

U.S. COMMISSION ON CIVIL RIGHTS

+ + + + +

BUSINESS MEETING AND PUBLIC COMMENTS PERIOD

+ + + + +

FRIDAY, APRIL 12, 2019

+ + + + +

The Commission convened in Suite 1150 at
1331 Pennsylvania Avenue, Northwest, Washington, D.C.
at 9:00 a.m., Catherine Lhamon, Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair

PATRICIA TIMMONS-GOODSON, Vice Chair*

DEBO P. ADEGBILE, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner*

KAREN K. NARASAKI, Commissioner

MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

* Present via telephone

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

STAFF PRESENT:

NICHOLAS BAIR

LASHONDRA BRENSON

KATHERINE CULLITON-GONZALEZ

BARBARA DE LA VIEZ

PAMELA DUNSTON, Chief, ASCD

LATRICE FOSHEE

ALFREDA GREENE

TINALOUISE MARTIN, OM

WARREN ORR

LENORE OSTROWSKY

CORRINE SANDERS, CRO

SARALE SEWELL

JUANDA SMITH

BRIAN WALCH

MARIK XAVIER-BRIER

MICHELE YORKMAN-RAMEY

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

JASON LAGRIA

CARISSA MULDER

AMY ROYCE

RUKKU SINGLA

ALISON SOMIN

IRENA VIDULOVIC

A G E N D A

I. APPROVAL OF AGENDA AMENDMENTS.....5

II. DISCUSSION AND VOTE ON THE COMMISSION'S REPORT
TITLED BEYOND SUSPENSIONS, EXAMINING SCHOOL
DISCIPLINE POLICIES AND CONNECTIONS TO THE
SCHOOL TO PRISON PIPELINE FOR STUDENTS OF
COLOR WITH DISABILITIES.7

III. DISCUSSION AND VOTE ON REVISED PROJECT TIMELINES
POST-SHUTDOWN.....17

IV. DISCUSSION AND VOTE ON THE DECEMBER 2019
BUSINESS MEETING DATE.....20

V. CONSIDERATION OF THE AMENDED BUSINESS ITEMS
BEGINNING WITH A PROPOSED STATEMENT FROM
COMMISSIONER KIRSANOW.....22

VI. DISCUSSION AND VOTE ON THE SUBSTITUTED STATEMENT
FROM THE CHAIR.....33

VII. DISCUSSION AND VOTE ON PROPOSED STATEMENT
FROM COMMISSIONER NARASAKI ON DREAM ACT
OF 2019, CIRCULATED BY HER SPECIAL ASSISTANT
JASON LAGRIA.....35

VIII. MONTHLY STAFF DIRECTOR'S REPORT BY
MAURO MORALES.....39

IX. PUBLIC COMMENT PERIOD.....42

X. ADJOURN MEETING.....160

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 P R O C E E D I N G S

2 (9:01 a.m.)

3 CHAIR LHAMON: Good morning, and this
4 meeting on the U.S. Commission of Civil Rights comes
5 to order at 9:01 a.m. on April 12, 2019. The meeting
6 takes place at the Commission's Headquarters located
7 at 1331 Pennsylvania Avenue, Northwest, Washington
8 D.C.

9 I'm Chair Catherine Lhamon, Commissioners
10 who are present at this meeting in addition to me are
11 Commissioner Heriot, Commissioner Kirsanow,
12 Commissioner Narasaki, and Commissioner Yaki.

13 I believe that Vice Chair Timmons-Goodson
14 is on the phone. Can you confirm?

15 VICE CHAIR TIMMONS-GOODSON: I am present.

16 CHAIR LHAMON: Thank you. And I believe
17 that Commissioner Kladney is on the phone, can you
18 confirm?

19 COMMISSIONER KLADNEY: Yes, I am, Madam
20 Chair.

21 CHAIR LHAMON: Thank you. A quorum of the
22 Commissioners is present. I see that the court
23 reporter is present. Can you confirm for the record?

24 COURT REPORTER: I am.

25 CHAIR LHAMON: Thank you. Mr. Staff

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Director, could you confirm that you're present for
2 the record?

3 STAFF DIRECTOR MORALES: I am present.

4 CHAIR LHAMON: Thank you. The meeting now
5 comes to order. So, a motion to approve the agenda
6 for this business meeting?

7 COMMISSIONER NARASAKI: So moved.

8 CHAIR LHAMON: Thank you. Is there a
9 second?

10 COMMISSIONER YAKI: Second.

11 CHAIR LHAMON: Commissioner Yaki is
12 seconding. Great, multiple seconds, thanks.

13 **I. APPROVAL OF AGENDA AMENDMENTS**

14 I'll begin a call for amendments with one
15 of my own, which is to table the discussion and vote
16 on the Virginia State Advisory Committee appointments
17 until our next business meeting.

18 Is there a second for that amendment?

19 COMMISSIONER YAKI: I'll second that.

20 CHAIR LHAMON: Thank you. And the other
21 amendments?

22 COMMISSIONER NARASAKI: Yes, Madam Chair.

23 CHAIR LHAMON: Commissioner Narasaki?

24 COMMISSIONER NARASAKI: I move for the
25 Commission to consider a statement regarding the DREAM

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Act of 2019, circulated by my special assistant Jason
2 Lagria this past Wednesday morning.

