

VALLEY OF CAGED IMMIGRANTS: PUNISHMENT, PROTEST, AND THE RISE OF THE PORT ISABEL DETENTION CENTER¹

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Abstract:

Despite popular understanding of immigrant detention in the US as effectively nonexistent before the 1980s, in reality the practice grew significantly over the early postwar era and especially in Texas's Rio Grande Valley (RGV). Immigrant detention in the RGV became vital in the expanding network of the INS, other federal agencies, and for-profit institutions called here the Border Industrial Complex. Indeed, beginning in 1961 with its first full-fledged, permanent immigrant detention center, the Port Isabel Detention Center (PIDC), South Texas became a major piece of the Border Industrial Complex in its work to control, immobilize, and banish border crossers. Over the early postwar period, immigrant caging (or immigrant detention and immigrant incarceration based on immigration legal code) in the RGV transitioned from a temporary, situational response to a perpetual crisis. With growing Congressional support for immigration enforcement, by the 1970s, not only the INS, but also the US Marshals Service and the US Bureau of Prisons had greater numbers of people caged per immigration legal code.

¹ This article is a product of a dissertation research project on the expansion of immigrant detention in the US, titled "The Growth of Immigrant Caging in Postwar America: National Immigration Policy Choices, Regional Shifts Toward Greater Carceral Control, and Continuing Legal Resistance in the U.S. and South Texas," carried out at the University of Colorado Boulder. Funding for this study was provided through the following research grants and fellowships from the University of Colorado (two Pile Grants and a Bean Dissertation Fellowship from the History Department, a Beverly Sears Graduate Student Research Grant and an Eloise Timmons Graduate Student Award from the Graduate School, a Graduate Student Award from the Center to Advance Research and Teaching in the Social Sciences, a Dissertation Fellowship from the Center for Humanities and Arts, and a Tinker Foundation Grant through the Latin American Studies Center) and the Lyndon Baines Johnson Library (a Moody Research Grant).

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In the 1980s and 1990s, as asylum seekers became trapped in indefinite detention in the RGV, abuses within confinement became increasingly common. With quantitative and qualitative historical data, this essay tracks the growth of immigrant caging across the nation and at the PIDC. Using federal archives from the US and Mexico as well as collections from various RGV immigrant advocacy organizations, it considers evidence of abuses to, and protest by, those detained in this region. It argues that postwar immigrant detention, as a piece of immigrant caging and the Border Industrial Complex overall, has proven a human rights disaster.

Keywords: Border Industrial Complex, immigrant detention, undocumented immigration, Port Isabel Detention Center.

Valle de inmigrantes enjaulados: castigo, protesta y la aparición del Centro de Detención Puerto Isabel

Resumen:

Pese a la idea generalizada de que la detención de inmigrantes en Estados Unidos era absolutamente inexistente antes de la década de 1980, en realidad la práctica aumentó sustancialmente durante los primeros años de la posguerra (Segunda Guerra Mundial), especialmente en el Valle del Río Grande (RGV), en Texas. La detención de inmigrantes en el RGV llegó a ser vital para la expansión de la red del Servicio de Inmigración y Naturalización (INS), para otros organismos federales y para instituciones con ánimo de lucro que aquí se denominan el complejo industrial fronterizo. Sin duda, desde 1961 con su primer centro de detención permanente de inmigrantes, construido para ese fin expresamente, el Centro de Detención Puerto Isabel (PIDC), el sur de Texas se convirtió en un engranaje vital del *complejo industrial fronterizo* en su tarea de controlar, inmovilizar y deportar a quienes cruzaban la frontera. En los primeros años de la posguerra, el encierro de inmigrantes (o la detención y encarcelamiento de inmigrantes en el marco del código legal de inmigración) en el RGV pasó de ser una respuesta temporal y circunstancial a una crisis perpetua. Con el mayor apoyo del congreso a los controles a la inmigración, para la década de 1970, no solo el INS, sino también el Servicio de Alguaciles estadounidenses (US Marshals Service), y la Oficina de Prisiones de Estados Unidos tuvo mayores números de personas encerradas invocando el código legal de inmigración. En las décadas de 1980 y 1990, cuando los solicitantes de asilo quedaban atrapados en una retención indefinida en el RGV, los abusos en el encierro se volvieron cada vez más comunes. Basado en datos históricos cuantitativos y cualitativos, este artículo hace un seguimiento al aumento del encierro de inmigrantes en todo el país y en el PIDC. Usando archivos federales de Estados Unidos y México, así como colecciones de diferentes organizaciones de defensa de inmigrantes en el RGV, el artículo analiza la evidencia de abusos contra los detenidos en esta región, y las protestas de los mismos. Sostiene que la detención de inmigrantes de la posguerra, como un engranaje del encierro de inmigrantes y el complejo industrial fronterizo ha demostrado ser un desastre en términos de derechos humanos.

Palabras clave: complejo industrial fronterizo, detención de inmigrantes, migrantes indocumentados, Centro de Detención Puerto Isabel.

Vale dos imigrantes enjaulados: punição, protesto e a ascensão do Centro de Detenção de Port Isabel

Resumo:

Apesar da compreensão popular de que a detenção de imigrantes nos Estados Unidos seria efetivamente inexistente antes da década de 1980, na realidade, essa prática cresceu significativamente no início do pós-guerra e especialmente no Vale do Rio Grande (RGV), no Texas. A detenção de imigrantes no RGV tornou-se vital na rede em expansão do Immigration and Naturalization Service (INS), outras agências federais e instituições com fins lucrativos chamadas aqui de Complexo Industrial de Fronteiras. De fato, a partir de 1961, com seu primeiro centro de detenção permanente de imigrantes, o Centro de Detenção de Port Isabel (PIDC), o sul do Texas tornou-se uma peça importante do Complexo Industrial de Fronteiras em seu trabalho de controlar, imobilizar e banir as passagens pela fronteira. No início do período pós-guerra, a prisão de imigrantes (ou detenção e encarceramento de imigrantes com base no código legal de imigração) no RGV passou de uma resposta situacional temporária para uma crise perpétua. Com o crescente apoio do Congresso à contenção da imigração, na década de 1970, não apenas o INS, mas também o US Marshals Service e o US Bureau of Prisons tiveram um número maior de pessoas presas por meio do código legal de imigração. Nas décadas de 1980 e 1990, quando requerentes de asilo ficaram presos em detenção indefinida no RGV, os abusos dentro do confinamento tornaram-se cada vez mais comuns. Com dados históricos quantitativos e qualitativos, este ensaio investiga o crescimento do encarceramento de imigrantes em todo o país e no PIDC. Utilizando arquivos federais dos Estados Unidos e México, bem como coleções de várias organizações de defesa de imigrantes da RGV, analisam-se evidências de abusos e protestos daqueles detidos nessa região. Discute-se que a detenção de imigrantes no pós-guerra, como uma peça da prisão de imigrantes e do Complexo Industrial de Fronteiras de modo geral, provou ser um desastre em termos de direitos humanos.

Palavras-chave: Complexo Industrial Fronteiriço, detenção de imigrantes, imigração sem documentos, Centro de Detenção de Port Isabel.

2018 appears to have been a record year for the pre-trial detention and probably the sentencing of would-be asylum seekers in prisons contracted by, respectively, the US Marshals Service (USMS) and the US Bureau of Prisons (BOP).³ Certainly, the number of truly unaccompanied immigrant children along with immigrant children separated from these same individuals and “referred” to facilities contracted by the Office of Refugee Resettlement (ORR) reached unprecedented annual levels of about 49,100. (Office of Refugee Resettlement, 2019, p. Referrals table) With Attorney General Jeff Session’s April 2018 “zero tolerance” policy that authorized the separation of children from their parents at the border, suddenly some of the ugly supplemental arms of immigrant caging⁴ - or immigrant detention writ large - came into the national spotlight. (US Department of Justice, 2018) Though by June 20, Donald Trump had issued an Executive Order promising to end the separations, the move really served to further justify family detention. (Trump, 2018) With the order, he challenged the ruling of July 2015, wherein Federal District Court Judge Dolly Gee determined that Immigration and Customs Enforcement (ICE) had again violated the stipulations of the 1997 *Flores* settlement. Flores had proven a revolutionary turn, since it required quick release of immigrant children and higher operational standards for children’s detention. (*Stipulated Settlement Agreement, Jenny Lisette Flores et al. V. Janet Reno*, 1997) Gee argued that in failing to meet the higher standards and in the practice of detaining children for long periods, the family detention centers constituted a “material breach” of the *Flores* settlement. (Preston, 2015) As Trump’s order facilitated the revival of family detention centers and caused ORR unaccompanied minor ADP to surge to 11,800, still continuing at full steam was old-fashioned immigrant detention, the original “civil” holding of adult immigrants awaiting determination regarding their immigration

³ No available government reports differentiate the number of asylum seekers from immigrants incarcerated or detained, nor are there any known reports of the number of immigrants serving time in federal prisons for unauthorized entry because they were dissuaded from appealing for asylum or otherwise prevented from doing so in kangaroo-style “Operation Streamline” court hearings. (Washington, 2019) Rising rates of incarceration and detention for immigration violations, however, correspond to rising rates of those entering the US with claims of asylum. For fiscal year 2018, the BOP average daily population (ADP) for those convicted of immigration violations was 13,000; the USMS ADP for pre-trial detention of those facing immigration charges was an additional 10,600. (Sawyer & Wagner, 2019)

⁴ This idea of “immigrant caging” complements most directly the work completed by Kelly Lytle Hernández. With Hernández’s various studies on the Border Patrol, Bracero Program, and mass incarceration in Los Angeles, she has given significant attention to the establishment of immigrant detention in the 1890s, the criminalization of unlawful entry violations, and the enforcement efforts (including INS detention) involved in the Border Patrol massive deportation project, Operation Wetback most notable for its numbers in 1954. In her most recent studies, Hernández has also developed the idea of “human caging,” as a meta term for both incarceration and detention, while building off of the work of other scholars of mass incarceration who have long understood jails and prisons as cages. (Hernández, 2006, 2010, 2017; Hernández, Muhammad, & Thompson, 2015) Many scholars draw upon the conceptual relationship between the “cage” and prisons as expressed by Jeremy Bentham in his vision of the panopticon, which includes the term. (Bentham, 1798) Since 1998, when Angela Davis, Ruth Wilson Gilmore, and Rose Braz founded the organization “Critical Resistance” and thus birthed the modern movement to dismantle the prison industrial complex, the idea of the prison as the cage has gained currency. (Davis, 1998, 2003).

