparent to the public nor politically expedient to recognize, given the pervasive moral panic over crime. The stark imagery of prison beds did not fit the exceptional DACA narrative. For nearly a decade, advocates and sympathetic lawmakers have biopolitically produced innocent migrant youth as the most viable subjects of proposals to legalize migrants and the most deserving of relief from deportation.

This book tells the story of contemporary antideportation organizing by and for the most indefensible of migrants and refugees—those labeled criminal aliens. The organizers and organizations I write about produce expert knowledge about crimmigration—the convergence of the administrative and civil legal process of immigration enforcement with the criminal legal system. Deportees with criminal charges or convictions, who cannot be represented as the ideal subjects of immigration reform, are the subjects of this book. All four organizing spaces I cover represent a segment of the contemporary immigrant rights movement that demands transformation rather than reform. The coalitions and organizations call for an end to all forms of confinement. They challenge policymakers to look at the root



P.2. Immigrant Youth Coalition organizers, arrested for the October 5, 2017, civil disobedience, and their supporters pose for a group photo with the banner for their action after charges against them were read. Courtesy of Immigrant Youth Coalition.

causes that displace migrants, forcing them to flee economic and physical violence. Queer and feminist politics radicalize these spaces. They cultivate collective care in collective action. They envision the abolition of systems that determine disposability through the lens of gender and sexual justice.

Noncitizens who are branded with the criminal alien label include immigrants and refugees with legal permanent residence, undocumented migrants, and those who enter visa-free from Micronesian nations under a special agreement with the United States. All those charged or convicted of violent and nonviolent crimes are subject to mandatory deportation with few legal avenues to return to the United States. Like citizens under correctional control, they are predominantly people of color. Their loved ones, often left behind in the United States and often US citizens, can remain separated from them for life.

The analyses of these antideportation organizers, rooted in the lived experiences of migrants with criminal records, are unclouded by the settler myths of immigrant success pursued and eventually achieved. The activists' counternarratives, or what I term movement-building stories, reveal the relationship of immigration and crime control to settler colonialism maintained by carceral-security regimes. Their narratives rooted in abolitionist and intersectional organizing depart from the settling stories circulated within the reformist immigrant rights movement. The settling stories

represent the United States as a land of immigrants to erase Indigenous presence, politics, and self-determination.

This book frames deportation and crimmigration as technologies of US settler carceral power, which executes gender and sexual violence.<sup>6</sup> By framing deportation as settler carcerality, I mean that the United States maintains control over what is Indigenous land through the expulsion of migrants, a process that increasingly relies on the criminal legal system with its carceral-security infrastructure. As Indigenous feminists have argued, gender and sexual politics are intrinsic to these settler controls.

I offer a way to think about deportation and Indigenous dispossession as thoroughly interdependent processes but not reducible to each other. The antideportation activists' focus on the interior space of the United States (not just the border) in their analyses of crimmigration helps me understand how settler colonial logics course through deportation policies, which rely heavily on criminalization and incarceration—both potent assertions of US sovereignty over a space that in actuality is animated by Indigenous politics of self-governance.

As someone who teaches and writes about migration and organizes for migrant rights in US-occupied Hawai'i, I regularly grapple with the relationships among settler colonialism, the Native Hawaiian sovereignty movement, and the politics of migration. This unsettling process has convinced me that writing about migration as a transnational process to spaces like the United States without engaging Indigenous people, Indigenous politics, and Indigenous studies is no longer possible. Here, I tackle questions about the relationship of migrant rights and Indigenous rights with which I concluded my first book, *Unruly Immigrants*, and have explored in publications since. I write this book as a migration scholar, an activist in the immigrant rights movement, and a settler allied with local Native Hawaiian struggles for sovereignty.

Like all projects, this one evolved, eventually becoming a book about antideportation organizing. I embarked on the project in 2009, inspired by the 2006 immigrant-led mass mobilization to stop federal bills criminalizing undocumented immigrants. In Honolulu, I was mesmerized by images of the mega marches and May Day protests in Los Angeles. I had never witnessed such a massive show of migrant power. In the spring of 2009, I headed to Los Angeles when the election of Barack Obama reenergized the immigrant rights movement. Several veteran immigrant rights activists counseled me to go to Los Angeles. That's where I would find the pulse of the movement, they said. I wanted to be part of this movement at

that historic moment. I wanted to understand what ignited the waves of street-level demonstrations, even as I noticed that activist energies were being sucked into the halls of Congress to settle the question of undocumented migration by establishing a plan to legalize those present in the United States. I selected New York City as the other node because immigrant communities there had felt the full brunt of immigration enforcement in the name of national security since 9/11. Soon after 9/11, I documented the backlash against South Asian and Muslim communities with the New York Taxi Workers' Alliance.<sup>7</sup> I wanted to return to the city to examine the response of the immigrant rights movement there to the post-9/11 wave of deportations.

Since 2009, I have participated in marches, vigils, civil disobedience, town halls, strategy meetings, and fundraisers at both sites as an activist and researcher. Between 2009 and 2017, I familiarized myself with twenty-two immigrant rights organizations—fourteen in Los Angeles and eight in New York—and joined many of their activities. I trained with activists and brought back the lessons I learned from the organizers to Honolulu, where I live and work, to contend with the crisis of deportation experienced by migrant communities across our islands.<sup>8</sup>

Over time, I gravitated toward antideportation organizing and away from those heavily invested in comprehensive immigration reform.<sup>9</sup> I have selected to write about four groups. I chose them because their politics best illuminate the massive transformations of immigration enforcement in the interior. They connect the dots between incarceration, immigrant detention, and deportation. I focus on Families For Freedom in New York City, Khmer Girls in Action in Long Beach, the short-term coalition Tod@s Som@s Arizona (Tod@s) in Los Angeles, and the Immigrant Youth Coalition in the Los Angeles area, members of which visited Honolulu to mobilize local migrant youth. My methods of learning about their work went beyond simply eliciting their thoughts through interviews. I use my own involvement and observations as an activist. Sometimes I was a participant-observer, and other times, an observer. As an adult, I at times had to step back altogether in youth-led spaces and learn about the outcomes secondhand. I extensively use activist testimonies, which are underutilized in qualitative (sociological) research. This highly crafted political speech encapsulates the personal cost of detention and deportation to incite social change. I also draw on activist-generated reports, curricula, and handouts produced for political education.

I was introduced to the organizations and individual organizers through the larger network of immigrant rights groups and coalitions. These

organizations were part of the exploratory stage of my research. The organizing I detail is influenced by the history of labor, Chicano, civil rights, Black radical, and reproductive justice movements, even as it challenges many of their methods and styles of leadership to offer new models. Los Angeles is a city of coalitions. I met many of the antideportation organizers through the Southern California Immigration Coalition, whose members have a strong presence in the leadership of the city's Chicano movement and the Multi-ethnic Immigrant Worker Organizing Network, a coalition of immigrant and worker rights organizations, which has led the city's May Day celebration of low-wage workers since 1999. The antideportation organizers crisscross these spaces and have complex relationships with them—some combative, others coalitional. Similarly, there is a constellation of antideportation organizations on the East Coast, including, in New York, Families for Freedom, the Northern Manhattan Coalition for Immigrant Rights, and the Bronx Youth Project for Southeast Asian Youth of the Committee Against Anti-Asian Violence, now the Mekong NYC, PrYSM in Providence, and the now defunct Boston area Deported Diaspora. My interview with Cambodian American organizer Chhaya Chhoum, who then led the Bronx Youth Project, made a deep impression on me. She invited me to think about what a refugee voice and analysis can bring to discussions of immigration reform. That interview eventually turned my steps toward Long Beach and Khmer Girls in Action. I decided to learn more about this organization uniquely dedicated to building the leadership of young Cambodian women from Long Beach's refugee community. In many ways, I was discovering and following the circuits of activism forged over many years across land and ocean.

Who are these pathbreaking activists? This section of the immigrant rights movement is built by those who are directly impacted by deportation, which is often triggered by racially discriminatory policing and a criminal legal system stacked against them. They unapologetically assert their voices, vision, and leadership, parting ways from the reformist agenda pushed by advocacy organizations. They cultivate the leadership of girls, women, queer activists, youth, and the incarcerated. They are people who are immigrants and refugees; who are citizens and noncitizens; who are documented and undocumented; who have violent and nonviolent criminal convictions. They reflect the on-the-ground multiethnic and multiracial makeup of the immigrant rights movement, which is often racialized as "Latino." As an Asian Americanist, I have lifted the voices of Asian Americans, who remain invisible as actors in this struggle. I have also highlighted



refugee and legal permanent resident voices that get drowned out in the demand for legalizing those who are undocumented. The activists challenge anti-Blackness, anti-Indigenous racism, homophobia, and transphobia within immigrant communities at the same time that they combat the state-driven war on migrants fed by such violence. The migrant youth activists I feature here express strong and loving relationships with their parents and elders, consciously connecting themselves to their families and communities. They have refused to throw their undocumented or “criminal alien” elders under the bus, so to speak, at a time when every policy proposal that would benefit undocumented youth has portrayed them as unwitting participants in their border-crossing parents’ lawlessness, subterfuge, and incompetence.

The activists’ courage, militancy, dedication, and tenacity sustain them in the enormously difficult work of fighting deportation. Their campaigns have freed individual deportees from detention, stopped individual deportations, and leveraged Democratic administrations to provide relief for groups like DACA-eligible youth and reduce deportation. Their persistence has sparked and sustained protest politics that today has mainstreamed the call to abolish ICE, which people outside of the movement recognize as a cruel and repressive agency. However, in the words of IYC member Johnathan Perez, antideportation organizing cannot stop at calls to abolish ICE. That generator of human misery, corporate profits, and votes for politicians is part of the massive punishment industry; activists fight to abolish the punishment industry entirely. This is a radical abolitionist implication of the organizing work I document here.<sup>10</sup>

I understand that antideportation activism and the contours of the immigrant rights movement may be quite different in border communities in Texas and Arizona, in a Midwestern metropolis like Chicago, in the New South where the demographics are no longer Black and white, and most certainly, in Hawai‘i. The activists recognize this. In their trainings, they account for these specificities to build local capacity for resistance. While the activism I detail emerges from the local ecologies of social movements, the anti- or proimmigrant politics of elected officials, and laws governing crime and corrections, it is connected to US-wide and transnational campaigns such as the Southeast Asian Freedom Network’s 1LoveMovement, National Day Laborer Organizing Network’s #NotOneMore campaign, and Mijente’s #FreeOurFutures actions, to name a few.