3 CHAIR LHAMON: I second. Are there any
4 other amendments to consider?

5 COMMISSIONER KIRSANOW: Thanks, Madam
6 Chair. I move to amend the agenda to include a
7 discussion and vote on actually two statements with
8 respect to anti-Semitic and/or religious intolerance
9 statements that have been made recently.

10 CHAIR LHAMON: Is there a second?

11 COMMISSIONER HERIOT: Second.

12 CHAIR LHAMON: Thank you. Any other
13 amendments?

14 COMMISSIONER KLADNEY: Madam Chair?

15 CHAIR LHAMON: Commissioner Kladney?

16 COMMISSIONER KLADNEY: Hello?

17 CHAIR LHAMON: Go ahead, Commissioner.

18 COMMISSIONER KLADNEY: I just want you to
19 know that you're cutting out every few seconds on my
20 phone. I'm able to make out most of the discussion
21 though, so just to let you know.

22 VICE CHAIR TIMMONS-GOODSON: I'm
23 experiencing the same difficulty.

24 CHAIR LHAMON: Thank you for letting us
25 know. We're going to look into what's happening and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 please let us know if you're not able to follow what's
2 being said. There are no further amendments, let's
3 vote to approve the agenda as amended.

4 All those in favor say aye?

5 (Chorus of aye.)

6 Any opposed? Any abstentions? The motion
7 passes unanimously.

8 **II. DISCUSSION AND VOTE ON THE COMMISSION'S REPORT**
9 **TITLED BEYOND SUSPENSIONS, EXAMINING SCHOOL**
10 **DISCIPLINE POLICIES AND CONNECTIONS TO THE SCHOOL**
11 **TO PRISON PIPELINE FOR STUDENTS OF COLOR**
12 **WITH DISABILITIES**

13 The first item on our agenda is a
14 discussion and vote on the Commission's report titled
15 Beyond Suspensions, Examining School Discipline
16 Policies and Connections to the School to Prison
17 Pipeline for Students of Color with Disabilities.

18 There will be two votes. First, we will
19 consider the report and second, we will consider the
20 findings and recommendations.

21 To open the floor for discussion, is there
22 a motion?

23 COMMISSIONER NARASAKI: Yes, Madam Chair.

24 CHAIR LHAMON: Go ahead, Commissioner.

25 COMMISSIONER NARASAKI: I move for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Commission to adopt the report circulated by my
2 special assistant, Jason Lagria, on Tuesday April 9,
3 2019.

4 CHAIR LHAMON: Is there a second? I'll
5 second. I'll open the floor for discussion beginning
6 with Commissioner Narasaki as the sponsor of the
7 project.

8 COMMISSIONER NARASAKI: Thank you, Madam
9 Chair. In 2016 the Chair of the Commission's Oklahoma
10 State Advisory Committee presented its report
11 regarding the school to prison pipeline issues there
12 in their state.

13 The Chair, Vicky Limas, noted that they
14 had received significant testimony regarding the
15 disproportionate impact of school discipline on
16 students with disabilities but weren't able to
17 investigate it further and recommended that we take
18 the issue up.

19 As a result, I proposed to the Commission
20 that we follow up by examining the intersectionality
21 of school discipline policies for students who
22 experience discrimination due to their race, their
23 disability status, and their status of students of
24 color with a disability.

25 I believe it's the first time the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Commission has taken this kind of approach. I want to
2 express my heartfelt appreciation to the entire Staff
3 and the Commission team for everyone's efforts in
4 organizing the briefing and preparing this exceptional
5 report.

6 I'd especially like to commend our Office
7 of Civil Rights Evaluation Team who is sitting here,
8 including the Director, Kathy Culliton-Gonzalez, Marik
9 Xavier-Brier, LaShonda Brenson, and all the interns
10 who contributed as well as I'd like to thank our Staff
11 Director, the General Counsel, and the Chief
12 Administrative Services and their Staffs for their
13 help.

14 And I know it sounds like the Oscars but
15 there are a lot of people to thank.

16 In addition, I want to thank my fellow
17 Commissioners, especially the Chair for showing her
18 very unique expertise, and our special assistants,
19 especially my special assistant, Jason Lagria and
20 Rukku Singla, the Chair's special assistant who
21 provided very valuable feedback on the report and the
22 findings and recommendations.

23 I'd like to express my appreciation to the
24 Regional Program Staff and the State Advisory
25 Committees who have also taken up this issue,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 including Indiana and Maryland, as well as Oklahoma,
2 as I mentioned before.

3 And finally, I'd like to express my
4 personal gratitude to Rebecca Cokley, the Former
5 Executive Director of the National Council on
6 Disability for her guidance and encouragement when we
7 were developing this report.

8 She always brings an intersectional focus
9 to her work, which I deeply admire.

10 The National Council on Disability's
11 report in 2015 on students with disabilities served as
12 a very important resource.