status, including asylum, or their deportation (Sawyer & Wagner, 2019). This administrative immigrant detention continued its tenacious grip, if only in the background. The news of increased family and child detention, in fact, came about in the context of continued growth of immigrant detention, sustained community protest regarding conditions of confinement,⁵ and subsequent legal limitations on various forms of immigrant detention and incarceration.⁶

To understand the history of immigrant detention as only a matter of the administrative holding by the former INS or today's ICE is to miss the full picture of how U.S. immigration policy since at least 1892 has authorized increasing varieties of immigrant confinement.⁷ The concept of *immigrant caging*, i.e., immigrant detention writ large, instead captures that extensive power of the U.S. federal government to detain and incarcerate this population. Over time, *immigrant caging* has expanded from detention by INS/ICE to include additional pre-trial detention by the USMS, "custody" by the ORR, as well as incarceration by the BOP of people who have at least allegedly violated US immigration legal code. Often these immigrants have done nothing more than cross the U.S. border without authorization. Beyond pointing to the common policy roots of the various types of detention and incarceration, *immigrant caging* here points to the shared experience of those people confined by these different agencies. Especially as private prison companies have since the 1980s come to detain and incarcerate for all of these agencies, distinction between

⁵ As will be discussed below, organizations such as Proyecto Libertad and South Texas ProBAR have been fighting against the abuses of immigrant detention in South Texas since the 1980s. Other organizations including Human Rights Watch, Detention Watch Network, and Justice for Immigrants have since taken the battle to the national level.

⁶ In addition to the Flores case (see above), several other legal cases have resulted in the imposition of limitations on immigrant caging. These include the *Carlson v. Landon* decision that stated that detention before deportation should be limited to cases wherein the defendant was a risk to the nation. See *Carlson v. Landon*, No. 524 (342 US 1952); The *Orantes-Hernandez* decision required INS (and later ICE) officials to provide information on legal options to those detained. See *Orantes-Hernandez v. Smith*, No. 351 (C.D. Cal. 1982) (541 F. Supp. June 2, 1982); *Orantes-Hernandez v. Meese*, No. 1488 (685 F. Supp. April 29, 1988); And the *Jones v. Blanas* decision mandated conditions of confinement for immigrant detention must be superior to those used for criminal and pre-trial inmates. See *Oscar Jones v. Lou Blanas* (County of Sacramento) (393 F.3d 918 December 27, 2004); For a quick listing of further such cases, see Figure II.3 in Cullison, Jennifer L., "The Growth of Immigrant Caging in Postwar America: National Immigration Policy Choices, Regional Shifts Toward Greater Carceral Control, and Continuing Legal Resistance in the US and South Texas" (University of Colorado, 2018).2004

⁷ The history of authorized immigrant detention in the U.S. began in 1892. That year, the U.S. Congress passed the Geary Act (27 Stat 25), which authorized the federal government to incarcerate Chinese immigrants who did not register themselves as "aliens." In 1896 with *Wing Wong v. United States* (163 US 228), the Supreme Court ruled the Geary Act unconstitutional and thus ended a four-year stint of incarcerating for the lack of this registration. Immigration authorities, however, began detaining immigrants then as part of the process of deportation. In 1929, per passage of a new Immigration Act (45 Stat 1551), US immigration authorities could again turn toward sentencing and criminal incarceration - this time following federal court hearings for undocumented entry or re-entry, which were classified respectively as misdemeanor and felony offenses. The authority to detain and to pass immigrants to federal court for trials regarding unauthorized entry along with several other statutes were codified finally in 1952 with the passage of the Immigration and Nationality Act.

administrative detention (as INS/ICE and the USMS is supposed to provide) and penal incarceration have virtually disappeared.

Perhaps more than any other immigrant detention center in the US, the history of the Port Isabel Detention Center (PIDC) demonstrates the rise of the most traditional piece of immigrant caging and the problems of the increasingly punitive system of “civil” or “administrative” detention for adults and families under US immigration law. The PIDC in the Rio Grande Valley (RGV) of South Texas remains today the last detention center for adults owned and operated by US immigration authorities. In 2018, ICE added to the Center’s distinction by designating it as the primary facility to house the undocumented migrant parents or legal guardians of the children held in ORR facilities. At the same time, the ORR opened several new shelters in the same area. (US Department of Homeland Security, 2018) The recent designation of the PIDC as the headquarters for detaining migrant parents facing removal hearings and the concentration of ORR facilities nearby, however, comes out of a long history of immigrant detention in the area. This study provides a close look at immigrant detention at the PIDC within the context of the postwar history of the wider phenomenon of immigrant caging. The postwar expansion of immigrant caging in the RGV fed the growth of the Border Industrial Complex made up of INS, other federal agencies, and for-profit institutions that worked to immobilize border crossers in the name of immigration, labor, criminal, and national security concerns.

This article argues that postwar immigrant detention, as a part of immigrant caging and the Border Industrial Complex overall, has proven to be not a disaster of labor management or national security, but one of fundamental human rights. A case study of punishment, protest,⁸ and the rise of the PIDC since 1961, shows why human rights activists in the recent years have had increasing reason to criticize immigrant detention, immigrant caging, and the Border Industrial Complex overall. My work here draws upon more traditional, if not always obvious, sources, including records of the Department of Justice and the Department of Homeland Security’s Citizenship and Immigration Services Library in the US and those of the Secretaría de Relaciones Exteriores in Mexico. It also engages what Kelly Lytle Hernández calls the “rebel archive,” or sources from or about those people, in her study, who fought against human caging, but in this study those who resisted, particularly, immigrant caging.⁹ These latter sources

⁸ Many thanks go to friend and colleague Jessica Ordaz whose similar work and various presentations on immigrant detention at the El Centro Immigration and Detention Center have influenced some of the focus on punishment and protest in my work as well. See Ordaz 2019.

⁹ In explaining the nature of the rebel archive, Kelly Lytle Hernández says, “The words and deeds of dissidents constitute what I call a ‘rebel archive’ that evades ... destruction. Comprised mostly of broken locks, secret codes, handbills, scribbled manifestos, and songs, the rebel archive found refuge in far-flung boxes and obscure remnants. But it also thrives in plain sight. The rebels’ words thundered in the halls of the U.S. Congress, their resistance forced the U.S. Supreme Court to issue emergency rulings, and their rebellions broke across bars and borders, changing the world in which we live.” Hernández, *City of Inmates*, 4.

are found in the public record with details of uprisings and resistance, including news stories, reports, and federal court rulings; they are also in collections from various RGV immigrant advocacy organizations.¹⁰ By combining written and photographic evidence of detainee experience and PIDC carceral geography, the article also provides a regional study as a piece of the early postwar history of immigrant caging in the U.S.

The Longer History of Immigrant Caging

Today, with its prison average daily population (ADP) at 2.3 million people, (Sawyer & Wagner, 2019) the U.S. is experiencing what Michelle Alexander calls the “New Jim Crow” and what Loïc Wacquant deems the age of “hyperincarceration.”¹¹ (Alexander, 2010; Wacquant, 2002, 2005) Scholars of US mass incarceration can usefully break down incarceration rates by race and gender while explaining the process by which the criminalization of people of color has led to more frequent and longer sentences since the 1970s, (Enns, 2016; Kajstura & Immarigeon, 2015; Sakala, 2014). Though other scholars have paid attention to aspects of modern immigrant detention, none have yet to give similar sustained attention to the long rise of detention within the Immigration and Naturalization Service (INS) and then Immigration and Customs Enforcement (ICE). (Dow, 2004; Hefner, 2010; R. S. Kahn, 1996; Welch, 2002) My research argues that though ICE today cages some 46,000 to 49,000 immigrants at any one moment, immigrant caging has actually been more significant and sizeable than this number alone would suggest. (Chishti, Pierce, & Capps, 2019; Sawyer & Wagner, 2019) I stress the importance of policy change as early as the 1920s and mark the turning points of the early postwar era (1945-1979) in the institutionalization of immigrant caging. In creating a convoluted system - a hydra of caging options - I assert that INS and ICE administrators have effectively hidden from the public many aspects of their caging system. As I map the history of this growth, I highlight how this includes several “shadow” options such as the USMS and BOP caging authorized by U.S.

¹⁰ U.S. archives consulted for this article include RG 85 at the National Archives and Records Administration, Washington, D.C. (NARA I), RG 59 and 60 at the National Archive and Records Administration at College Park (NARA II), and the Department of Homeland Security's Citizenship and Immigration Services Library. Mexican archives include the consular records from the McAllen and Brownsville Consulates and the Consultoría Jurídica: Protección a Mexicanos en el Extranjero at the Archive Histórico Gearo Estrado of the Secretaría de Relaciones Exteriores (SRE). “Rebel archives,” include private collections and archives held by Proyecto Libertad and South Texas ProBAR in Harlingen, Texas, and Posada Providencia in San Benito, Texas. Also informing this article are site visits to the PIDC (facilitated by South Texas ProBAR) and several interviews with Texas immigration lawyers, paralegals, and activists including Lisa Brodyaga, Rogelio Nuñez, Bob Lang, Kimi Jackson, Edgar Guacin, Emily Bartholomew, Mayra Perez, and Tatiana Obando.

¹¹ Jim Crow laws mandated and enforced racial segregation of African Americans in all public facilities the U.S. South following Reconstruction (1865-1877). The laws were enacted despite the 14th amendment, which was adopted in 1868 and promised civil rights to all citizens regardless of race. With the aid of the Plessy v. Ferguson Supreme Court decision that upheld segregation, Jim Crow laws held until the passing of the Civil Rights Act in 1964.

immigration policy. Overall, my work reframes historical understanding of the rise and institutionalization of immigrant detention, stressing the significance and frequency of punishment and protest throughout the postwar era.