The ethnography stretches from the 2009 inauguration of Barack Obama, hailed as the first Black president of the United States, to the first

years of the unapologetically white supremacist Trump administration. The policies of the Trump administration in its first years were guided by then attorney general Jeff Sessions, who used his office to implement his career-long anti-civil-rights and anti-immigrant political agenda. Since the arc of the book spans administrations often seen to be as different as day and night, I invite my readers to resist the temptation to cast the Trump administration as an exception to the basic principles of US democracy. Instead, I turn my readers' attention to the enduring strains of violence. The Los Angeles-based veteran immigrant rights activist and prison abolitionist Hamid Khan, who headed South Asian Network in Artesia until 2010 and now leads the Stop LAPD Spying Coalition, repeatedly reminds organizers of the United States' racist, colonial, and capitalist history so that we do not mistake current practices of policing, surveillance, and deportations as a "moment in time."

## Overview of the Book

I lay out my framing of deportation as a form of gendered and sexual settler carceral violence in the introduction. To do this, I offer a way to think about migration to the United States, migration policy, and migrant politics in the context of Indigenous politics. The chapter brings the insights of Indigenous studies to bear on the convergence of crime control and deportation. It proposes analytical directions to think across critical migration studies and critical Indigenous studies.

Chapter 1 explains crimmigration from the point of view of antideportation activists. By connecting prisons, detention, and deportation, the activists lay out how and why criminalization has become such an effective method of postentry immigration enforcement. The discussion of the activists' engagement with policies governing crime and immigration serves as a reference for the following chapters.

The activism I cover in the chapters that follow is by and large invisible in the literature on migrant-led social movements. It is marginalized in the mainstream immigrant rights movement as well. The justice work of Tod@s Som@s Arizona, Families for Freedom, Khmer Girls in Action, and the Immigrant Youth Coalition breaks the mold of what can be considered immigrant rights and what is deemed as appropriate methods of struggle. Migrants with criminal convictions, including refugees and immigrants with legal permanent residency, and youth, who experience the daily force of punitive institutions, generate expansive political frameworks, new

modes of agitation, and cross-movement visions of justice. Each type of organizing contends with settler carceral power in its own way.

In chapter 2, I focus on unpermitted direct actions in 2010 in Los Angeles led by the collective *Tod@s Som@s Arizona*. To protest Arizona's anti-immigrant legislation, specifically Senate Bill 1070, the collective targeted the Federal Detention Center and *G4S Wackenhut*, a for-profit corporation in the business of detention. Feminist and queer activists in *Tod@s* brought an embodied approach to their civil disobedience, their arrests, and the city's efforts to prosecute them criminally. Their approach exposed the reliance of settler carceral structures on gender-racial-sexual-religious violence. They modeled transformation through caring and creative modes of direct action.

Chapter 3 introduces the New York City-based *Families for Freedom*, which is among a handful of migrant rights organizations that embraces and involves deportees with criminal convictions. It sheds light on the effects of criminal control on legal permanent residents, who are mostly invisible in immigrant rights advocacy. It demands that all incarcerated people be set free. The *FFF* members' movement-building stories value criminalized men's care work in their families. By asserting that their families are valuable, *FFF* parts ways from the settling stories about respectable immigrants who conform to prescribed gender and sexual arrangements. The *FFF* narratives powerfully intervene in the standard demands of the immigrant rights movement, which seeks inclusion in the settler state.

In chapter 4, I turn to the social justice work of *Khmer Girls in Action*, which builds the leadership of high school age Cambodian youth in Long Beach. The chapter outlines the distinct demands for gender, economic, racial, and migration justice for refugee communities. These demands, too, are absent from an immigrant rights platform. The organization's political education strips away the benevolent mask of US refugee resettlement. It holds both Cambodia and the United States responsible for genocide and names the deportation of their loved ones, branded as felons, as another phase of deadly state violence. This framing prompts me to think about the deportation of resettled refugees as a form of settler carceral violence and consider *KGA's* activism in the context of current Tongva struggles for land and cultural rights in Long Beach. Though these struggles remain separate, their juxtaposition invites scholars and activists to think across migration and Indigeneity.

The last chapter looks at abolitionist and decolonial youth organizing across Los Angeles and Hawai'i. It returns us full circle to the Immigrant

Youth Coalition, which distanced itself from the controlling image of the DREAMers—the exceptional undocumented high school students whose human capital and cultural assimilation have come to be cast as the most winnable legalization demand. The YC conducted a week-long youth empowerment summit in Honolulu. The cross-pollination of movement politics across the ocean led to solidarity efforts between non-Hawaiian Pacific Islander youth and non-Indigenous immigrant youth in Hawai'i. The YC's undocuqueer political framework, discussions of criminalization, and attention to place encouraged the participants to examine how carceral and settler-imperial power work together. Oceanic decolonial projects emerged from youth-led efforts to raise their voices against their and their community's experiences of criminalization and discrimination.

Each chapter of the book shows how settler structures manifest in deportation. The antideportation organizers' defense of migrants with criminal convictions and their knowledge of crimmigration throws into relief the operation of these structures in distinct ways. Their resistance refuses the promise of legalization and the path to US citizenship. I cast these refusals as avenues to imagine migrant-led movement politics in solidarity with Indigenous people and minoritized groups to dismantle settler arrangements.

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My father, a venerable academic, often asked me about the progress of this book, though he had lost much of his short-term memory. He would listen intently when I read sections to him. My readers' reports arrived a couple of weeks before I lost him. I cherish the memory of being able to give him the good news. He taught me to love words.

Rich, my coconspirator in life and my sounding board, has plotted this project and this book with me every step of the way. His intellectual and political acumen has reminded me of the stakes. He has been integral to the activism I write about in Los Angeles and Hawai'i. His delight with the life we have built together, his constancy, his laughter, his music, and his adventurousness have given me the heart to live through these tumultuous times.

## INTRODUCTION

### DEPORTATION AS SETTLER CARCERALITY

As critical migration scholars, what intellectual and political projects can we imagine to think about the contemporary mass displacement of people in the context of Indigenous sovereignty?<sup>1</sup> What can the juxtaposition of migration justice and Indigenous self-determination reveal about US settler colonialism, an everyday exercise of power I have learned to read in US-occupied Hawai'i? My questions, propelled by antideportation activism that defends "criminal aliens," center on a feminist understanding of deportation as a form of settler carceral power that simultaneously polices gender and sexuality. To theorize deportation as settler carcerality, I examine the expanded use of the criminal legal system to deport people from the United States.

I argue that policing through *ejection* advances settler colonialism even though, on the surface, deporting people may appear to be the opposite of settling migrants on Indigenous lands. A type of territorial control, settler colonialism works by making invisible the appropriation of Indigenous lands and oceanic spaces. It severs the caretaking relations of Indigenous people to land, water, and the elements and eliminates their presence through a range of technologies that relegate them to the past.<sup>2</sup> Settling requires evolving legal regimes that maintain territorial and social control. In this century, the United States consolidates its territorial control through new immigration penalties created to remove undocumented people and legal permanent residents for committing or being charged with deportable crimes. The legal controls reinstall the colonial and normative organization of gender and sexuality folded into racialized social control of migrants. In a nutshell, deportation is one manifestation of racial-gender-sexual violence embedded in US settler power.

DUKE  
UNIVERSITY  
PRESS

Here is how deportation as settler carcerality works. The carceral state appeals to racist-nationalist-heterosexist calls for crime control and continually produces new felonies and felons. The creation of new crimes provides the conditions necessary for mass surveillance and incarceration, which are colonial, transphobic, homophobic, racist, and misogynist. The proliferating felonies are then put in the service of removing migrants, leading to the contemporary wave of mass deportation. This creates nonnormative family forms and kinship. The ejection of “criminal aliens” who live in the United States, in turn, allows the state to rehearse, sharpen, assert, and entrench its sovereignty over Indigenous people—their governance structures, land, and culture. It recruits crime control as part of territorial control, which is justified by liberal antiviolence discourses, strengthening American exceptionalism.<sup>3</sup>

Despite colonization and occupation, Indigenous people exercise sovereignty over the lands, water, and skies the United States claims for itself. As critical ethnic studies scholar Manu Vimalassery points out, the United States reasserts these claims in reactive acts of countersovereignty because “settler invocations of sovereignty require acknowledgment of Indigenous sovereignty . . . in order to maintain any semblance of stability or coherence.”<sup>4</sup> Struggles to assert Indigenous self-determination are jurisdictional and territorial, exposing US imperialism and colonialism.<sup>5</sup> Indigenous feminists argue that full-blown Indigenous self-determination must enact decolonial forms of gender and sexuality and end colonial gender-sexual violence on Indigenous bodies—lands, water, and both human and other-than-human life. The territorial, political, and cultural autonomy at the heart of Indigenous self-determination differs fundamentally from civil rights and citizenship-focused struggles of racialized minorities. The latter seeks incorporation in the settler state through legal remedies. American Indian Studies scholar Joanne Barker (Lenape) crystallizes the implications of this distinction for intellectual and political academic formations like ethnic studies and women, gender, and sexuality studies, which are rooted in incorporative civil rights struggles and therefore diverge from the critical Indigenous studies (CIS) attention to “collective rights of Indigenous nations to sovereignty and self-determination in relation *to the state* [rather than within it].”<sup>6</sup> As a scholar who bridges migration, ethnic, and feminist studies, I take the sovereignty of Indigenous peoples over their territories in the present as a point of departure in writing this book. Along with autonomous governance, I want my readers to understand sovereignty articulated

in CIS as encompassing Indigenous peoples' ongoing efforts to protect and restore lands and water through undoing colonial and heteropatriarchal extractive practices.

Building on these scholarly and movement insights, I unmask the dual function of US sovereignty, which projects itself as omnipresent by simultaneously managing transnational migration *and* deepening its control over Indigenous people and their governance structures. In explicating the convergence of Indigenous and Asian American experiences, ethnic studies scholars Karen Leong and Myla Vincenti Carpio ask us to look for the linkages among differential state practices of carcerality that result in distinct outcomes of dispossession, displacement, rightlessness, and removal.<sup>7</sup> By intersecting the CIS critiques of the settler politics of US citizenship and civil rights with critical migration studies' insights into the violent securitization of national space, I am able to identify the settler colonial power relations embedded in deportation policies.<sup>8</sup>

To bring CIS into conversation with the migrant-led social justice movement requires me to perform two tasks together. I point out the settler colonial nature of the demands for a pathway to citizenship and civil rights rife in the immigrant rights movement. At the same time, I underscore the migrant-led political stances that call into question the utility of those demands in light of their defense of "criminal aliens." The public questioning of criminality and carcerality sparks the need to address power relations within the organizing spaces. Feminist and queer antideportation activists model collective care to account for the intersecting vulnerabilities they and other organizers experience due to the moral policing of difference. These processes of identifying and addressing internal power relations shape and reshape the public-facing movement-building stories and actions. My two-fold task of parsing settler colonial arguments in the mainstream immigrant rights movement and tracing the political visions of dissident migrant justice activists allows me to gauge the extent to which the anticarceral and antideportation alternatives can challenge the settler state. The book presents the transformative promise of migrant-led politics resistant to calls for state-sponsored amelioration.

In this analysis of antideportation activism, I am most interested in tracking the movement-building possibilities of expansive politics that cross immigration and criminal status. I use *migration justice* to signal such political projects. They are informed by the ethos "All of us or none" explicitly articulated by the Immigrant Youth Coalition's (IYC) civil disobedience

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UNIVERSITY  
PRESS

(see the preface). All the coalitions and organizations covered in this book embrace some form of this ethos because they organize as people who have directly experienced correctional control prior to immigration detention, defend those with criminal charges and convictions, or risk criminal and immigration prosecution when they protest. They refuse to leave behind those who continue to be vulnerable to carceral control. To replace these repressive systems, they commit themselves to imagining and constructing life-affirming alternatives that value sociality. These largely Latinx, Asian, and Pacific Islander organizers forge multiethnic abolitionist frameworks by putting into practice a wide range of philosophies that emerge from Black, Indigenous, and Latin American radical traditions.

The political-ethical orientation of this section of the antideportation movement engenders robust critiques of the racial nation-state with its (empty) promise of inclusion through citizenship, fictitious assertions of US refugee and immigration policies as benevolent, and global-local neoliberal arrangements. The organizers' enactment of migration justice is distinct from immigrant rights organizing, which works within the nation-state and the civil rights framework to press for reform. The immigrant rights organizations' investment in state-sanctioned amelioration leaves no room to discuss the underlying global and national structures of white supremacist, patriarchal, and capitalist structures or question US sovereignty. By contrast, the "structural competency" of migration justice activists allows them to ally with Black Lives Matter and Indigenous struggles to protect their lands and waters against toxification, extraction, and destruction.<sup>9</sup> Thus, I am more interested in the coalitional spaces that antideportation activism opens up because it interrogates the legitimacy of US power, and I am less interested in asking whether displaced migrants are or can be settlers. The antideportation organizing I cover in this book represents dissident activists—many of them feminist, queer, refugee, and prison abolitionist—who, for over a decade, have been arguing that crime control and immigration control rest on the United States' disavowal of structural violence.

The antideportation activists' dissidence holds the key for scholars and social justice actors to recognize and name the connection between settler colonialism and carceral forms of state power. The fieldwork-based chapters mark place-based manifestations of settler carcerality and the ways in which antideportation activists confront them. I show how the activists' understanding of carceral power generates sometimes actualized, other times aspirational, solidarities with Indigenous struggles. I document a spectrum

of activist efforts spanning intentional analyses of settler colonialism and those that provide sharp tools to dent settler discourses but do not directly use that political analysis. Some abolitionist organizing efforts, like those of New York City–based Families for Freedom (FFF), focus on deportees with criminal records. Though the organization does not engage with the settler power of deportation, it scripts new discourses that reject American exceptionalism, which is anti-Indigenous and anti-Black, in its very framing (chapter 3). Other efforts, such as those in Long Beach by Khmer Girls in Action (KGA), usefully strip away the benevolent framing of refugee resettlement by foregrounding US wars abroad and at home. But conversations have yet to materialize across two communities in Long Beach, Khmer and Tongva, struggling with the long life of historically specific genocides. On the other end of the spectrum, the Tod@s Som@s Arizona collective (Tod@s), which organized nonviolent direct actions in Los Angeles to protest the anti-immigrant Arizona law SB 1070, directly addresses settler politics (chapter 2). In Hawai'i, an empowerment summit facilitated by members of the IYC–National Immigrant Youth Alliance inspired non-Indigenous and Indigenous Pacific Islander immigrant youth to act in solidarity as they confronted the settler and imperial processes which criminalize Native Hawaiians, Pacific Islanders, and non-Indigenous migrants (chapter 5).

I concentrate on the workings of *interior* enforcement, what legal scholar Daniel Kanstroom calls postentry social control.<sup>10</sup> The interior is a spatiality. As a constructed space, the interior domesticates Indigenous polities and augments immigration enforcement with police power. It obscures the many wars the nation-state fights at home and launches abroad.<sup>11</sup> Police power, immigration enforcement, and imperial projects all nest in this interior space. I illustrate this nesting in my discussions of Long Beach (chapter 4) and Hawai'i (chapter 5). Following antideportation activists in New York, LA, and Hawai'i, I examine how police power has introduced an efficiency to deportation. The activists piece together the protocols, collaborations, and legal instruments used to locally proliferate the power of the Department of Homeland Security in conjunction with police across all the states. The Criminal Alien Program and newer programs like 287(g), Secure Communities, and Operation Community Shield as well as legal instruments like detainers are all part of an elaborate architecture of punishment built to surveil the interior. Activists call the nexus between criminal law and civil immigration enforcement crimmigration. By decoding how crimmigration works, the activists identify pressure points to slow down

DUKE

UNIVERSITY  
PRESS

or halt the smooth operation of the pipeline from jail to prison, to detention, to deportation (see chapter 1). Of course, in the process, they connect crimmigration to a longer history of “foreign” interventions—US imperialism, military actions, and economic policies that have propelled migration.

While I recognize that many of the criminalizing border practices traveled to the interior and set the tone of the national conversations about immigration, as amply demonstrated by immigration scholar Patricia Macías-Rojas’s research on Arizona, I scrutinize what happens away from the US-Mexico border in Los Angeles and New York.<sup>12</sup> The twenty-first-century innovations in immigration enforcement provoke me to stretch myself beyond examining border making or simply calling for “no borders.” In this, I find migration justice activist-scholar Harsha Walia’s formulation of border imperialism useful. She argues that “while borders are understood as lines demarcating territory, an analysis of border imperialism interrogates modes and networks of governance that determine how bodies will be included within the nation-state, and how territory will be controlled within and in conjunction with the dictates of global empire and transnational capitalism.”<sup>13</sup> After all, immigration and deportation are both transnational processes and are densely connected with the policing of the interior space, the full force of which is borne by the subjects of this book.

At the same time, by working with the idea of settler carcerality, I propose that this “domestic” and interior space is also transnational. The interior is animated by Indigenous sovereignty, which, to use Kahnawà:ke Mohawk political anthropologist Audra Simpson’s words, “prevail within and apart from settler governance.”<sup>14</sup> Deportation policies and practices try to restabilize US power not only at the border but also over the interior. As a transnational feminist scholar, writing this book allows me to rethink the units of analysis and methodologies in our field by conjoining analyses of cross-border flows as circuits welded by imperialism and neoimperialism abroad with settler forms of colonialism. How do we frame settler colonial dispossession of Indigenous lands while accounting for the displacing forces inducing immigration and deportation? I keep the present tense of Indigenous presence and politics in mind even when antideportation activism does not directly engage with Indigenous struggles. When there are no such links, I ask whether the activism produces stories, pedagogies, and actions that destabilize settler colonialism.

As a feminist, I examine deportation through the lens of gender and sexual politics. The carceral settler-imperial state insinuates itself in the most

intimate relations of those it punishes. Jails, prisons, and detention centers are organized to maintain the Western, colonial gender binary, lining it up with the binary definition of sexuality (see chapter 2). US settler colonialism eliminates the multiplicity and fluidity of gender identifications and sexual practices in Indigenous cultures to install and yoke binary categorizations of sex to gender.<sup>15</sup> Carceral institutions instantiate the gender and sexual violence of conquest. Deportation also determines legitimate forms of kinship, sexual relations, and the division of household labor (see chapters 3 and 4). Yet, outside of feminist and queer migration scholarship, there is little recognition that deportation constitutes a central site of conflicts over racialized normative (binary) and nonnormative (fluid) gender and sexuality.

The immigrant rights movement widely decries family separation. Incarceration and deportation tear apart loved ones. The call to keep families together, therefore, is ubiquitous. Though this privileging of families can be read as a recourse to monogamous heterosexual conjugal respectability, those antideportation organizations that defend “criminal aliens” throw into relief the state’s investment in particular family forms to secure a white or white-identified nationally bounded settler space. These activists’ insistence on family unity makes legible the right to kinship and community of noncitizens and their US citizen loved ones, whose lives are structured by the ongoing violence of poverty, crime, and repeated displacement.

The antideportation activism I document converts private grief, shame, and fear into public protest. I frame this type of public speech as movement-building stories. Activists testify to the most intimate aspects of their day-to-day existence to show how correctional control and deportation have turned their lives “upside down.” Undocumented youth face their fears of local and immigration enforcement to declare their status publicly (see chapter 5). These public testimonies and the affective space they create help me uncover the intersectional politics embedded in settler carceral power. The testimonies depart from the conventions of the immigrant success story, against which politicians and mainstream media pundits measure all demands for admission, permanent residency, and naturalization. These public forms of storytelling are movement-building because they scramble the discursive divides commonplace in the mainstream immigrant rights movement: innocent versus criminal, families versus felons, violent versus nonviolent, straight versus queer, deserving versus undeserving, documented versus undocumented, migrant versus citizen, and Native versus non-Native. In so

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PRESS



doing, they push *against* the settling white supremacist and neoliberal logics embedded in stories of self-making and self-actualization.

In the rest of this chapter, I propose four analytical shifts, organized in pairs, to help critical migration and ethnic studies scholars think across migrancy and Indigeneity; dispossession and deportation; settler power and incarceration; and intimacy and publicity. I pair the concepts to explore their interrelations. The pairs are in generative tension. I draw out their distinctions, but I also dwell on the parallels and overlaps between them. In the last section, on intimacy and publicity, I break down the opposition between what is intimate and what can be public. The affective field created by the public circulation of intimacy lends power and vibrancy to movement-building and solidarities. Even when it is tempting to draw equivalencies, I avoid conflating struggles, and instead, identify the grounds for coalitions, which depend on the politics of difference or what feminist theorists Roderick Ferguson and Grace Hong evocatively term “strange affinities.”<sup>16</sup> The analytical shifts fleshed out here inform the subsequent chapters.