Criminalization of Latin American migration and particularly the merging of criminal and immigration law – or what can loosely be called crimmigration – have played the single largest role in the expansion of immigrant caging. (Stumpf, 2006) Crimmigration began in 1929, when the U.S. Congress criminalized undocumented entry and re-entry into the U.S., and categorized these, respectively, as a misdemeanor and a felony, qualifying migrants in either case for incarceration in federal prisons. Since the law was put in place, INS and later ICE officials have been handing over tens of thousands of undocumented migrants annually to federal courts where migrants have been sentenced to serve time for unlawful border crossing before being taken back into INS/ICE custody for deportation. On any given day in 2018, this equated to another 13,000 migrants caged by the US Bureau of Prisons on top of the 46,000-49,000 people ICE detained. Overall, the criminalization of Latin American migrants has also meant that throughout the postwar era this group of migrants has represented the greatest plurality of those detained and deported (see Figure 1).

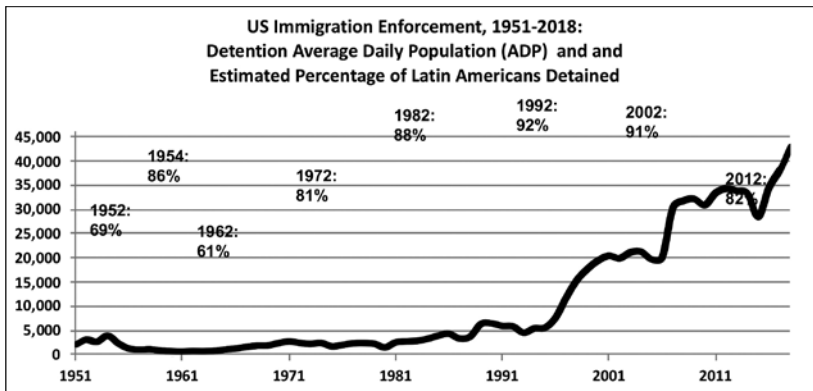


Figure 1: Compiled across several sources, metrics here show the growth of ADP for only INS/ICE detention over the postwar era. As far back as 1892 (see fn 7), U.S. federal statutes authorized immigrant caging – immigrant detention and immigrant incarceration – by INS or ICE, but also the US Bureau of Prisons (BOP) and eventually the US Marshals Service (USMS). A note on ADP: despite relatively minimal growth in INS/ICE ADP over the early postwar era as demonstrated here, policy changes and commitment to new INS detention centers in the 1960s and partnering with the USMS and BOP over this early period reflect the beginning of an enduring commitment to immigrant caging that this chart does not yet show. Because ADP data for those people caged per immigrant code violations by the USMS and BOP is not readily available to the public, it is not yet possible to fully represent combined historical data of all types of immigrant caging. This is an update of materials originally written for my PhD dissertation. (Cullison, Jennifer L., 2018, Figure I.21) A note on the percentages of Latin Americans detained

by the INS: in order to reflect a rough sense of racial demographics in INS and ICE detention that is not otherwise provided in INS/ICE archives, this chart maps Latin American deportation and removal rates onto ADP rates. This rough correlation suggests that INS/ICE detention has largely been a project of caging Mexican and then Latin American migrants. The percentages of Latin American removals here probably underrepresent the proportion of Latin Americans detained, since many Mexicans who opted for “returns” (formerly called “voluntarily departure”) have also been detained. (Cullison, Jennifer L., 2018, p. Figure I.3) Percent Latin America and Caribbean deported/removed data is derived from US INS/ICE Annual Reports or Statistical Yearbooks and calculated from multi-year tables “Aliens Deported by Region and Selected Country of Nationality,” 1952, 1954, as reported three years after indicated years to represented updates/corrections (1965, 1975, 1985, 1995); from “Aliens Excluded by Region and Selected Country of Nationality” for each year; and from “Aliens Formally Removed by Criminal Status and Region and Country of Nationality” 2002 and 2012. ADP data for this and the following charts is gathered from annual US Budget reports, US INS/ICE Annual Reports or Statistical Yearbooks, TRAC immigration data, and the Global Detention Project.

Several historical developments have made today’s immigrant caging possible. Back in late 1956, two years after the end of the massive project to remove undocumented Mexicans, Operation Wetback, INS Commissioner William Rogers contributed to the criminalization of undocumented people by coining the terms “criminal aliens” and “borderviolators.” (Hernández, 2010, p. 206; November 2, 1956, “Nomenclature with Respect to Aliens,” from Chief Enforcement Officer, Southwest Region, San Pedro, California, to Assistant Commissioner, Enforcement Division, Washington, D.C.; and November 15, 1956, “Nomenclature with Respect to Aliens,” from E.J. Wildblood to General Partridge (NARA 45364/43.3, 94, 59A2038), cited in Lytle, 2003, p. 5) In the 1970s, Commissioner Leonard Chapman accelerated criminal alien rhetoric with an inflammatory *Reader’s Digest* article, entitled “Illegal Aliens: Time to Call a Halt.” (Chapman, 1976) Simultaneously, the number of immigrants in yet a third kind of caging, in pre-trial detention with the US Marshals Service, began to increase drastically.¹² At odds with the rhetoric and practice, however is the fact that the number of “criminal” migrants deported or removed from the U.S. remained small and that there were no increases in felony re-entries.¹³ From the

¹² Though there was a federal US Marshal in Washington with a Marshal in each US federal court since 1789, initially there was no organizing office for each Marshal. Between late 1956 and mid 1969, district Marshals were part of the former Executive Office of the US Marshal (EOUSM). The USMS formed only in 1969. Though some data regarding USMS detentions is readily available beginning in 1994, before that indirect evidence of increases in such detention is at least evident in increasing numbers of federal cases heard for unlawful entry, growing from 4,665 immigration violation cases (of which 61% were for entry/re-entry) in 1979 to 16,970 such cases (of which 85% were for entry/re-entry) in 1979 and to 19,650 such cases (of which 63% were for entry/re-entry) in 1993. (Cullison, Jennifer L., 2018, p. Figures I. 12 and I.17; US Department of Justice, 2011)

¹³ Rates of removal for felony re-entry in the 1960s remained minimal and fairly similar to the 1950s - between 119 and 184 were removed for felony re-entry the 1960s as compared to a range of between 109 and 303 in the 1950s. See Tables 22 and 25, INS Annual Reports for 1950s and 1960s (Washington, D.C.: US Immigration and Naturalization Service), Online archive, US Citizenship and Immigration Services History Office and Library.

1950s through the 1970s, in other words, criminal aliens made up only about five percent of all removals.¹⁴ Still, simple unlawful entry, as a misdemeanor or a felony, remained the most likely offense for removal and thus the most likely rationale for any kind of immigrant caging.¹⁵

INS detention, however, did not follow a simple upward trajectory in this early postwar era. Through the early postwar years of INS caging, officials implemented a rhetoric and policy that temporarily decreased numbers of detained migrants. The rhetoric was first evident during the Bracero guest worker Program (1942-1964), when Border Patrol officials claimed to be gentler than the employers who were paying migrants substandard wages and failing to provide safe working conditions. Yet beginning in 1950 the INS reversed its humanitarian course by facilitating at an unprecedented scale the forceful detention and removal of many undocumented Mexican migrants, culminating in the May 1954 launch of Operation Wetback.¹⁶ With the establishment of makeshift camps that were at times overcrowded and an average daily population (ADP) that ranged between 2,000 and 4,000 (see Figures 1 and 2), total INS detentions between 1951 and 1954 grew from 98,000 to over 500,000 people.¹⁷ In November of 1954, just after the height of the operation, Attorney General Herbert Brownell actually promised humanitarian *detention* and a liberal parole policy. (US Immigration and Naturalization Service, 1955, p. 6) And, in fact, INS detentions did then begin a downward trajectory. (US Immigration and Naturalization Service, 1957, p. 30, 1958, p. 46). As my compiled data shows, in 1961, the INS delivered the best it ever would on the policy when ADP reached the low of 791.

¹⁴ Rates for removals of migrants with criminal and narcotics violations, actually, declined from the 1950s to 1960s – waxing and waning between 4 and 8 percent over the 1960s (down from a range of 5 to 13 percent in the 1950s). See Tables 22 and 25, INS Annual Reports for the 1950s and 1960s.

¹⁵ Though INS administrators did not provide detention rates by nationality or cause, we can infer something of the detention demographics from removal statistics. In the post-wetback years of 1956, 1957, and 1958 the annual number deported for “entering without inspections” ranged between 2,000 and 3,500. In 1977, it reached 25,000. See Tables 22 and 25, INS Annual Reports for 1950s and 1960s and the INS Budget Request for 1960. (US Immigration and Naturalization Service, 1959, pp. 10.78-10.79)

¹⁶ Operation Wetback, though usually described as occurring in 1954, is more accurately understood as a tactic of large-scale round-ups and deportations initiated by US Border Patrol Inspector Albert Quillin of South Texas in February of 1950. Though General Joseph Swing launched the most well-known phase of the Operation in the summer of 1954, William Whalen first used the term March of 1952. (See 2 March 1950, William Whalen, District Director San Antonio to Commissioner, Washington DC, File 56364/43 sw pt. 2, box 91, acc 59A2038, NARA, cited in Hernández, 2006, p. 441) NARA, cited in Hernández, 2006, p. 441

¹⁷ INS reports in the annual Budget of the United States Government provide various metrics on detention through most of the 1990s, though different data points are included from year to year (i.e., total detentions but not always average daily population may be included). 1951-54 ADP data is available in INS annual reports in the narrative sections as well as annual reports of the US Budget. 1950 data was not reported in either document. Sample reports are listed here. (US Bureau of the Budget & US Office of Management and Budget, 1951; US Immigration and Naturalization Service, 1952, pp. 45-56)