## Migrancy and Indigeneity

Indigenous people become legible to migration scholars when ongoing processes of land dispossession, essential to capitalist accumulation, force them to move. A significant body of literature covers Indigenous people migrating from Central and Latin America and crucially situates their dispossession and subsequent displacement in neoliberal economic policies such as the North American Free Trade Agreement (NAFTA), and outright war, all of which are structured through racialized geopolitical hierarchies or, in the case of Native Americans, through US colonial policies such as termination in the 1930s, which created urban Indians. The conclusion drawn by migration scholars from these processes is that “Indigenous people are also migrants.” The structural conversion of Indigenous people into migrants brackets off the particularities of their struggles over land, culture, language, and political autonomy. It is as if the displacement endows Indigenous people with mobility. Otherwise, they are seen as fixed in place because their politics revolve around land rights to counter the centuries-long processes of dispossession. Indigenous and performance studies scholar Nohelani Teves (Kanaka Maoli) undoes the assumption that Indigenous peoples’ relations to land necessarily fix them in place in the context of the Native Hawaiian diaspora by arguing that the connections to and love for land and culture are not severed on migration.<sup>17</sup>

Critical approaches to Latinx Indigenities to understand the migration of Indigenous peoples across the Americas also serve to correct migration studies' overdetermination of mobility. Writing about Indigenous women escaping from Honduras, Guatemala, and Mexico and making their way to the US-Mexico border, Native American studies scholar and anthropologist Shannon Speed (Chickasaw) profoundly challenges the compartmentalization of Indigenous and migration studies. As they flee, these women are in motion and then in a state of suspension as they find themselves in detention when they reach the US border and seek asylum. The women's vulnerabilities, she argues, are rooted simultaneously in their migration and the violence they experience from settler and neoliberal structures they encounter across national spaces. In this way, she also sutures together Indigenous studies in North American and Indigenous Latin American studies.

A hemispheric framework allows for analyses grounded in Indigenous migrants' reconceptions of their ties to land and culture, and their layered relationship to variations in colonial, postcolonial, and settler state indigenist policies as they traverse the Americas.<sup>18</sup> Building on this hemispheric-transnational approach, Latinx studies scholar Maylei Blackwell has argued that antimigrant racism and class discrimination directed at Indigenous migrants who live in the United States are enmeshed with their encounters with multiple colonialities, which erase, absorb, and dispossess them in Central and Latin America.<sup>19</sup> A similar dynamic of racialization in US-occupied Hawai'i combined with US military-imperial control over Micronesia plays out for migrants from the freely associated states in that region. Indigeneity remains a constitutive element of the exclusions the migrants face, as well as of their modes of communal resistance to erasure and dispossession.

The assertion of Indigenous peoples' ties to ancestral land as part and parcel of Indigenous sovereignty often gets lost in our efforts to understand states of displacement, vagrancy, and exile in which subjectivity and territoriality do not line up. Cultural studies scholar Laura Lyons notes the routine evacuation of the materiality of land in the literature on deterritorialization—a concept useful to critical migration scholars.<sup>20</sup> This evacuation deepens the occlusion of Indigenous people's genealogical (not metaphorical or proprietary) relationship to land. Indigenous self-determination hinges on tending to relations between land and all life. People's genealogical ties to place intimately link culture and identity to land, bodies of water, the sky, and other elements. This dynamic constellation constitutes Indigenous politics.

Migration scholars Nandita Sharma and Cynthia Wright have identified claims to Indigeneity as a dangerous political project of fixing people in place to imagine a space, which is cordoned off ethnically. According to them, the right to land and culture is necessarily autochthonous because they base “principles of justice and allocation of resources (especially land) on notions of their *natural* connections to those places.”<sup>21</sup> Sharma and Wright reduce the political emphasis in Indigenous sovereignty movements on a land base to “natural” ties. This line of analysis relies on equating Indigenous struggles for land rights with fixity, signaled by their use of the word “autochthony.” They see Indigenous nationhood to be no different from modern nation-states founded on Westphalian notions of autochthony or the invention of sovereignty as uniform territorial control, which determines questions of belonging. As legal scholar Leti Volpp astutely points out, the autochthonous nature of the Westphalian nation-state “turns the settler into native” and has to establish “some relationship to the soil” to reinvent itself as a “nation of immigrants.”<sup>22</sup> This recognition invites careful attention to the relationship among place, land, space, and people.

Indigenous conceptualizations of sovereignty are wide-ranging.<sup>23</sup> My research as a migration scholar has been deeply influenced by CIS frameworks advanced by feminist Indigenous scholars and scholars who have theorized settler colonialism.<sup>24</sup> They all part ways with the exclusive, coercive, and anthropocentric notions of the modern nation-state and the sovereign citizen-subject who underwrites it. The realities of Indigenous self-governance spark settler anxieties about new displacements, especially for people of color, who, in reality, bear the brunt of exclusionary US (*not Indigenous*) nationalism. At worst, this argumentation has cast Indigenous sovereignty, which insists on land rights and place-based governance and knowledge, as “neoracist”—a repetition of the place-bound logic of modern nationalism. The forms that the decolonial Indigenous theories and practices take are not for us as migration scholars to foreclose in our anxiety to know what sort of nation is being constructed and imagined through Indigenous politics. Nor should we comfort ourselves with the thought that Indigenous epistemologies of collective accountability, mutuality, and interconnection will eliminate the question of the participation of racialized and sexual minorities in settler colonial structures and processes. A more interesting line of inquiry opens up when we consider Indigeneity as a disruption of the uniform US territorial power consolidated through deporta-

tion. This shift in focus on processes goes well beyond questions about the production of illegal and legal and settler and Indigenous subjecthoods.

The present tense of Indigenous politics and what Barker calls the “polity of the indigenous” is crucial to understanding the stakes of migration politics—their enactment and narration.<sup>25</sup> To think of Indigenous politics in the present tense—axiomatic in Indigenous studies—means that Native American and Native Hawaiian self-determination have to be treated as forces in the present. Immigration controls cannot be conceived as yet another phase of settler colonialism enabling a resurgence of xenophobia and anti-Blackness against minoritized peoples. Such a framing relegates settler politics vis-à-vis Indigenous assertions of sovereignty as a chapter in the past. Considering the ongoing exercise of Indigenous sovereignty and the United States as a transnational space can help migration scholars move toward interweaving theorizations of sovereignty, rights, and US imperial-colonial power.<sup>26</sup>

To analytically traverse deportability, criminality, settler colonialism, and Indigeneity, we must grasp that Indigenous people cannot be reduced to racial minorities in the search for a common ground to bridge Indigenous and migrant politics. Indigenous political projects aim at the restoration of their lands and self-governance. This project is unique to Indigenous people. It cannot be equated with migration justice, which targets racialized policing of space through immigration laws and their enforcement, restricting the rest from the West. The migration justice movement demands safe and dignified residence, currently denied to those migrants who get absorbed into US racial-class-gender-sexual hierarchies as minorities. Putting pressure on this difference does not preclude recognizing that both projects share similar targets in the form of white supremacist US countersovereignty and the oppressive structures the United States maintains globally. Land dispossession displaces Indigenous migrants; when they try to cross into the United States, they are most often denied asylum and deported.<sup>27</sup> Deportable Indigenous and non-Indigenous migrants share the common experience of displacement, but the root causes of the displacement are different for the two groups. This difference invites coalitions.<sup>28</sup>

Attending to migrant and Indigenous politics illuminates a common object of analysis—the production of US sovereignty to naturalize borders and obscure the presence of sovereign Indigenous polities within and across those borders. Both migrant and Indigenous struggles reveal how seemingly liberatory vehicles such as universal citizenship and civil rights

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UNIVERSITY  
PRESS

are implicated in the distinct processes of the ejection of noncitizen migrants through deportation and the erosion of Indigenous sovereignty, to which land is central. It is important to remember that civil rights have not served racialized minorities at risk of deportation because, as Macías-Rojas argues, the punitive turn of immigration enforcement is consistent with, not antithetical to, the expansion of civil rights.<sup>29</sup>

As critical migration scholars, we adopt the insights of the theory of racial formation to scrutinize the relationship between race and space.<sup>30</sup> We ask who can enter certain national spaces, under what conditions, and who is ejected in order to secure whiteness. However, the autonomy of Indigeneity, and its implications for the central place of land rights and self-governance, escapes the theory of racial formation.<sup>31</sup> Race remains the master category in understanding the treatment of Indigenous people and the production of white nationalism, eliding questions of settler colonialism. Literary scholar Mark Rifkin shows how US Indian policy is designed to supplant the political substance of Indigeneity with racialized and culturalized discourses of “Indianness.”<sup>32</sup> To take the Indigenous sovereignty claims seriously means moving away from treating Indigenous peoples as racial minorities. It also means recognizing that racial minorities and their mobilization of ethnic nationalism since the 1960s have been absorbed into an internal colonization framework without regard to the fact that racial minorities, unlike members of Indigenous Nations, do not exercise the right to political self-determination and they do not have Indigenous polities’ nation-to-nation relationship with the US state.<sup>33</sup>

Furthermore, the race-class-gender framework that has developed out of women of color and Third World feminism continues to refract the political difference marked by Indigeneity as racial-imperial. It has not fully taken up the challenge of contending with the distinctive demands of Indigenous feminist politics that contend with settler colonialism. Indigenous feminist analyses, which have unmasked the violence of colonial control in the form of normative gender, sexual, and kinship arrangements and the accompanying disruption of Indigenous governance and cultures, have been subsumed under the sign of Third World and women of color feminism.<sup>34</sup> In other words, this framework too relies on a shared and indistinguishable sisterhood between Third World and Indigenous women on the grounds that Third World women in the United States experience the violence of US imperialism abroad and internal colonization at home.

Instead, I call on migration scholars, who work from a critical and feminist perspective, to question the United States in particular, and the mod-

ern nation-state in general, as the legitimate and normative form around which people are expected to organize political power. The demystification of the nation-state and the goal of full membership expose their colonial origins and their new forms in the present. Kanaka 'Ōiwi scholar and nationalist Haunani-Kay Trask argues that the effects of these settler modes of governance on Indigenous people and land dispossession cannot be addressed with race-based remedies.<sup>35</sup> Trask conceptualizes civil rights as a contract between white settlers and racialized minorities. I keep this sobering insight in mind to critique the turn to civil rights in the legislation-driven immigrant rights movements. Instead of getting caught up in which racialized minorities count as settlers, I have followed scholars who have built on Trask's call for accountability from racial minorities for advancing settler colonialism; I look carefully at the methods of migrant resistance.<sup>36</sup> These methods sometimes lead racial minorities to bargain for power within the settler colonial system and at other times lead them to resist settler ideologies and structures and, going a step further, to connect their struggles to those of Indigenous people. This book tracks the enticements of settler colonial practices and discourses to stave off deportation. It also marks the points of connection when migrants, legally present immigrants, and refugees refuse the "gifts" of civil rights and US citizenship.<sup>37</sup>

## Dispossession and Displacement

My discussion above of the distinctions between Indigenous and migrant political projects lays the groundwork to understand why the removal of Native Americans from their Nations is not equivalent to the removal of migrants from the United States through deportation, even though the Department of Homeland Security uses the term "removal" to describe the administrative process of deportation. There has been a move in legal scholarship on immigration to compare the US policy to remove Native Americans from their land (dispossession) starting in 1830 with the evolution of late nineteenth-century policies to remove immigrants (deportation). Kanstroom traces the development of policies to remove aliens to the legal precedence set by Cherokee removal.<sup>38</sup> Though such a comparison offers an example of putting the legal treatment of Indigenous Nations and immigrants in conversation, it suffers from the tendency in legal scholarship to treat Indigenous people as aliens, to use Volpp's astute observation about the field.<sup>39</sup>

For my argument, dispossession works through the alienation and privatization of land held in common by an Indigenous Nation, whether

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UNIVERSITY  
PRESS

it is federally recognized or not. Dispossession is wrapped in the settling of Indigenous *lands*. Settler colonialism is land-based, and it produces settlers as natives, who claim control over land and waters, backed by nativist ideologies and a political economy that privatizes land and holds large swathes of it in trust for the settler state's abuse. Settler power often dispossesses *and* dislocates Indigenous people from their ancestral homes on Turtle Island and the United States' insular empire in the Pacific.

I use displacement, not settler-colonialism-induced dispossession, to describe the mechanisms driving the movement of non-Indigenous people across nation-state-bounded spaces. Not all such migrants to the United States come from settler colonial nation-states and, therefore, are not dispossessed through land-devouring settler processes. This does not mean that the loss of land rights is not part of their migration stories. Their loss of land and livelihoods is often caused by displacement as a result of imperial wars, civil wars, gender- and sexuality-based violence, political persecution, and neoliberal economic policies in their nation-states. When they arrive in the United States, they are racialized as minorities.<sup>40</sup> Deportation, as a transnational US settler state act, displaces them to another nation-state yet again.

Keeping in place these critical distinctions between Indigenous people and racial minorities, and between dispossession and displacement, to understand removal, I follow all the ways in which the state's claim on the right to deport is bound up with the continuous effort to dispossess Indigenous people of their material and cultural base. Settler colonialism, then, undermines Indigenous sovereignty *and* determines deportability. It is a two-in-one deal.

The invention and evolution of the legal doctrine of US plenary power has been taken up by Kanstroom in his work on postentry social control and removals as a point of contact between the treatment of Indigenous people and migrants. Plenary power extends unlimited congressional authority over domestic space invoking primary and uniform control over that territory. Though Kanstroom dates its invention as a legal doctrine in the context of Cherokee removal in the 1830s, legal scholars David Wilkins (Lumbee) and K. Tsianina Lomawaima (Mvskoke/Creek) trace its consolidation as unlimited and absolute in the latter part of the nineteenth century. This version of plenary power continues to diminish Native treaty, land, and water rights. It clears the way for the federal government to keep encroaching on Native lands to exploit and militarize them.<sup>41</sup> This process is ongoing. Indigenous studies scholar and poet Margo Tamez (Dene Ndé)

exposes the impunity with which the US federal government appropriated unceded Ndé lands after 9/11 to build a border wall in Big Water Country (Lower Río Grande River, Texas) in an exertion of “settler military masculinity.” She characterizes this type of necropolitical US territorial control as “soveryempty,” a force that attempts to drain life from the land, the elements, and people. However, Ndé women’s legal, embodied, storied resistance locally, at the US federal level, and in international arenas of human rights produces subversive and “difficult knowledge” from this very space of confinement to foster vitality.<sup>42</sup>

The doctrine of plenary power was extended to immigrants in three late nineteenth-century US Supreme Court rulings on the racial-exclusion-based deportation of Chinese and Japanese aliens. As Volpp points out, these cases are foundational to legal discussions of the evolution of immigration controls in a way that disappears Indigeneity.<sup>43</sup> In a dangerous slippage between recounting an earlier phase of the legal history of plenary power and analyzing it, Kanstroom conflates the deportation of racialized migrants with Cherokee removal. He equates the work of plenary power in obfuscating Cherokee self-determination to remove them from their ancestral lands with the exclusion and expulsion of individual Chinese citizens based on their race and national origin.

Indian removal and Chinese exclusion, however, are not the same in substance or effect. Even though the courts debate this, Cherokees are not foreign nationals in the same way Chinese migrants to the United States were in the late nineteenth century. The United States has developed a nation-within-the nation Indian policy in a way that differentiates it from US foreign relations. Glossing over the differences, Kanstroom claims, “The forced removal *from U.S. territory* [*sic*] was a central feature of Indian law long before it became such for immigrants.”<sup>44</sup> This erases Cherokee sovereignty and the implications of the legal construction of the “domestic dependent nation” in the 1831 *Cherokee Nation v. Georgia* case. The misguided analogy between the deportation of foreign nationals and the subjection of the Cherokee Nation to removal is a legal sleight of hand that converts the Indigenous into the alien.

In the case of aliens, congressional plenary power operates with almost no judicial constraint, repeatedly throwing into crisis the question of deportable noncitizens’ entitlement to due process. The US Supreme Court continues to debate the limits of plenary power when determining the indefinite detention of immigrants. These questions are not likely to rein in the operation of plenary power imposed over Native Nations. Nonetheless,



I find useful Manu Vimalassery's casting of US sovereignty as "counter-sovereignty . . . a perpetual reaction to the prior and primary claims of Native peoples on the territories that the United States claims as its own."<sup>45</sup> The term "counter-sovereignty" reminds us that the United States' plenary power is not absolute. The United States constantly attempts to stabilize its power to project internal coherence to manage the very real presence of sovereignty within sovereignty, Simpson's first signpost.<sup>46</sup> The comparativism encouraged by the critical turn in ethnic studies can open up these investigations by paying close attention to the distinctions among anti-immigrant racism, anti-Indigenous policies, and anti-Blackness while seeking the veins of structural violence coursing through them.<sup>47</sup>

## Settler Power and Incarceration

The United States simultaneously operates as a settler colonial, imperial, neoliberal, carceral, white supremacist, and heteropatriarchal state. But each mode does a particular type of ideological and material work. In this section, I show how the connective tissues of settler colonialism attach Indigenous dispossession through dislocation, confinement, and imprisonment to anti-Blackness encoded in mass incarceration and to immigrant detention and deportation. Several Indigenous scholars have theorized the fundamentally carceral nature of the United States' power. Writing about the seventy-five-mile militarized border wall in Texas that suffocates her Big Water Country community, Tamez encapsulates the carceral nature of the settler state when she says that "in the walled Ndé world, walls, detention, the carceral and non-recognition are fused."<sup>48</sup> Similarly, Nick Estes (Kul Wicasa) and his coauthors remind us that settler power is carceral and punitive. Many reservations started as concentration camps. Since "borders exist everywhere settler order confronts Native order," they argue that settler power contains, surveils, and kills, marking Indigenous people living outside of reservations as interlopers.<sup>49</sup>

Here, I correct the near absence of discussions of crime control as a form of settler power in the extensive scholarship about mass incarceration that followed the end of legalized racial segregation in the 1960s. The framing of mass incarceration as the New Jim Crow, a reference to the reincarnation of legalized discrimination against African Americans in the post-civil rights era, has considerable appeal for antideportation activists.

Even as the activists connect their criminalization to racism, they are critically conscious of the alien status of deportees with criminal charges or convictions. This immigration status sets the legal treatment of “criminal aliens” apart from the criminal legal system’s relegation of African Americans to second-class citizenship. Methodologically, the two communities’ points of contact with the US carceral state require a precise examination of the state processes of criminalization and prosecution so as not to flatten out significant differences while identifying the grounds for coalitions.

Scholars have written extensively and powerfully about the foundational connection between anti-Black racism and carcerality, tracing its reincarnations from the enslavement of Africans and African Americans to their mass incarceration today.<sup>50</sup> The intersections between the sites and practices of migrant detention and the prison system, developed to dehumanize African Americans, are being increasingly explored by those who study immigrant communities.<sup>51</sup> However, far less attention has been paid to settler power in the literature on incarceration, with a few exceptions that have inspired me.<sup>52</sup> Leong and Carpio urge scholars studying carceral practices to recognize that “the erasures of colonization as a process and genocide as a colonial technology from discussions of slavery and the carceral state manifest the settler state at work even in critiques of the carceral state.”<sup>53</sup> Their call to focus analytically and methodologically on state practices as the link is an important reminder of how to uncover the tracks of crime control without equating the types of subjugation.

Crime control serves as one conduit of power over Indian country. Criminal jurisdiction deepened US federal control over Indian tribal governments with a series of legal-judicial measures in the late nineteenth century. An absolute version of congressional plenary power beyond judicial review was invented during this period to govern intratribal crime on Indian reservations. This version was then applied in the trilogy of US Supreme Court rulings between 1889 and 1893 on the exclusion of Chinese and Japanese immigrants, setting a precedent operative today for the US government’s authority to deport non-US-citizen immigrants. Wilkins and Lomawaima have shown that between 1880 and 1920, the extension of federal jurisdiction over federally defined criminal acts started to erode tribal sovereignty as part of a slew of assimilation policies. The measures were spurred by the 1884 victory in the US Supreme Court of Brulé leader, Crow Dog, who successfully contested his death sentence imposed by federal agents in violation of the Lakota adjudication of intratribal homicide. In

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PRESS

reaction, Congress passed the Major Crimes Act (MCA) in 1885 establishing overriding federal authority in prosecuting violent and nonviolent crimes. The very next year, Kagama unsuccessfully challenged the MCA's authority in the Supreme Court, which upheld his indictment by the US attorney of Northern California for a murder on California's Hoopa Valley reservation.<sup>54</sup>

The MCA, a settler colonial tool, imposes Euro-American protocols of prosecution and punishment to impair tribal self-determination. Though the term "plenary power" was not used in the Kagama ruling, it introduced the notion of absolute and unlimited congressional fiat beyond the exclusive power of Congress to govern interstate and foreign commerce with Native Nations defined by the commerce clause and the preemptive federal power over states in matters relating to Indian affairs.<sup>55</sup> The ruling rationalized the lack of a constitutional basis for the exercise of this type of power at the expense of tribal sovereignty by trotting out the well-worn arguments about Native American incompetence and weakness and their need for tutelage and protection as "wards" of the United States. Wilkins and Lomawaima argue that this version of congressional plenary power, unrestrained by constitutional checks and developed in the context of contestations over Indian tribal jurisdiction over crime, was used to great effect in the 1903 Supreme Court case *Lone Wolf v. Hitchcock* to dispossess two million acres of Kiowa, Comanche, and Apache land.<sup>56</sup> Thus, US sovereign power exercised in deportation cases is founded on dispossessing Indigenous people of their landbase, deepening colonial political control.

The twentieth- and twenty-first-century criminal legal effects of federal Indian law are aggravated by the termination era Public Law 280, which transferred criminal jurisdiction to certain states. In 1978, a Supreme Court ruling further weakened the jurisdiction of tribal governments by stripping them of the power to prosecute crimes committed by non-Indians on Indian reservations and further entrenching racial and reprobational notions of Indianness at the expense of their recognition as political, self-governing entities.<sup>57</sup> Muscogee legal scholar Sarah Deer has mapped the vulnerability to sexual violence of Native American women and their lack of access to justice produced by this long series of federal actions.<sup>58</sup> This settler colonial form of power that encodes assaults on Native American sovereignty, land dispossession, and sexual violence is then transmuted and transferred to govern immigrants. The frequent invocation by courts in deportation cases today of judicial deference to congressional plenary power, the ra-

tionalization of the lack of judicial review, and the constant effort to deny due process to migrants derive from this settler carceral genealogy, which, however, is rarely traced.