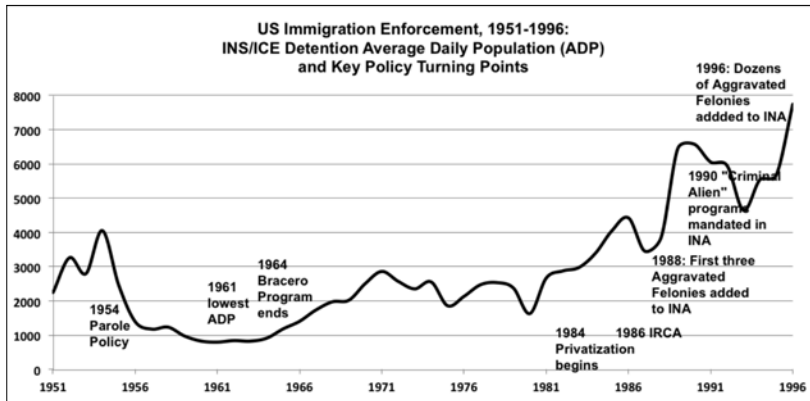


Figure 2: The major legislation and policies supporting most of the growth of immigrant detention in the postwar era were in place by 1996. The Average Daily Population (ADP) of INS and INS-contracted detention centers between 1952 and 1996 grew from a low point of 906 in 1961 to a high point of 7,735 in 1996 or by a factor of 8.54. After the end of Operation Wetback in 1954, the average daily population grew modestly, particularly after the end of the Bracero Program in 1964. Between the early 1960s and the early 1980s, some growth transpired, particularly in this, the ADP. At the time of the 1986 IRCA call to the Attorney General to expedite the removal of “criminal aliens,” there were not enough bedspaces to mandate the detention of these deportees. Various congressional acts thereafter instigated the addition of aggravated felonies (deportable offenses particular only to non-citizens) to the Immigration and Nationality Act and the creation of criminal alien programs meant to increase removals and bedspaces followed in 1988, 1990, and 1996. Privatization began in 1984, in part as a means of augmenting bedspaces. The mandatory detention aspect of the IIRIRA was implemented in 1999 (see 1999 USDOJ Annual Accountability Report, p. V-2), thus paving the way toward ADPs of over 30,000 by 2007. Data is gathered from annual US Budget reports, TRAC immigration data, and the Global Detention Project.

Immigrant detention had several stages of growth in the postwar era. With the winding down of the Bracero Program in the early 1960s, INS detention numbers began to rise again, if a bit unevenly. Fueled by the increased xenophobia detailed above, by 1979 the ADP approached Operation Wetback proportions again.¹⁸ But despite the increase in INS ADP, nonviolent migrants continued to fill most beds in INS detention centers and many beds in county and federal prisons for unlawful entry. In many cases, undocumented migrants serving time for unlawful entry or detained by county officials under subcontract from the INS,

¹⁸ I am using 1951 figures for this comparison: 2,200 ADP and 124,000 total detentions. The average length of stay (LOS), however, tells another story. Though the LOS between the early 1950s and the late 1960s had actually grown as ADP declined, by the late 1960s the average LOS returned to its pre-Operation Wetback average of about five days. The growth in LOS over the late 1950s appears to have been a result of prolonged deportation proceedings for those charged with subversive, legal, and narcotics charges. More archival research would be necessary to prove this. It may also be possible that this was a choice by INS officials to extend LOS as a means of keeping more detention centers at least minimally operational.

may have made up the bulk of local prison populations.¹⁹ Building on the detention rebound of the 1960s and 1970s, between 1980 and 1996 immigrant detention further transformed into what we know it as today. Two factors proved turning points. The first of these was the 1980 influx of Caribbean and Central American refugees. Per the mandates of the Cuban-Haitian Task Force, established under the Carter administration in July 1980 and continued under the Reagan administration until June 1981, the entrants were never officially deemed refugees. Instead, per their direction, the INS immediately imposed complicated screening and restrictive asylum policies on these migrants, and by July 1981 Reagan had announced a mandatory detention policy.²⁰ The processes, put in place so as to identify those Haitians and Cubans who would otherwise not qualify for entry per immigration policy following their mass arrivals in 1980, led to prolonged detentions. Exaggerated reports of the criminal proportions among the Cubans and accusations of Haitians being economic instead of political refugees further marginalized the new migrant populations.²¹ At about the same time, Central Americans entered the US seeking asylum only to have the same restrictive policies lead to their extended detentions as well. Soon detention overflows stimulated a drive to expand INS detention particularly through private prison contracts (Chavez, 2001, 2008).

In addition to this asylum crisis, the legislated criminalization, detention, and deportation of undocumented migrants beginning in the mid 1980s became the second turning point in the growth of immigrant caging. With rising drug trade across the Americas, pro-INS enforcement advocates in Congress gave new life to the specter of immigrants as a national threat. First, in 1986, as a means of making the Immigration Reform and Control Act (IRCA) a bipartisan win, the US Congress simultaneously allowed amnesty to many undocumented migrants, while stepping up the right of the Attorney General to expedite deportations of “criminal aliens.” (US Congress, 1986) Two years later, Congressional representatives created a short list of “aggravated felonies,” or criminal violations that would expedite detention and deportation for a greater number of noncitizens (including and most often applying to permanent residents) involved in arms and drug trafficking. (US

¹⁹ Though further archival research would be necessary to make this argument applicable across the US, in other work I provide a sketch of numbers of immigrants caged across South Texas between 1971 and 2014 in county jails, INS facilities, and private facilities. (Cullison, Jennifer L., 2018, p. Figure II.2)

²⁰ The Cuban-Haitian Task Force included various members of the Carter and then Reagan administrations, including Attorney Generals Benjamin Civiletti and his successor William French Smith. For the details on the implementation of the mandatory detention policy, see William French Smith to David A. Stockman, “Immigrant Detention Policy” attachment to letter dated September 16, 1981, p.1, RG 60, William French Smith Files, Box 154, File “INS (3 of 3),” NARA II

²¹ Ultimately only 1,800 of the original 125,000 Mariel Cubans (less than 2 percent) were criminal. This number may vary depending on source. One such source lists 2,746 (still below 2 percent). (“Freedom Flotilla: A Brave Skipper, A Grateful Family and Angry Florida Critics,” 1980; “Mariel Boatlift,” 2011) Mark Hamm points out that the INS found less than one percent to have serious criminal backgrounds - those who were sent to Talladega, Alabama to serve indefinite sentences. He cites several documents including the August 1980 US Department of State Bulletin. (Hamm, 1995, p. 58)

Congress, 1988) Further legislation, the Immigration Act (IA) of 1990 and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 resulted in a list of over twenty aggravated felonies with several subclasses, all of which required detention without parole and had new retroactive qualifications. (US Congress, 1990, 1996b) The acts marked migrants who had been convicted of a wide range of petty and serious offenses as “criminal” and then, with modernized programs that allowed for INS force multiplication, funneled more of them to detention and deportation. Suddenly, undocumented and out-of-status migrants who committed small crimes, e.g., shoplifting, DUIs, or possession of small amounts of recreational drugs, that by common standards would not be considered felonies or aggravated felonies required apprehension, detention, and deportation.

Due to the asylum crisis and continued criminalization of immigrants over the 1980s, what was a hydra of immigrant caging in the U.S. had grown in both size and complexity. Not counting incarceration space for migrants awaiting trials or serving time for *violent* offenses, immigration policy had authorized and put into practice detention and incarceration in at least six ways, including:

1. INS-owned space
2. INS interagency contracted space at local jails and federal prisons,
3. INS-contracted private prisons arranged by contract,
4. Bureau of Prisons facilities in which migrants served time for unlawful entry,
5. County and federal prisons contracted by the US Marshals Service in which migrants awaited hearings about unlawful entry or as material witnesses awaited depositions against coyotes, or
6. “Kafka” hotels in which, until 1994, airline and shipping companies paid security guards to supervise discovered stowaways or undocumented passengers before deportation hearings so as to avoid steep INS fines. (Levy, 1994; For more on Kafka motels, see “Motel Kafka (Editorial),” 1993; Welch, 1996, 2002)

Taken together, the metrics across the hydra tell a grave story of widespread caging of mostly non-violent (and by common standards, non-criminal) Latin American immigrants in the U.S. My metrics, for example, show two to four times as many individuals caged across just the first two federal agencies (INS/ICE and BOP) than by the INS or ICE over the postwar era due to little to nothing more than their immigration status. (Cullison, Jennifer L., 2018) As the hydra has grown, problems in each type of caging have continued to come to light.²²

²² Many scholars have given significant attention to or focus entirely upon the growing problems of immigrant detention after 1980. (Dow, 2004; Hamm, 1995; R. S. Kahn, 1996; Lloyd & Mountz, 2018). Immigrant rights organizations have in recent years also provided valuable studies of private detention. (Kirby, Libel, Madison, Morris, & Charles, 2013)

Punishment and Protest at the Port Isabel Detention Center (PIDC)

The history of the PIDC proves a key element in the bigger picture of the growth of the Border Industrial Complex and, with that, expanded INS/ICE enforcement in the US. After the El Centro detention center in California, (El Centro was in operation between 1941 and 2014. See Ordaz 2019) the PIDC became the second largest center in the U.S. Opened in 1961, the PIDC was quite unlike the mixed-use immigration stations that had by then closed at Ellis Island and Angel Island. Nor was it like the temporary internment (now more often rightly called incarceration) camps for “enemy alien” *families* during World War II – such as the 3,500-capacity camp in Crystal City, Texas. Nor was it like its predecessor, the also-temporary Operation Wetback Camp in McAllen, Texas. And, because it has always been for adults, it is certainly unlike the ICE family detention centers of 2018 such as that in Dilley, Texas or the ORR unaccompanied (or separated) minor camps including that contracted to Southwest Keys at a former Walmart in Brownsville.²³

The PIDC was and is the prototypical long-term civil immigrant detention facility for adults. Precisely when the McAllen camp was closing and when the INS ADP had reached its all-time low of 791 individuals in 1961, (US Immigration and Naturalization Service, 1978b, p. 3) district INS officials scrambled to institutionalize detention in this corner of the RGV. Apparently thinking strategically, the INS Commissioner convinced the US Congress to fund the acquisition of an abandoned military base for both a new Border Patrol training school (for Border Patrol officers) and detention center at Port Isabel. Though it started small (see Photo 1), the Border Patrol school soon moved elsewhere and the PIDC soon took over the site and became a microcosm for the growth of INS detention across the US. Its opening helped to sustain if not fuel the expansion of the Border Industrial Complex, and with it, South Texas became a greater part of the detention and deportation operations of the INS.²⁴ Its later expansion also corresponded with moments when INS administrators argued that caging and removal were appropriate responses to perceived crises of undocumented migration.²⁵

²³ My recent work provides more on the McAllen detention camp and the earliest forms of family detention. (Cullison, Jennifer L., 2018)

²⁴ Lloyd and Mountz's recent monograph analyzes ways in which new immigrant detention centers became part of the larger network of INS transportation and enforcement in the postwar era. (Lloyd & Mountz, 2018)

²⁵ As will be discussed below, in 1980 and 1981, as the Cuban-Haitian Task Force was determining their response to the asylum crisis, they considered and approved the expansion of the PIDC. (Smith, 1981) And shortly following the publication of the Border Patrol's master plan for expansion in 1994, plans for further expansion of the PIDC were underway. (US Border Patrol, 1994; US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994)



Photo 1: PIDC's original detention facility, ca. 1962. The Detention facility adjoined to the Border Patrol Station opened in 1961 originally to process "wetbacks" over the last years of the Bracero Program (which ended in December 1964). (Photo 11.206a, ca. 1962, n.d.)