More evident to activists and scholars are the links between the enduring control of the criminal legal system over African American communities and the incarceration of Black, Latinx, and Asian noncitizens. Socially marginalized citizens and noncitizens of color and Black immigrants, who often live in the same impoverished and hyperpoliced neighborhoods, equally feel the impacts of correctional control, accelerated by the 1980s war on crime. In response, the antideportation activists spell out how this system, built to decimate African American communities, also devours other minoritized groups, including Black immigrants. They see the reflections of the carceral tactics deployed by local law enforcement in immigration enforcement. They recognize, analyze, and reject the anti-Black and anti-Muslim racism encoded in the constant refrains in the immigrant rights movement that “We Are Not Criminal” and “We Are Not Terrorists.”

Crimmigration represents some key differences, despite the overlaps in migrant and African American experiences with policing. “Criminal aliens” living in the United States often face the consequence of permanent deportation, setting them apart from citizens. The demands of such migrants to stop the criminalization of Black people and people of color exceed the bounds of a civil rights framing of mass incarceration. Legal scholar Michelle Alexander has forcefully argued that today the “New Jim Crow,” or the new ways to legally exclude African Americans with criminal convictions from voting, jury service, jobs, public housing, other forms of public assistance, and federal college loans have created a monumental, and yet invisible, crisis in civil rights. This present-day second-class citizenship for African Americans requires, in her view, a new civil rights movement focused on the effects of a prison-oriented and racially-tinged moral panic about crime.<sup>59</sup>

The formulation of the “New Jim Crow” resonates with antideportation activists.<sup>60</sup> They used this language when many governments and states started to pass copycat bills modeled after Arizona’s SB 1070. The Arizona law attempted to deploy state and local law enforcement to police the immigration status of the state’s residents and criminalize a host of daily activities of undocumented migrants and their citizen allies. The activists use the analogy of the “New Jim Crow” to specify an apartheid system that uses immigration status to legally deny migrants their basic human rights

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UNIVERSITY  
PRESS

to rentals, public education, health care, public assistance, day laborer jobs, and driver's licenses. Simultaneously, they argue that legalization is unlikely to help those groups of migrants at risk of criminalization and subsequent deportation. The points of contact between prison abolition and anti-deportation organizing, then, cannot take the form of a new civil rights movement. Tod@s, FFF, KGA, the IYC, and youth in Hawai'i demonstrate their acute awareness of the distinct impacts of criminalization, paving the way for alliances with Black and Indigenous organizing against policing.

I extend my critique of a civil rights approach by heeding Deer's reminder that the Indian Civil Rights Act of 1968 was used to discipline tribal courts rather than addressing the concerns about police brutality raised in the late 1960s by American Indian activists. It made tribal courts responsible for enforcing individual rights under the US Constitution in a way that subjected the tribal process to US federal review. It circumscribed the powers of tribal courts to misdemeanor-level sentencing.<sup>61</sup> The nation-state-bound civil rights framework also impedes understanding the proliferating types and sites of confinement across borders as the global lockdown, a formulation put forth by transnational feminist and ethnic studies scholar Julia Chinyere Oparah in collaboration with former prisoners and prison abolitionist activists.<sup>62</sup> If those struggling for prison abolition want to confront settler colonialism, they need to realize that the "individualism of rights claims and rights discourse at large mirrors the logic of the prison industrial complex that argues that violence is only and always locatable on the level of the individual," as Eric Stanley puts it in reflecting on the mainstream LGBT movement's investment in civil rights gains.<sup>63</sup> The anti-deportation activists' turn toward abolitionist and transformative justice moves away from state-centered and nationally insulated responses. The activists bear witness to the intimate impacts of the coming together of crime and immigration control in the context of neoliberal and colonial-imperial policies, giving them the fluency in the workings of crimmigration.

## Intimacy and Publicity

"We want your labor, not your lives." In the *Karma of Brown Folk*, Vijay Prashad distills the expediency of US immigration laws in opening and closing the doors to labor from the Global South.<sup>64</sup> He diagnoses the United States' unquenchable thirst for cheapened and flexible labor, made pliable through the threat of exclusion or expulsion, at the expense of the migrants' lives. Even after the abolition of racial quotas in the 1965 amendment to the

Immigration and Nationality Act and its stated preference for family reunification, the reduction of migrants to their labor market functions limits the debates over migration. Labor is compartmentalized from life. Anti-deportation migrant justice activists, who are the subjects of this book, insert their lives and the intimate into public protest. They publicly recount the disruption to their intimate relations without appealing to settler and racialized discourses of heteronormative respectability. Simultaneously, the activists engage in internal decolonial work, with feminist and queer activists taking the lead.

Mass deportation may seem to run counter to the market principle of utilizing migrants as laborers. But detention is big business, with 70 percent of these facilities run by private for-profit corporations.<sup>65</sup> These facilities need migrants to fill beds and perform the labor of cleaning, serving food, and providing full-time childcare. The biopolitical project produces an unlawful population—aliens whose very existence must be imagined through racial-gender ideologies. This project potently converges with the political economy of incarceration (see chapters 1, 2, and 5). Drawing on Angela Davis’s insight into the prison industrial complex, incarceration “utilizes punishment as a source of potentially stupendous profits” while devouring social wealth.<sup>66</sup> Like other forms of incarceration, detention profits from severing people from their loved ones and community.

The contemporary immigrant rights movement navigates the split between labor and life in its fight against illegalization and deportation. On the one hand, immigrant rights activists send a powerful message about the indispensability of migrant labor through such actions as “A Day without an Immigrant” in the wake of the 2006 mega marches and after the election of Donald Trump.<sup>67</sup> DREAMers have had to project themselves as untapped economic actors in their fight to pass legislation that would give undocumented youth a path to legalization. On the other hand, we see the ubiquity of banners declaring “Keep Families Together! / Stop Deportation,” “Stop Tearing Families Apart,” or “Broken Hearts / Broken Families” at every immigrant rights march, vigil, and action. Coming out publicly as undocumented, DREAMers modeled public storytelling that lays bare their despair and fragile hopes. The movement as a whole publicizes the impact of restrictive immigration policies on the lives of migrants. But what gets revealed and for what purpose differs within the movement.

The migrant justice activists collapse the distance between intimacy and publicity and labor and lives to deploy transformative political methods. They craft narrative strategies to produce movement-building stories. The

activists' critical approach to organizing reveals much about gender and sexuality inscribed in immigration control, settler colonialism, and anti-Black racism or what feminist scholar Andrea Smith frames as the three pillars of heteropatriarchal white supremacy.<sup>68</sup> Queer and feminist antideportation activists produce intimate knowledge of policing and incarceration through their bodily encounters with them (see chapters 2 and 5). For example, those arrested for their direct actions staged by Tod@s show that the very act of jailing begins with stabilizing the colonial gender binary and its conflation with sex by designating them as "male" or "female." Poet and literary scholar Deborah Miranda (Ohlone-Costanoan Esselen and Chumash) has termed the punishment and extermination of third gender and Two-Spirit people during the Spanish colonization of California *gendercide*, "the killing of a particular gender because of their gender."<sup>69</sup> Today, all jails, prisons, and detention centers are constructed around binary sex. Straight and colonial imaginations of predatory and pathological heterosexuality and homosexuality underwrite these homosocially organized spaces.<sup>70</sup> The activists' methods of protest expose the structural violence and aim to transform these dehumanizing social arrangements.

The activists' public-facing work is accompanied by the labor of feminist and queer activists *within* their organizations and coalitions to foster a political culture that can address the internal replication of dominant power relations. Throughout the book, I mark the engagements with what Blackwell calls the "internalities of power." In the context of the Chicano movement, Blackwell shows the importance of recovering insurgent feminist consciousness away from the public arena of protest to understand the full scope of Chicana power.<sup>71</sup> In abolition antideportation organizing, feminist and queer activists hold space for those movement actors who are multiply nonconforming and confined ideologically and physically. They use the principles of transformative justice to reduce harm and create safety internally.<sup>72</sup> They address masculinist modes of organizing by folding in care and critical reflection. They continually contest the anti-Black politics of respectability by dismantling the deserving-undeserving divide constructed along the lines of criminality. They spell out the ways in which immigration regulations and militarization undercut Indigenous sovereignty. Most significantly, they assert their voices and visions in those left movement spaces dominated by cis heterosexual or homonationalist agendas. Together, this type of organizing demonstrates the many ways in which intimacy becomes a means to build the movement to stop deportation.

The activists bring their privatized experiences of violence, loss, shame, and fear into public spaces to demand public accountability. Such public acts require trust, support, and radical care modeled by the queer and feminist antideportation organizers.<sup>73</sup> To prepare for the vulnerability of activists engaged in direct action to the public's anger and to arrest, caretaking becomes essential. Queer and feminist activists infuse these highly charged public spaces with an ethic of care. In doing so, they challenge and transform masculinist cultures within their organizing spaces.

During direct action, a sense of common cause, love, trust, and courage ripples through those gathered. Caretakers get to know those who risk arrest intimately from head to toe; they learn about their likes and dislikes and their physical and mental health. Sips of water, bites of food, shade, touch, and chants give strength and courage to those who use lockboxes to chain themselves to each other. Activists talk about feeling enveloped with love from their community when they step off the curb to stop traffic. A sizzle of energy electrifies the air at a Coming Out of the Shadows event, organized by undocumented youth, when one of them steps up to say with a quiver in their voice, "I am surrounded here by you in this loving circle but also by police officers who are watching us and listening to us. I am really afraid to say this. I got into trouble and am deportable. There, I have said it!" Such acts that I have witnessed mobilize public feelings to build a movement as they draw people together in that moment or for the long haul.<sup>74</sup>

Those labeled criminals and their loved ones seize a collective space of protest to talk publicly about their lives before and after the deportation of a loved one branded as a criminal alien. Kinship ties and community formation have become the bullseye of immigration enforcement. The principle of attrition through enforcement targets social reproduction of families and communities and their economic survival with surgical precision. The principle was the explicitly stated objective of Arizona's 2010 anti-immigrant SB 1070, which created state-level crimes related to a person's immigration status and invested state and local police with the power to enforce immigration law.<sup>75</sup> Though many parts of SB 1070 have been struck down by courts, county-level agreements formalize collaboration between police and Immigration and Customs Enforcement (ICE).