In Texas's RGV, about thirty miles southeast of Harlingen and thirty miles north of Brownsville, in Los Fresnos, what became the PIDC had been the fairly shabby 347-acre Port Isabel Auxiliary Naval Air Station. Though military officials had installed barracks and trailers instead of the then ubiquitous Quonset huts, conditions on the site had nonetheless been inferior to a larger base in Harlingen. Veterans described the facilities in Harlingen as "not luxurious" and "hastily built... adequate at best," but those in Los Fresnos as "more primitive" with tar-paper-covered barrack roofs and latrines and showers separated from sleeping quarters.(Essex, 2009) After decommission of the sub-base in 1961, the INS acquired the property, including its barracks, and, as planned, opened the Border Patrol Training Academy and Detention Center.(US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994, pp. 2.97, 4.7) Detainees occupied a small sector of the site that same year.

Available U.S. Government archives reveal little about the experiences of detainees at Port Isabel between 1961 and 1980. A critical reading of what is available there in addition to evidence from Mexican archives and the rebel archives (especially immigrant rights organization archives) - help to recreate the story. What I have pulled together suggests that from its earliest years, INS administrators facilitated carceral instead of "civil" conditions of confinement. Unlike most Border Patrol stations with a couple of barred or secured cells capable of holding a handful of people, until 1980 the PIDC held up to 334 migrants.(US Immigration and Naturalization Service, 1967, p. D & D, Exhibit D, 2) The detention area of the campus included various external security measures. In order to prevent escape, administrators had a 14-foot barbed wire and chain-link fencing erected around the processing building, dorms, and recreation space. Despite outward appearances, however, security conditions remained rather analog through the early years. Instead of electronically- and remote-controlled locks operated from

a central location, for example, for most of the postwar era guards carried gate and door keys. (US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994, p. 2.139) Nonetheless, detainees were confined and unable to leave the detention center unless they won their cases, were awarded parole, were deported, or paid for their own repatriations under the “voluntary departure” program.

Within the Center, detainees lived under several structurally imposed limitations on their liberty. One multi-wing building provided dormitories with bunk beds and basic dining facilities for the detainees while detention processing took place in the adjacent building. If detainees stayed more than a couple of days at the PIDC, they were likely attempting to seek deportation relief, or, in other words, making a case for staying in the US. Since they were detained, though, that battle often proved exceedingly difficult. First, they could no longer work at their regular place of employment so as to earn the needed money to pay for an immigration lawyer. And on site, they had no means of earning actual money for most of the early postwar era. They could, however, work in the kitchen or in grounds maintenance in exchange for small and less helpful rewards. For four hours of work they could earn better meals and cigarettes.²⁶ Between 1961 and 1977, some detainees prepared food for the academy cadets. In these circumstances, guards shepherded them to the other dining hall and allowed them to eat the better food afterwards. (Ham, 2017) These detainees, however, had fewer rights than WWII “alien enemies” incarcerated at places such as Crystal City because they did not benefit from work release²⁷ to regular off-site employment. (See for example Peter Ota’s story in Terkel, 2004, pp. 28–33) They also had less luck than some undocumented material witnesses in nearby Laredo who were at points contracted instead of detained while awaiting depositions or trials of their coyotes in the 1970s. Federal archives suggest that the INS never authorized regular detainees for work release at the PIDC or any other detention facility in the early postwar era.²⁸

Detainees at the PIDC and other detention centers faced a particularly challenging legal situation, since per law, they were and still are not guaranteed public defenders. Compensation for onsite work, even if monetary, provided little to

²⁶ Four-hour shifts and material (instead of monetary) compensation was at least the practice in 1974. (US Department of State, Mexican Affairs, 1974)

²⁷ Work release allowed (and allows) the incarcerated to go to their former jobs during the day and to sleep in the prison at night. This is not convict leasing, a common practice for nineteenth-century and early twentieth-century employers extracting new and cheap labor from the prisons, which was abolished in the US by Presidential decree (circular 3591) on December 12, 1941.

²⁸ Since at least the first year of the Bracero Program, INS administrators expressed concerns that the existing onsite voluntary work programs would attract criticism. Though archival research may still reveal offsite programs, this concern suggests INS administrators during, at least, the Bracero Program, may never have considered such offsite programs. (I. F. Wixon, District Director, San Francisco to Commissioner General, February 26, 1943, file 55854/1001, RG 85, National Archives, cited in Kang, 2017, p. 97)

migrants who sought legal assistance. Legal fees for those fighting deportation proceedings in 1970, for example, ranged from \$500 to \$1,500 (New York Times, June 1, 1970 cited in Hayden, 1974, p. 40) (between \$3000 and almost \$10,000 today). Raising such funds would often require extreme measures and sacrifices for migrant workers and their families. Until at least the 1990s, though INS officials claimed to provide lists of private and pro bono immigration attorneys, policy did not require it.²⁹ Instead, various sources suggest that detainees at the PIDC and other detention centers often did not have access to such lists. (American Friends Service Committee, Immigration Law Enforcement Monitoring Project (ILEMP), 1987, p. Section III) PIDC detainees who wished to research their legal rights also may not have had access to any form of a library, since it was not until then that the INS standards required this. Further compromising their legal cases, though onsite courtrooms were added in 1988, for decades PIDC officers designated space for lawyer consultations only on an ad hoc basis.

Freedom to communicate with family and friends has proven another structural limitation on detainee liberty since the opening of the PIDC. The cost of phone calls, which due to inflated carceral contracts is quite prohibitive and problematic today, remained perhaps the least of the problems in the early years when such programs were not yet in place. Until 1981, detainees simply had no regular space at the detention center for visitations. Even when visitors were admitted, for some, to make a visit at all was quite risky. Monitored calls and public access controls at the sentry gates or inside the facility clearly threatened the continued freedom of undocumented family and friends. Additionally, at this time, people wishing to track where apprehended migrants were detained could make phone calls to detention center staff, but their success in locating such individuals was likely often hampered by language, transfers, and/or decentralized record keeping. In retrospect, one notable thing at this point was that without glass dividers, visitors and detainees were not yet physically separated. (US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994, p. 2.161)

Despite any small liberties, the PIDC built environment as well as later legal testimony suggest that the detention center was far more like a prison than an “administrative” holding facility. Most evident in this regard was the use of many levels of discipline usually reserved for criminal incarceration – including segregation and solitary confinement. As in criminal incarceration, detainees at the PIDC sometimes experienced segregated confinement as prolonged and intensified curtailment of their liberty. While immigrant detention had still not

²⁹ Per items 1401, 1402, and 1403, the 1980 INS detention standards, in fact, only required a “written policy and procedure” to “ensure the rights of detainees to have access to court,” “ensure and facilitate the right of detainees to have confidential access to attorneys and their authorized representatives,” and “grant detainees access to legal assistance from individuals with legal training.” (US Immigration and Naturalization Service, Detention and Deportation Division, 1980)

expanded across the multi-acre site, in 1974, there were “several” isolation cells, divided in order to hold four detainees each. According to site director Leon Hattenbach in 1974, these were used “for known perverts, troublemakers, etc.,” i.e., detainees judged to require high security. But, he claimed, they were “seldom in use.” (US Department of State, Mexican Affairs, 1974, p. 4) ACLU reports and INS photographic evidence suggest that isolation chambers also existed as early as 1973 at the El Centro facility and by 1974 at the relatively new El Paso center.³⁰ As later testimony would demonstrate, detainees in these areas experienced greater surveillance and decreased freedom as a form of discipline. Mentions of solitary confinement, on the other hand, are missing from the official archives. Though early INS reports mention no such space at Port Isabel, 1978 testimony from at least two migrants provides evidence of solitary confinement either at the PIDC or in the region. (Avante Systems, Inc. and Cultural Research Associates, 1978, p. A13) The lack of mention or actual existence of solitary chambers at the PIDC or elsewhere in the official archives, then, did not signify the lack of such disciplinary methods used there. According to former guard Tony Hefner, during the 1990s he and others used the medical quarantine area for solitary confinement. (Hefner, 2010, p. 107) This combined evidence suggests then that INS and later ICE officers probably used segregation and solitary confinement for safety *and* discipline over the entire history of the PIDC.