Antideportation activists testify to the intimate ravages of attrition through enforcement—their pain, trauma, and rage of having loved ones ripped apart from their families. They talk about their relationships to their

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PRESS



children, parents, siblings, cousins, aunts, and uncles as well as the dead, the ancestors in need of ministering. They invite those who bear witness to their stories into a world that cannot be reduced to cost-benefit analyses. In speaking of this world, they put a shape to the fine grain of their intimate lives, usually shrouded in shame and isolation—feelings that are common among those who suffer from mass incarceration. To embrace felons as family publicly scrambles settler narratives of the ideal immigrant. Undocumented youth who have broken away from the DREAMers have directly intervened in the portrayal of childhood arrivals as innocent victims of their parents' criminalized action of crossing borders. They have generated new modes of storytelling that affirm intergenerational bonds by recognizing their parents' acts of courage. The didactic power of *testimonios*, which speak of the "personal impact of structural subordination," stimulate solidarity.<sup>76</sup> Social scientists often treat testimonial speech or writing skeptically, but feminist scholars have underlined the value of self-representation in testimonies precisely because they are political and produce theory through their emotional impact.<sup>77</sup> The affective power of narratives and actions led by deportees and their allies connects them to each other.

The migrants' expressions of sociality threaten the atomizing intent of neoliberal governance encoded in inducing self-deportation through an attack on families and communities and the gutting of publicly funded programs. The intimacy expressed by the deportees and their loved ones generates a broad sense of collectivity encapsulated in the radical call "All of Us or None." The affective production of a collectivity asserts itself against the routine devaluation of migrant lives. This internal movement-building work of affect mobilized through *testimonios*, vigils, and direct action becomes just as important as drawing all those untouched by criminalization and deportation into the movement.<sup>78</sup> In my own act of bearing witness, I have come to understand that storytelling is a strategy to talk across consequential differences in immigration status, criminal convictions, gender, class, race, sexuality, and family arrangements.

This book joins a body of migration scholarship that examines the constitutive work of gender and sexuality in contemporary immigration enforcement and deportation policies.<sup>79</sup> I argue that crimmigration-sensitive antideportation activism provides an aperture into the state's regulation of settler constructions of gender, sexuality, and kinship through immigration policies more than fifty years after the *de jure* color and gender blindness

of 1965 Immigration and Nationality Act and its amendments.<sup>80</sup> I highlight critical discussions of the policing of gender and sexuality in antideportation organizing to shed light on feminist and queer interventions within the movement. I document activists' reflections on gender and sexuality enabled by an interrogation of criminalization and criminality. I also push our own organizing efforts to frame our resistance as a direct response to the disciplining language of gender, sexual, and settler respectability coded into deportation policies and in the immigrant rights movement.

## Conclusion

My orientation to this work—both as scholar and activist—has been that of a transnational feminist. In the years I have done this work, I have challenged myself to extend the investigative and political terrain of transnational feminism. I have had to rethink my writing practice. In the following chapters, I have committed myself to my desire, which has surfaced while protesting, discussing, mulling, teaching, and writing, for feminist and queer pro-migrant politics rising at the intersection of resisting US settler colonialism and imperialism. As a transnational feminist, I consciously turn my attention to the interior space of the United States (not just the geopolitical constitution of borders and the imperial flows across them). The activists I write about have taught me to examine interior enforcement and its relationship to correctional control. The focus on the interior challenges me to account for a domestic territory animated by Indigenous sovereignty. Second, I strive to impart the present tense of Indigenous politics. I ask myself what it means to write about one type of immigration enforcement—deportation from the interior—by keeping in mind the present tense of Indigenous sovereignty over a space, which the United States claims for itself. Last, the book furthers the wealth of transnational feminist analyses about solidarity building and the inflection of solidarity work with all types of power relations. In capturing and suggesting solidarities between migrant and Indigenous communities, I keep in mind that land rights and self-determination are central to Indigenous politics, and these struggles are distinct from the struggles of migrants and refugees. Here, I dwell on the words of Joanne Barker, who, in her entry on “Indigenous Feminism” says, “Indigenous feminism has asserted the polity of the Indigenous: the unique governance, territory, and culture of an Indigenous people in a system of (non)human relationships and responsibilities to one

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UNIVERSITY  
PRESS

another. In doing so, Indigenous feminisms rearticulate the futurity of Indigeneity in *political coalition* with non-Indigenous peoples against the ongoing social forces of US imperialism, racism, and sexism.”<sup>81</sup> In telling the story of a radical strand of antideportation activism, I signpost its coalitional possibilities.

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UNIVERSITY  
PRESS

## NOTES

### PREFACE

- 1 Burns, “Leaked Palantir Doc Reveals Uses.” Palantir is a billion-dollar data-mining, tracking, and analytics company that contracts with law enforcement and ICE. The federal government contracts the GEO Group to run detention centers for ICE. The GEO Group received \$184 million in federal contracts to incarcerate immigrants in FY 2017 and, together with CoreCivic, is responsible for detaining fifteen thousand people daily. See Freedom for Immigrants, “Detention by the Numbers”; Detention Watch, *Influence of the Private Prison Industry*; Human Rights Watch, “US: Poor Medical Care, Deaths, in Immigrant Detention.”
- 2 On March 5, 2018, the Trump administration rescinded the Deferred Action for Childhood Arrival program, established as an executive order by President Barack Obama, making the renewal urgent. President Obama’s executive order allowed undocumented youth with no criminal records to receive temporary Social Security numbers and work authorizations. An estimated 690,000 DACA holders were projected to be affected by the rescission. See Zong et al., “Profile of Current DACA Recipients.”
- 3 Agarwal, “Black Lives Matter.”
- 4 NBC Los Angeles, “9 Arrested at DACA Protest in Westwood”; CNN Wire et al., “LAPD Declares Unlawful Assembly.”
- 5 CBS Los Angeles, “ICE Arrests 101 People in LA Immigration Sweep.”
- 6 I am indebted to Karen Leong for crystallizing this formulation of settler colonialism in her reading of my work. I am inspired by Karen Leong and Myla Vincenti Carpio’s theorization of the carceral state. See Leong and Carpio, “Carceral States.”
- 7 Das Gupta, “Of Hardship and Hostility.”
- 8 Batalova, Das Gupta, and Haglund, *Newcomers to the Aloha State*; Das Gupta and Haglund, “Mexican Migration to Hawai’i and US Settler Colonialism”; Das Gupta, “Shadowed Lives.”
- 9 Buff reminds us of the rich history of organizing against deportation and for immigrant rights in the twentieth century, starting in the early 1930s. Buff, *Against the Deportation Terror*.

DU

UNIVERSITY  
PRESS

10 I have not ascribed abolition politics to the organizations or coalitions unless they explicitly embrace them. The IYC and FFF are explicitly abolitionist. Individual activists in Tod@s aligned themselves with such politics. Youth leaders in KGA demand a reinvestment in their futures instead of the school-to-prison pipeline. My thinking on abolition has been influenced by Davis, *Are Prisons Obsolete?*; Davis, *Freedom Is a Constant Struggle*; Thuma, *All Our Trials*; Kaba, *We Do This 'Til We Free Us*; Khan-Cullors, *Abolitionist's Handbook.*; and Spade, *Normal Life*. Spade explicitly links immigration detention to the neoliberal punishment regimes. See also, for example, Spade, "Impossibility Now." I continue to learn about abolition from organizing spaces like Critical Resistance, Survived and Punished, Creative Interventions, and Transform Harm.

## INTRODUCTION DEPORTATION AS SETTLER CARCERILITY

- 1 Critical migration studies situates the development of borders in colonial cartographic practices and the evolution of state controls over where and under what conditions people can move. Scholars connect migration to colonial and neocolonial circuits. For exemplary works, see Buff, *Against the Deportation Terror*; Buff, *Immigrant Rights in the Shadows of Citizenship*; Buff, *Immigration and the Political Economy of Home*; Camacho, *Migrant Imaginaries*; Coleman, "Immigrant Il-Legality"; De Genova, *Working the Boundaries*; Das Gupta, *Unruly Immigrants*; Espiritu, *Home Bound*; Espiritu, *Body Counts*; Gutiérrez and Hondagneu-Sotelo, *Nation and Migration*; Hondagneu-Sotelo, *God's Heart Has No Borders*; Luibhéid, *Pregnant on Arrival*; Menjívar, "Central American Immigrant Workers"; Menjívar, *Fragmented Ties*; Nevins, *Dying to Live*; Nevins, *Operation Gatekeeper and Beyond*; Ngai, *Impossible Subjects*; Park, *Illegal Migrations and the Huckleberry Finn Problem*; Sharma, *Home Economics*; Zilberg, *Space of Detention*. Some exemplary early works that opened up the conversation between migration and Indigeneity are Buff, *Immigration and the Political Economy of Home*; Menjívar, *Fragmented Ties*; R. Ramirez, *Native Hubs*; Stephen, *Transborder Lives*.
- 2 J. Barker, *Native Acts*; Byrd, *Transit of Empire*; Moreton-Robinson, "Writing Off Treaties"; Morgensen, *Spaces between Us*; Kauanui, *Hawaiian Blood*; Wolfe, "Settler Colonialism and the Elimination of the Native."
- 3 US exceptionalism turns on professing its respect for the rule of law. Feminist and Indigenous studies scholar Shannon Speed (Chickasaw) cuts through these professions by implicating the US state in "neoliberal multicriminalism," which is a transnational web of violent, illegal practices that fall on the bodies of Indigenous women migrating north from Mexico, Honduras, and Guatemala. Speed, *Incarcerated Stories*.
- 4 Vimalassery, "Prose of Counter-sovereignty," 88. Manu Vimalassery now publishes as Manu Karuka.