Certain aspects of the PIDC built environment suggest aspects of psychological abuse on the “civil detention” site. Due to regional environmental conservation efforts, INS officials had limited options for building on the eastern half of the Port Isabel campus. According to a long-range facility master plan composed in 1994, at some point earlier in the postwar era the state government designated the eastern half as a sanctuary for the endangered ocelot,³¹ a wild cat native to the area. (US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994, p. 2.123) The Border Patrol Academy maintained in that same area, however, a skeet, rifle, and pistol range as well as a landfill site. Though archives are silent on whether intentionally planned, in the context of postwar era, caged Central American people at the PIDC might have felt particularly tense when hearing gunfire from the range areas. (The INS also colocated a firing range and detention at the Krome facility. See Rohter, 1992) This was especially true for those who were 1) assigned to isolation and

³⁰ According to Hayden, at least by 1973, the El Centro detention center had been using solitary confinement for its so-called “administrative” detainees. (Hayden, 1974, p. 16) Photographic archives also suggest that by 1974, “isolation” chambers may well have been used for solitary confinement as well. (US Immigration and Naturalization Service, 1974)

³¹ Ocelots are dwarf leopards, about twice the size of a housecat. The state of Texas has been protecting the lives of ocelots and other animals native to the Lower RGV since at least 1946, when over 97,000 acres opposite the Cameron County airport were designated the Laguna Atascosa Wildlife Reserve. Ocelots were listed as officially endangered in 1982 and therefore are protected by the Endangered Species Act.

therefore likely to be more sensitive to sound and/or 2) were refugees from military dictatorships that variously used torture, shock, and/or conditions of a police state to uphold their power.³²

Indicating an *overt* turn toward punitive caging instead of “administrative” holds, in the 1970s INS officials adopted several management practices that further limited detainee liberties. The first of these was implemented in the 1970s with the issuing of color-coded jumpsuits that systemically marked, as prison jumpsuits did, the criminal history and the circumscribed segregation of the caged people. (*Photo 11.187a: Dining Hall Sitting Area, El Paso, 1979*; US Immigration and Naturalization Service, 1978a)³³ Blue, orange, and red jumpsuits were worn by, respectively, detainees with no, nonviolent, and violent criminal history. (Later PIDC documentation outlines this system. See US Immigration and Naturalization Service, 2001, p. 7) By 1979, the INS district directors also had closed-circuit television systems and metal detectors installed. (US Immigration and Naturalization Service, 1979, p. 5) By that point, then, though still the vast majority of immigrant detainees and deportees were noncriminal, INS administrators had nonetheless marked them as criminal and accordingly made the centers more carceral.

Beyond these signs in the built environment and the structural elements of detention, significant evidence of direct punitive treatment by INS officers began surfacing in the 1960s and 1970s at the PIDC and across the American Southwest. The daily schedule itself showed the first level of punishment. Until 1977, the large, multi-wing building served as the only dormitory. Though the building had natural light and a strong ceiling exhaust system, according to a 1978 study by the US Commission on Civil Rights, system-wide practice was to force detainees outside all day. In South Texas this meant that detainees often suffered exposure to excessive heat.³⁴ At the PIDC, for example, detainees could only avoid the sun in the center of the yard under a metal canopy (see Photos 2-3). Meanwhile, like inmates in a prison, detainees remained under the watchful gaze of detention officers in a tall, wooden security tower (see Photo 4).

³² Naomi Klein writes on the ways in which from the 1950s through the 1980s, “corporatist” military dictatorships in Latin America used crisis, torture, and the police state not just as a dirty war against leftists but to demolish developmentalist economies and pave the way to a new free trade economy. (Klein, 2008)

³³ Though INS detention center photo archives as well as detention officer handbooks give no evidence that detainees at the Port Isabel Detention Center had been wearing color-coded jumpsuits in the 1960s, photographic evidence suggests that by about 1979, immigrant detainees at El Paso were wearing them. Veteran immigration lawyer Lisa Brodyaga also recounted that at least some men among the PIDC detainees were wearing orange (medium security) jumpsuits by the beginning of her career in South Texas in the late 1970s. (L. Brodyaga, personal communication, September 5, 2016)

³⁴ Other INS detention centers also practiced the daytime dormitory prohibition, including, apparently, the INS operations in Laredo (either Border Patrol or the immigrant dorms at the county jail). (Avante Systems, Inc. and Cultural Research Associates, 1978, p. A9; US Department of State, Mexican Affairs, 1974, p. 2)



Photos 2-4: PIDC Recreation yard, ca. 1981. Due to the intense RGV heat, the INS provided a shaded area for detainees in the recreation yard behind the original Port Isabel Detention Center. About a dozen smaller shade canopies eventually dotted the property. Detention officers watched detainees in the recreation yard from this observation tower. PM(Photo 11.206f, ca. 1981, n.d., p. 206; Photo 11.206i, ca. 1981, n.d.; Photo 11.206j, ca. 1981, n.d.)

While in INS custody in South Texas at this time, several detainees complained to lawyers and another US commission of the excessive outdoor exposure and surveillance and other forms of mistreatment including: deprivation of enough food, soap and medical attention; overcrowding; assault when they did not divulge names of coyotes; sexual harassment of women detainees; women's subjection to unnecessary strip searches; being treated "as if they were dogs" (with "no compassion") by detention officers; and being misdirected by INS staff regarding legal options. (Avante Systems, Inc. and Cultural Research Associates, 1978, pp. A9-A14; Texas Advisory Committee to the United States Commission on Civil Rights, 1980, pp. 29-31)

The expansion of the PIDC in the 1980s brought with it increased reports of abuse. Just after the Border Patrol Academy moved off the Port Isabel site to Georgia, (US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994, p. 4.7) the Mariel Cuban asylum crisis came to a head in 1980, affecting ultimately South Texas. When Executive Office and INS officials considered moving Cubans from temporary to permanent sites, they raised the idea of PIDC's possible expansion. Washington officials noted that the choice of enlarging the remotely-located PIDC as opposed to another

center in a more urban area would help the INS avoid public criticism. Political demonstrations at the center (far from Brownsville and Los Fresnos) would be more difficult for interested parties. (Smith, 1981) By 1981, they had decided to expand the PIDC. Though no new dorms were built, a total of four buildings – the former academy’s classroom building and three barracks – were minimally renovated and designated as detainee dormitories. The former barracks, though fire hazards with wooden construction and a lack of a fire suppression system, added significantly to the capacity.³⁵ District officials then designated one of the dorms for women, though they did not further segregate those they classified as criminal women from noncriminal women until at least 1994. (US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994, p. 4.49) By the end of 1981, INS officials reported a new PIDC capacity of 534 or up to 641 under emergency conditions. (US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994, p. 2.100) With the renovations, the site became one of the largest contributors to the overall INS ADP.

The detention of increasing numbers of Caribbean and Central American asylum seekers in the 1980s quickly created new tensions for detainees. The first problem lay in the legal situation of the new detainees. Once detained, asylum seekers could only hope to be bonded out while awaiting their hearings. Before 1989, INS examiners offered some bonds to asylum seekers. Even then, the cost – from \$1,000 to \$10,000, depending on the perceived risk of the individual as one with a violent criminal history, a record of violence in detention, or some potential for skipping a trial – proved impossible for many. (Hefner, 2010, p. 123) For most apprehended asylum seekers, then, confinement became inevitable.

Overcrowding became the next significant problem. By 1983, with conditions in Central America only worsening, great numbers of, especially, Guatemalans and Salvadorans were escaping authoritarian governments, taking the quickest route through Mexico, and finding themselves in South Texas. The ADP at the PIDC by this point was hovering at its emergency capacity rating (at about 700). (Hefner, 2010, p. 35) Noncriminal Central Americans made up a growing core of the detainees at the PIDC in the 1980s and 1990s. Given the military conflicts in their homelands between 1979 and 1992, most of these migrants sought asylum as refugees. In South Texas INS detention centers, therefore, officers advised most Central Americans of their options regarding “deportation relief.” Reminiscent

³⁵ The 1994 Master Plan called for renovation or replacement of these buildings in order to resolve this problem. The buildings were demolished and replaced by more carceral structures, which were completed in 2006. (US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994, p. 2.166)

of complaints by Mexicans about being misdirected by INS officers about legal options in the 1970s, critics in South Texas and across the nation claimed that officers in the 1980s told the Central American detainees not to apply for political asylum, coerced them into voluntary departure, and/or abused them.³⁶

Though during the 1980s and early 1990s detainees were staying longer and the INS was less burdened by budget caps, INS officials offered only limited legal and educational resources for interested detainees. And though following the creation of detention standards in 1980, PIDC officers provided more services and detainees were permitted to work for money, services remained limited and earnings were limited to \$1 per day. Despite roseate yet undated pictures preserved in the archives showing detainees in libraries and using computers possibly as early as the 1970s and more evidently in the 1980s, detainees still had insufficient access to legal aid.³⁷ INS archives, in fact, document that PIDC detainees were allowed only irregular and insufficient access to a recreational library and, due to apparent inability to provide enough supervised access, did not provide a separate law library at all until at least 1994. (US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994, pp. 2.157, 2.162-2.163)

Because jumpsuits, fencing, and closed-circuit television apparently did not equate to sufficient security for the primarily non-violent Mexican workers and asylum-seeking population, the INS administrators planned for still greater security measures with the 1981 expansion. In addition to the full-perimeter fencing probably installed as part of the expansion in 1981, razor wire and concertina fencing along internal corridors were evident by the late 1980s (see Photos 5-7). Also, in 1984, INS officials authorized the renovation of the “control station” or sentry post at the site entrance, so as to more closely screen who could enter the site.