- 5 J. Barker, "Introduction: Critically Sovereign," 10.
- 6 J. Barker, "Introduction: Critically Sovereign," 7–14. See also Tuck and Yang, "Decolonization Is Not a Metaphor."
- 7 Leong and Carpio, "Carceral States."
- 8 See Das Gupta and Haglund, "Mexican Migration to Hawai'i and US Settler Colonialism." The article presents one articulation of the argument I make in this chapter.
- 9 Metz, "Structural Competency."
- 10 Kanstroom, *Deportation Nation*.
- 11 Amy Kaplan's theorization of the centrality of domestication in US expansion in the nineteenth century, including the reduction of Native American polities to the status of domestic nations, is instructive. Kaplan, "Manifest Domesticity."
- 12 Macias-Rojas, *From Deportation to Prison*.
- 13 Walia, *Undoing Border Imperialism*, loc. 153 of 4008.
- 14 Simpson, *Mohawk Interruptus*, 11.
- 15 On the colonial imposition of sex and gender binaries, see Driskill et al., *Queer Indigenous Studies*; Lee-Oliver et al., "Imperialism, Settler Colonialism, and Indigeneity," 234–36; Kauanui, "Indigenous Hawaiian Sexuality."
- 16 Hong and Ferguson, *Strange Affinities*. In the same volume, see Chandan Reddy's warning to movements against drawing analogies between racial and sexual liberation, 148–74. See also Karma Chávez's nuanced discussion of the coalitional possibilities of the appropriation of the LGBTQ strategy of coming out by undocumented youth activists as well as the risks of containing the activism to a desire for national belonging through citizenship. Chávez, *Queer Migration Politics*, loc. 1833–2514 of 5401.
- 17 Teves, *Defiant Indigeneity*.
- 18 Castellanos, Gutiérrez Nájera, and Aldama, *Comparative Indigeneities of the Américas*.
- 19 Blackwell, Boj Lopez, and Urrieta, "Introduction: Critical Latinx Indigeneities"; Blackwell, "Geographies of Indigeneity"; Blackwell, "Líderes Campesinas."
- 20 Lyons, "Dole, Hawai'i, and the Question of Land under Globalization."
- 21 Sharma and Wright, "Decolonizing Resistance," 121. My emphasis.
- 22 Volpp, "Indigenous as Alien," 324.
- 23 See J. Barker, *Sovereignty Matters*; Goeman, *Mark My Words*; Goodyear-Ka'ōpua, *Seeds We Planted*; Million, *Therapeutic Nations*; Simpson, *Mohawk Interruptus*.
- 24 Exemplary works by Indigenous feminists are J. Barker, *Native Acts*; J. Barker, "Introduction: Critically Sovereign"; Byrd, *Transit of Empire*; Goeman, *Mark My Words*; Million, *Therapeutic Nations*; Goodyear-Ka'ōpua, "Kuleana Lāhui"; Simpson, *Mohawk Interruptus*; Trask, *From a Native Daughter*. For influential theorizations of settler colonialism, see Fujikane, "Introduction: Asian Settler Colonialism"; Fujikane, "Foregrounding Native Nationalisms"; Saranillio, "Why Asian Settler Colonialism Matters"; Saranillio, "Colliding

- Histories”; Trask, “Settlers of Color and ‘Immigrant’ Hegemony of ‘Locals’ in Hawai‘i”; Wolfe, “Settler Colonialism and the Elimination of the Native”; Wolfe, *Traces of History*; Veracini, *Settler Colonialism*; Franklin, Njoroge, and Reiss, “Tracing the Settler’s Tools.”
- 25 J. Barker, “Indigenous Feminisms.” Barker argues that “Indigenous feminism has asserted the polity of the Indigenous: the unique governance, territory, and culture of an Indigenous people in a system of (non)human relationships and responsibilities to one another.”
- 26 I began developing this framework in Das Gupta, “Rights in a Transnational Era.”
- 27 For a powerful theorization of this dynamic, see Speed, *Incarcerated Stories*.
- 28 See Hong, *Death beyond Disavowal*; Reddy, *Freedom with Violence*. The Landback movement names the border patrol, ICE, and police as mechanisms of white supremacy which separate Indigenous people from land, thus connecting demands of the Black Lives Matter movement and the migrant justice movement to the struggles of Indigenous people to get “Indigenous lands back into Indigenous hands.” NDN Collective, “Landback Now: Land Back and Hawaiian Kingdom (US Occupation of Kingdom of Hawai‘i),” November 28, 2020, YouTube video, 2:28:32, <https://youtu.be/ezMA9DcJzk8>. See the segment 16:40–25:16, in which Krystal Two Bulls (Oglala Lakota and Northern Cheyenne), director of the Landback campaign, explains the demands and political framework of the collective.
- 29 Macías-Rojas, *From Deportation to Prison*.
- 30 Omi and Winant, *Racial Formation in the United States*.
- 31 Byrd, *Transit of Empire*, xxvi–xxxv; Kauanui, *Hawaiian Blood*, 194.
- 32 Rifkin, “Around 1978.”
- 33 Byrd, *Transit of Empire*, 129–37.
- 34 Byrd, *Transit of Empire*, xxvi–xxxv, 133–34; Arvin, Tuck and Morrill, “Decolonizing Feminism.”
- 35 Trask, *From a Native Daughter*, 25–40.
- 36 Das Gupta and Haglund, “Mexican Migration to Hawai‘i and US Settler Colonialism”; Fujikane and Okamura, *Asian Settler Colonialism*; Goodyear-Ka‘ōpua, *Seeds We Planted*; Saranillio, “Colliding Histories”; Saranillio, “Why Asian Settler Colonialism Matters.”
- 37 Simpson, *Mohawk Interruptus*.
- 38 Kanstroom, *Deportation Nation*, 63–74. The substantial body of literature on the Supreme Court rulings on the Cherokee Nation and precedents they set for Indian policy are beyond the scope of this chapter.
- 39 Volpp, “Indigenous as Alien.”
- 40 In chapter 5, I show what happens when Indigenous Pacific Islander migrants are treated as racial minorities in US-occupied Hawai‘i governed by US immigration laws.
- 41 Wilkins and Lomawaima, *Uneven Ground*, 98–116.

- 42 Tamez, “Indigenous Women’s Rivered Refusals in El Calaboz,” 241; Tamez, “Soverempty.”
- 43 Volpp, “Indigenous as Alien.”
- 44 Kanstroom, *Deportation Nation*, 64. My emphasis.
- 45 Vimalassery, “Antecedents of Imperial Incarceration,” 142.
- 46 Simpson, *Mohawk Interruptus*.
- 47 For a model, see Park, *Illegal Migrations and the Huckleberry Finn Problem*.
- 48 Tamez, “Soverempty,” 210.
- 49 Estes et al., *Red Nation Rising*, 6, 7, 83, 113–16.
- 50 Alexander, *New Jim Crow*; Browne, *Dark Matters*; Davis, *Are Prisons Obsolete?*; Davis, “Racialized Punishment and Prison Abolition”; Haley, *No Mercy Here*.
- 51 Cacho, *Social Death*; Fernandes, *Targeted*; Macías-Rojas, *From Deportation to Prison*; Zilberg, *Space of Detention*.
- 52 For exceptions, see the magisterial work of Hernández, *City of Inmates*; Leong and Carpio, “Carceral States”; Walia, *Undoing Border Imperialism*; Vimalassery, “Antecedents of Imperial Incarceration”; Sonoda, “Nation Incarcerated”; Estes et al., *Red Nation Rising*.
- 53 Leong and Carpio, “Carceral States,” ix.
- 54 Wilkins and Lomawaima, *Uneven Ground*, 106–9.
- 55 Wilkins and Lomawaima, 102–6.
- 56 Wilkins and Lomawaima, 110–11.
- 57 Rifkin, “Around 1978,” 174–82.
- 58 Deer, *Beginning and End of Rape*.
- 59 Alexander, *New Jim Crow*.
- 60 The IYC trainers, who visited Honolulu, facilitated a public discussion titled “New Jim Crow: Crimmigration, Youth, and Dissent” on February 28, 2012.
- 61 Deer, *Beginning and End of Rape*, 39–40.
- 62 Sudbury, *Global Lockdown*. Julia Sudbury now publishes as Julia Chinyere Oparah.
- 63 Stanley, Spade, and Queer (In)justice, “Queering Prison Abolition, Now?,” 127.
- 64 Prashad, *Karma of Brown Folk*.
- 65 Freedom for Immigrants, “Detention by the Numbers.”
- 66 Davis, “Masked Racism.”
- 67 Fink, “Labor Joins La Marcha”; Robbins and Correal, “On a ‘Day without Immigrants.’”
- 68 Smith, A., “Heteropatriarchy and the Three Pillars of White Supremacy.”
- 69 Miranda, “Extermination of the *Joyas*,” 259. For the multiplicity of gender and sexuality articulated in Indigenous practices, knowledges, and languages that talk back to the colonial imposition of heteronormativity and heteropatriarchy, see Driskill et al., *Queer Indigenous Studies*.
- 70 Stanley, Spade, and Queer (In)justice, “Queering Prison Abolition, Now?”
- 71 Blackwell, *Chicana Power!*, 8, 23, 44.



- 72 See Mingus, “Transformative Justice.”
- 73 Drawing attention to care as essential yet often invisible labor in social movements, Hí’ilei Hobart and Tamara Kneese state that radical care is “a set of vital but underappreciated strategies for enduring precarious worlds.” Hobart and Kneese, “Radical Care,” 2.
- 74 Cvetkovich, “Public Feelings.”
- 75 State of Arizona Senate, Senate Bill 1070; Detention Watch Network, “Detention and Deportation Consequences.”
- 76 Berlant, *Female Complaint*, 22.
- 77 Speed, *Incarcerated Stories*; Blackwell, *Chicana Power!*; Fujiwara, *Mothers without Citizenship*. See also Archuleta, “I Give You Back”; Million, “Felt Theory”; Franklin, *Narrating Humanity*.
- 78 Literary critics John Beverley and Lauren Berlant emphasize the orientation of these stories toward those who are removed from the effects of subordination but implicated in its reproduction. I am more interested in the ways the stories bind together people in the movement. Beverley, *Testimonio*; Berlant, *Female Complaint*.
- 79 Examples of scholarship that bring feminist and queer analyses to bear on US deportation policies as they have been shaped since the nineteenth century include Canaday, *Straight State*; Chávez, *Queer Migration Politics*; Das Gupta, “Don’t Deport Our Daddies”; Gehi, “Gendered (In)Security”; Lee, “Exclusion Acts”; Luibhéid, “Heteronormativity and Immigration Scholarship”; Luibhéid and Cantú, *Queer Migrations*; Luibhéid, *Pregnant on Arrival*; Chávez and Luibhéid, *Queer and Trans Migrations*; Ngai, *Impossible Subjects*; Pallares, *Family Activism*; Shah, *Stranger Intimacy*. It is worth noting that studies of contemporary deportation have been slow to integrate the scholarship on queer migration, which urges us to understand the regulation of immigration as the regulation of sexuality, gender identity, and family arrangements.
- 80 See also Audre Lorde Project (ALP), *Community at a Crossroads*, 43–48. The hard copy of the report is in the author’s possession.
- 81 J. Barker, “Indigenous Feminisms.” My emphasis.

## CHAPTER 1 “ALL OF US OR NONE”

- 1 Legislative Analyst’s Office, “2017–18 Budget.” See also *Correctional News*, “California Corrections Budget Continues to Increase.”
- 2 Spade, *Normal Life*.
- 3 The South Asian Network, which was instrumental in radicalizing the immigrant rights discourse in Los Angeles between 2001 and 2010, explains its attraction to a transformative justice approach to imagine social justice responses that are not reliant on punishment. South Asian Network, *From Displacement to Internment*, 32. On the link between transformative justice and abolition, see Mingus, “Transformative Justice.”