³⁶ Avante Systems describes general conditions of confinement also in the 1970s under the custody of Border Patrol and the INS. Hayden discusses challenges facing mostly Mexicans in detention in the 1970s. Human Rights Watch and Kahn have studied the challenges that asylum seekers have faced in detention since the 1980. Hefner covers various abuses at the PIDC in the 1980s and 1990s. (Avante Systems, Inc. and Cultural Research Associates, 1978, pp. A2-A14; Hayden, 1974; Hefner, 2010; Human Rights Watch, 1998, pp. 25-29; and R. S. Kahn, 1996, p. 120)

³⁷ Various INS publications displayed apparently robust legal libraries including a 2001 detainee handbook and an undated photo probably from the late 1970s of detainees in an unspecified INS detention center library. (“Detention Facility – Library”, undated photo probably from the late 1970s of detainees in an unspecified INS detention center library, n.d.; US Immigration and Naturalization Service, 2001, p. 22)



Photo 5: Fencing and Security, post 1980. Male detainees along secure outdoor corridor between secured areas of the PIDC. Photo credit: Austin Holiday. (Holiday, 1991)



Photo 6: Women at the PIDC, gathering for secured escort to dining hall, 1993. Photo credit: Maria Jimenez. ("Behind the Chain-linked Fence," 1993)



Photo 7: Men at the PIDC, awaiting secure escort from exercise yard, 1994. Photo credit: Margarito G. Rodriguez. (Rodriguez, 1994)

Tensions mounted as more migrants were caged at the PIDC under increasing security and still with so little recourse. By 1985, the average length of stay (LOS) extended to more than four months for as much as 10% of the detainees and resulted in new stresses. (US Immigration and Naturalization Service, 1985, p. 18) As they had throughout the postwar era, with indefinite detentions and the mounting punishment and abuse at the PIDC, detained migrants there exhibited resistance in what Jonathan Inda calls migrant counterconducts. (Inda, 2011) In the dorms, they often took the screens off the window. (US Department of State, Mexican Affairs, 1974, p. 2) In the bathrooms, they often purposefully clogged or vandalized toilets. (US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994, p. 4.27) And, like detainees elsewhere, they probably often attempted to escape by crawling under fences or climbing over canopies. (US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994, p. 2.139) The brief mentions in the official archives of the counterconducts, however, probably represent only a fraction of those that actually happened.

1987 marks the earliest date I have found for a hunger strike at the PIDC. It started at sunrise on July 24, when about 50 Nicaraguans entered the PIDC exercise yard and declared their strike. They were responding to Attorney General Edwin Meese's July 8 order that immigration judges give preferential consideration and work permits to Nicaraguans seeking asylum in the US.³⁸ After months of being caged and more than two weeks after the order was made, the Nicaraguan strikers had tired of waiting to learn if the policy would also spell their release from detention. *In These Times*, reported that at 11pm the INS "buzzed" the detainees with helicopters and "stormed" the yard with about 80 officers. Julio Cesar Pamagua Torres explained "The helicopter arrived first, to scare us, then the patrol ran at us with clubs, screaming, 'Sit down you faggots,' We sat down; No one fought back." Officers nonetheless "clubbed" the defenseless detainees on the arms, legs, face, and groin. Four strikers apparently ended up in the hospital, detention officers then transferred Pamagua and 16 others to a nearby jail. Suddenly, with the riot squad clubbing and hurling demeaning epithets at the detainees, the PIDC made obvious the repression INS officials long denied. The actions also made an especially jarring contradiction to the Attorney General's mandate – to provide humanitarian outcomes for Nicaraguans.

³⁸ The Supreme Court had recently forced the INS to use a lower threshold for claims of persecution in petitions for asylum, such that a "well-founded fear" of persecution instead of a "clear probability" of persecution (as used in cases of withholding of deportation) should be enough to grant asylum. This came about in suit arguing that Nicaraguans were not being given due process in seeking asylum. The previous standard of "clear probability" came as a result of the earlier case *Immigration and Naturalization Service v. Stevic*, 1984. (*Immigration and Naturalization Service v. Cardoza-Fonseca*, 1987; *Immigration and Naturalization Service v. Stevic*, 1984; 467 US 407 1984)

By this point, INS policies and practices for detainee uprisings within detention facilities such as the PIDC effectively mirrored those in county and federal prisons. Between 1980 and 1986, there had been more than a dozen immigrant uprisings at immigrant detention centers and prisons across the nation, though no evidence discovered to date shows any had happened during this period at the PIDC. As potentially the first of its kind there and as a non-violent hunger strike among asylum seekers, the 1987 uprising at the PIDC raises questions for the INS project of expanding detention – did such conduct really require such a repressive response? Did INS officials actually need to take such high security measures for this population? As time passed, INS officials tended toward the affirmative even at the PIDC. Many if not all, of the arriving officers in 1987 were probably from the newly formed Border Patrol Tactical unit or BORTAC, a Border Patrol SWAT team created in 1984 specifically to counter “riots” at INS detention centers. (National Border Patrol Museum, n.d.) This moment demonstrates well one circumstance that led to the agency’s expansion – a pattern of heightened criminalization of migrants by INS officers. In accord with a rising anti-immigrant sentiment projected by the politicians that authorized their funding, INS adjudicators disproportionately and (as later studies would find, unfairly) denied asylum to Central Americans. (See, for example, Helsinki Watch, 1989) Their decisions then added fuel to the assumption that they were either economic opportunists or violent dissidents requiring SWAT teams.

After the turmoil of the 1987 hunger strike, regional policy change further strained the detention system and exacerbated tension for detainees. Had South Texas policies toward asylum applicants not changed any further after 1987, the ADP at the PIDC may have remained at or below 700 through the early 1990s and perhaps tensions would have dissipated. Instead, Omar Sewell, the District Director created a crisis that brought on significant growth and tightened control of detention in South Texas, especially at the PIDC. His choice to change operational procedures – to restrict travel of asylum seekers and then to require their, at least, initial detention upon apprehension – created a new and perfect storm with which the INS would be able to argue the need for detention’s temporary and then permanent expansion. By February 1989, Sewell had instituted major change in the RGV.

Mandatory INS detention in South Texas resulted in massive expansion of detention operations. Most immediately, the district needed more detention space. Avoiding FEMA shelters, as had been the case with earlier Cubans in Florida and Arkansas, INS officials went with a larger scale option to confine more adult men and women. Though they continued to use an open-access Red Cross shelter for the relatively few arriving mothers with children, they chose to expand the PIDC in order to remove the rest of the refugees from the streets of Brownsville and

force their attendance at hearings. The introduction of new bunk beds brought capacity to 1,100.(Wolchok, 1989, p. 7) Soon about eight 500-person-capacity circus tents and countless port-a-johns dominated the PIDC landscape in order to accommodate as many as 5,000 detainees. (Hefner, 2010, pp. 35, 69; For a copyrighted image of the interior of the circus tents, see Wolchok, 1989, p. 13) For some time, staff at the expanded site failed to provide sufficient phones and access to legal representatives.(Helsinki Watch, 1989, p. 62) Several months in, a letter signed by 51 detainees, attested to: guard mistreatment; overcrowded barracks; bad, sparse and rushed meals at odd hours; full days outside in the blazing sun; punishment for daily bathing (i.e., detainees found to be bathing too frequently/daily were put in isolation); prohibition from talking to detained spouses; prohibition from speaking at immigration hearings; and being paid only \$1 for 12 hours of work.(... “A Letter from Detainees at the Corralón - The Valley INS Jail,” 1989)

South Texas INS officials then relocated the district immigration courts to the PIDC, which affected the population growth at the PIDC. Following the closure of the immigration courts in Harlingen due to breaches of sanitary and fire laws, the relocation was a matter of district INS officials choosing to keep the Harlingen courts closed and telling migrants to submit asylum applications at the PIDC. Reportedly, officers began detaining those who turned in their applications at the PIDC and directly from the Red Cross camp.(Helsinki Watch, 1989, p. 62) The new detainees then compounded both the load on the PIDC courtrooms and the detention staff.

The relocated courtroom brought up significant questions of due process violations. Beginning February 21, Sewall chose not to loosen parole policy to free up space, but put in place an “Action Policy” in which adjudicators would make preliminary decisions based on “credible fear” within a day of arrival (“Orantes Contempt Action Seeks to Counter Massive Rights Violation,” 1989; Rohter, 1989; Suro, 1989) – a system adopted nationwide the next year.(US Immigration and Naturalization Service, 1993, p. 76) In keeping with the national trends of asylum denials, though, the process only resulted in “gross illegalities.” (“Orantes Contempt Action Seeks to Counter Massive Rights Violation,” 1989) Critics reported that the asylum forms were only available in English, asylum adjudicators rarely spoke Spanish, had little knowledge of the situations in Central America, and took only 15 minutes to interview each candidate. Worse, PIDC staff still kept immigration lawyers from assisting their clients, denied legal organizations’ requests to provide presentations on legal rights, and confiscated legal advisories. (“Orantes Contempt Action Seeks to Counter Massive Rights Violation,” 1989) Ultimately, the new policy meant massive detention and deportation. By March 20, INS officers had deported over 1,300 Central Americans from South Texas. Hundreds more were shipped to other detention centers such as El Centro, the

new private center in Houston, and the first family detention center in Laredo. (“Orantes Contempt Action Seeks to Counter Massive Rights Violation,” 1989) Yet, interestingly, the process did not reduce the system-wide LOS. (US General Accounting Office, 1991, p. 39) Indeed, the INS system-wide LOS jumped from a rate of 10-15 days between 1985 and 1988, to a rate of 23-27 days between 1989 and 1996.³⁹ With continued refugee migration and the choice of mandatory detention, instead, the ADP hit new highs.

As the PIDC grew in the 1980s, federal as well as regional INS administrators simultaneously escalated the “Latino threat” narrative or the xenophobic idea that Latin Americans were criminal and suspect before anything else. Sewall’s superior, Commissioner Alan Nelson, made the issue political at the national level, arguing at a press conference in 1989 that most of the detainees were filing false or “frivolous asylum claims.” He argued, “This willful manipulation of America’s generosity must and will stop.” (Suro, 1989) His characterization of asylum seekers combined well with statements of other local pro-enforcement advocates such as McAllen’s Sector Chief Silvestre Reyes who warned of migrant terrorists in the mid 1980s. (Lindsey, 1985; Loh, 1985) Congressional Representative Solomon P. Ortiz (D, Texas) in 1989 also called for heavy INS enforcement out of fear for foreign troublemakers. (Dixon, 1989) Even President Reagan echoed the narrative, claiming that the Central Americans could easily be terrorists, subversives, communist infiltrators, and enemies of the US. (Simon, 1998, p. 582)

Ultimately, Sewell’s measures and Commissioner Nelson’s rhetoric resulted in significant surges in the PIDC detainee population, greater tensions among those detained, and an argument for greater fortification of detention. On the night of March 31, 1989, the population reached an all time high - 3,600 – a total, respectively, three and eight times larger than at the then-famous Oakdale and Krome detention facilities. (Wolchok, 1989, pp. 8–9) The average for that month also peaked at 2,251 and hovered above 1,000 each month over the next year. (US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994, p. 5.20) Between 1991 and 1993, the PIDC ADP declined to about 550, but remained higher than at any point before 1989.

Due to the abuse, overcrowding, dehumanizing and prolonged adjudication process, detainees at the PIDC continued to resist. In the spring of 1989, 200 people participated in non-violent protests including a so-called “fence-shaking...riot” (Hefner, 2010, pp. 101–103) where participants chanted “We want freedom,” (“Proyecto Joins

³⁹ LOS is calculated here, per Vera Institute Standards (see their 2015 report on mass incarceration) as ADP / (Total Detentions / 365 days) and correlates with reported LOS at various points over this period by US Immigration and Naturalization Service. (US Immigration and Naturalization Service, 1984, p. 25, 1986, p. 24; Lawyers Committee on Human Rights, Lawyers Committee Testimony on INS Detention, “Testimony Delivery by Eleanor Acer: Before the US Senate Committee on the Judiciary, Immigration Subcommittee,” September 15, 1998, cited in Welch, 2002, p. 107).

UNHCR Council of Legal Advisors,” 1989) and in the spring of 1990 an unreported number engaged in another hunger strike. (Dixon, 1989; Long, 1989) In both cases, it appears that local INS officials responded aggressively with riot patrol and detainees experienced abuse similar to that of 1987. Some of the tensions resulted from PIDC officials turning to contractors to quickly meet various operational demands. The introduction of supplemental yet poorly trained private security by 1983 proved the most problematic. According to advocates, including yet another US Commission on Civil Rights (this time in 1997), detainees continued to report racist remarks and extreme punishment, but new were the instances of guard-perpetrated rape. In their responses to their treatment, migrants continued to insist on their human rights. At least three more uprisings occurred at the PIDC between 1990 and 1994. Detainees also sometimes sought the help of sympathetic INS officers and detention guards. At Port Isabel, some guards would attempt to correct problems. (Arizona, California, New Mexico, and Texas Advisory Committees to the US Commission on Civil Rights, 1997; See US Congress, US Commission on Civil Rights, 1980) To his credit, Tony Hefner, one such former guard, eventually published testimonials and participated in a successful \$1 million human rights suit against three of his most abusive peers in 1990.⁴⁰ Yet, usually and according to the US Commission on Civil Rights in 1980 and 1997, within detention, detainees found avenues for redress “inadequate and inaccessible.”

Migrant advocates in the RGV agitated for redress and reform. Proyecto Libertad, a pro bono immigration law firm and community action organization was at the frontlines fighting detention beginning in the 1980s. In an effort to defy the system that deprived detainees of legal access, they fought to provide legal orientation programs, to defend asylum seekers pro bono in court, to raise bond money, and inform the wider South Texas public about the troubles at the PIDC. Without funding from the government, but with determined fundraising over the 1980s and 1990s, they represented thousands of clients pro bono and actively engaged in vigils and demonstrations across the RGV.

In the 1980s and 1990s, Latino communities and allied churches and organizations in South Texas were also deep into the (first) Sanctuary Movement. To the anti-detention work that the ACLU and other nationwide human rights organizations had done since the 1970s, sanctuary activists in the RGV added momentum. Religious organizations such as Casa Oscar Romero were sheltering Central American immigrants in defiance of the INS. In addition to this movement supporting the right of immigrants to pursue and obtain asylum, writers, editors, and cartoonists in the local papers (including the *Brownsville Herald*) were critical of INS leadership regarding detention. RGV journalist and paralegal

⁴⁰ “Detainee Files \$1 Million Suit Against Three INS Officers,” *Brownsville Herald*, April 16, 1990, cited in Hefner, 102-03.

Robert Kahn, for example, was among the most prodigious critics, writing scathing articles on the center and a monograph on INS policy against Central Americans and detention operation during this era. (For a great example of Kahn's journalism, see R. Kahn, 1985; R. S. Kahn, 1996) Additionally, immigration lawyers began a campaign within the American Bar Association in 1989 to fund more pro bono work. (Wolchok, 1989) Their efforts resulted in the establishment of South Texas ProBAR (a new and bigger pro bono office) in Harlingen and the eventual establishment of performance-based detention standards for INS and then ICE. Finally, the staff in local Mexican consular offices fought for the rights of their nationals through their newly established Programa de Protección. With this, they made regular detention center visitations to and advocated for the legal protections and improved conditions for their detained nationals.

In the face of all of this resistance, however, INS officials chose to tighten the hatches on their operations. By 1994, they began moving toward fully carceral immigrant caging along the US-Mexico border and especially in the RGV. Complementing their 1994 publication of *Border Patrol Strategic Plan... a National Strategy*, the administrators commissioned several studies for the expansion of Border Patrol stations and INS detention centers. (US Border Patrol, 1994; US Immigration and Naturalization Service, 1994a, 1994b; US Immigration and Naturalization Service, Office of Human Resources and Administration, 1994) Having weathered the unprecedented if temporary peaks of ADP in 1989 and having had the opportunity to test outsourcing during the crisis, INS administrators in the RGV wanted more permanent and greater enforcement along their migrant corridor. Probably to their delight, the *Master Plan for South Texas* and its focus on the PIDC stood out in volume and ambition. It outlined several areas for potential security upgrades while proposing three different plans for PIDC expansion, with the last offering the most contained, secure, and carceral options.

Per the US Congress passing of two anti-immigrant bills in 1996, INS officials gained authorization for the highly carceral renovation plans for Port Isabel. (US Congress, 1996b, 1996a) By 2001, at least one of four very fortress-like dorm buildings opened, complete with larger open-bay dorms, thin carceral windows, cinder-block walls, and riot-proof furniture (see Photo 8 and 9). Then by 2006, contractors completed the other dorms and the sleek new central building, which in addition to providing a new clinic, courtroom, and a more "secure" glass-partitioned visitation area, included an additional space for processing and temporary holding cells. (N. Lacy, personal communication, June 30, 2016. At the time of this email to the author, Norma Lacy was serving as Special Assistant to Director, San Antonio District, ICE.) personal communication, June 30, 2016. At the time of this email to the author, Norma Lacy was serving as Special Assistant to Director, San Antonio District, ICE. With the clinic moved to the main building, its former home was repurposed for needed recreation, religious

observance, and legal library services. Yet, in the new dormitories and bathrooms, as architectural configurations (fewer and/or shorter walls) provided simplified surveillance in the dorms and holding cells, detainees lost significant levels of privacy. The carceral modifications also meant the loss of humanizing aesthetics such as the few trees dotting the campus and the replacement of larger outdoor recreation fields with concrete patios adjoining each dormitory building. Though not an addition noted in ICE materials, renovations also meant the inauguration of at least ten solitary confinement chambers (Cullison, 2016) in addition to and quite separate from the lauded 30-bed/8-isolation-chamber medical facility. (N. Lacy, personal communication, June 30, 2016; By 2012, the number of beds in the medical center had been increased to 42. “What Happens at Port Isabel Detention Center,” 2012) personal communication, June 30, 2016; By 2012, the number of beds in the medical center had been increased to 42. \u0000\u8220\} What Happens at Port Isabel Detention Center,\u0000\u8221\} 2012 The new site with these measures as well as fortified double fencing and overall high-tech security technology appeared equal to if not more carceral than state and country prisons. By the time the renovations were completed, the PIDC’s permanent capacity more than doubled since 1981 (from 534 at that point to 1,200 in 2006). (US Department of Homeland Security, Immigrations and Customs Enforcement, 2012) Today, the PIDC continues to provide a fair portion of the system-wide ADP. In its fully carceral form, however, the PIDC demonstrates that significantly tightened control and punitive practice have taken over a holding system meant to be only administrative and civil.



Photo 8: New Processing Center at the PIDC. All of the PIDC renovations were complete in 2007 with the addition of the large multi-wing central building, which had replaced the former Detention Center. Most likely at this point, processing and deportation moved from the smaller multi-wing processing building (center left with new white roof and slightly modified footprint) to this building. Photo courtesy of Google Maps, 2016.



Photo 9: New carceral dormitories at the PIDC, ca. 2001-2017. Four of these dorms were completed in about 2004. Note the carceral sliver-sized windows. Film still. (US Immigration and Customs Enforcement, 2017)

With only ten percent of ICE detainees in ICE-operated detention centers in the current era, (Dickerson, 2017) PIDC administrators have had the opportunity to be a model of operation to their peers at the interagency and privately contracted detention facilities that make up the rest of ICE's hydra. Detention officers at ICE-operated detention centers have direct government training for their work, unbroken links to regional and federal ICE officials, and thus less of a likelihood of errors and mistakes due to lack of training or communication. In the end, however, continued reports of abuses even there suggest that the PIDC has become a center of highly controlled and punitive immigrant caging little different from a privately run prison and thus a symbol of the human cost of xenophobic immigration enforcement policy (Center for Constitutional Rights, 2012; Hefner, 2010; Juffer, 1987; Phillips, 2018; Satija, 2018).

As the punishment inside and outside of immigrant caging escalates overall, and especially as reform efforts including those advocating for improved detention operation standards have failed for adults and families, activists have needed longer histories of immigrant caging.⁴¹ As they are arguing against the detention of children and families, with campaigns such as #DefundHate, #DismantleICE, and #ICEonTrial, they are agitating for full-scale abolition of ICE and every form of its caging. They argue that the current immigration enforcement regime (ICE) and the former INS has for so long – for too long

⁴¹ At the core of the problem with ICE detention standards have been the fact that an internal ICE office provides oversight (self regulation) and thus, the standards have not been truly enforceable. For example, though in 2009 the US Congress voted to require ICE to stop contracting with any facility that failed two audits, suddenly the dangers of self-regulation became clearer. Between 2009 and 2017, no facility had been closed as a result of two failed audits and, in fact, audit reports over that period consistently revealed a very suspicious 100 percent pass rate. (Cullison, Jennifer L., 2018, p. Chapter 7; Detention Watch Network, 2017).

– served xenophobic motives more than any related to national security or justice. This close reading of the government and rebel archives on the long history of immigrant caging across the US and particularly at the PIDC, gives weight and greater historical reach to their argument.

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