13 This report is particularly timely given
14 the current administration's actions last year to
15 rescind the joint Department of Education and
16 Department of Justice's guidance on school discipline
17 and their decision to delay the implementation of the
18 final rules for the equity in IDEA.

19 I'm very proud of the work of this
20 Commission in terms of what we have done to highlight
21 civil rights issues in education.

22 In 2018 we highlighted the inequities of
23 public education financing and how it is exacerbated
24 by the increasing segregation of our public schools by
25 race and by poverty. And with this report, we have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 highlighted the intersection of race and disabilities
2 in school discipline.

3 It is my firm belief that making a
4 high-quality public education available to every child
5 regardless of their race, their gender, their
6 disability, or zip code, will go a long way to
7 addressing many of the inequities and injustices that
8 continue to hold our country back from fully being
9 able to live up to its highest ideals.

10 I'm very thankful that the Commission has
11 brought additional attention to this important topic
12 and I hope that the Commission will continue to focus
13 on intersectional work in the future.

14 Thank you, Madam Chair.

15 CHAIR LHAMON: Thank you, Commissioner
16 Narasaki. I just want to note for the record that
17 Commissioner Adegbile has joined us, welcome.

18 And also, I thank Commissioner Narasaki
19 for your leadership on this important project and I
20 echo your thanks to our Staff for their work.

21 So any other discussion for this report
22 and this motion? Hearing none, I'll call the question
23 and we can take a roll call vote. Commissioner
24 Adegbile, how do you vote?

25 COMMISSIONER ADEGBILE: Aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIR LHAMON: Commissioner Heriot?
2 COMMISSIONER HERIOT: No.
3 CHAIR LHAMON: Commissioner Kirsanow?
4 COMMISSIONER KIRSANOW: No.
5 CHAIR LHAMON: Commissioner Kladney?
6 COMMISSIONER KLADNEY: Yes.
7 CHAIR LHAMON: Commissioner Narasaki?
8 COMMISSIONER NARASAKI: Yes.
9 CHAIR LHAMON: Commissioner Yaki?
10 COMMISSIONER YAKI: Aye.
11 CHAIR LHAMON: Vice Chair Timmons-Goodson?
12 VICE CHAIR TIMMONS-GOODSON: Yes.
13 CHAIR LHAMON: And I vote yes. The motion
14 passes, two Commissioners opposed, no Commissioner
15 abstained, and all others were in favor.
16 Next, we will consider the findings and
17 recommendations for the report. To open the floor for
18 discussion, is there a motion?
19 COMMISSIONER NARASAKI: Yes, thank you,
20 Madam Chair. I move for the Commission to adopt the
21 findings and recommendations circulated by my special
22 assistant, Jason Lagria on Tuesday, April 9, 2019.
23 CHAIR LHAMON: Thank you. Is there a
24 second?
25 COMMISSIONER ADEGBILE: Second.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIR LHAMON: Thank you. Any discussion?
2 Commissioner Heriot?

3 COMMISSIONER HERIOT: I often vote against
4 Commission recommendations, that's not new.

5 Sometimes I do it because I think the
6 facts are wrong, sometimes I do it because I think the
7 law is stated wrong, and sometimes it's policy
8 recommendations that are neither facts nor law.

9 But this one is really different. This is
10 just wrong. It misunderstands the empirical studies
11 in really fundamental ways. So I will be voting no
12 but I would urge the rest of you to vote no as well.

13 CHAIR LHAMON: Thank you. I will say I
14 have some deep familiarity with the empirical studies
15 and also the analysis in this area and I very strongly
16 support the findings as drafted in the recommendations
17 and I plan to vote yes.

18 Is there any further discussion?
19 Commissioner Narasaki?

20 COMMISSIONER NARASAKI: Yes, I'm very
21 proud, actually, of what I think are very detailed and
22 comprehensive findings and recommendations.

23 And I think it will provide Congress and
24 the relevant agencies with a clear plan for ensuring
25 that all students have an equal opportunity to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 high-quality education free from discrimination. I
2 just want to highlight a few key ones.

3 First, our review found that while
4 students of color do not commit more disciplinary
5 offenses than their white peers, students of color
6 receive more discipline and are punished harsher and
7 longer for the same offense compared to their white
8 peers.

9 For students with disabilities, they are
10 approximately twice as likely to be suspended
11 throughout each year and each school level compared to
12 students without disabilities.

13 And when we examine the intersection of
14 race and disabilities, many students of color with
15 disabilities are even more disproportionately
16 disciplined.

17 These students then end up out of school
18 without support and are more likely to end up involved
19 in the justice system.

20 There are many causes for these
21 disparities including the zero tolerance discipline
22 rules, rising use of school resource offices to punish
23 offenses traditionally handled by school
24 administrators, an implicit biases in the behavior of
25 students of color is perceived, or whether to diagnose

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 disabilities in students depending on their race.

2 Second, the use of alternatives to
3 exclusionary discipline, such as positive behavior
4 intervention supports and restorative justice
5 principles, have been shown to work.

6 What struck me very strongly in the
7 Hearing is that for schools to successfully
8 incorporate these alternatives that help rather than
9 undermine students' education while safeguarding
10 school safety, teachers need to have the resources,
11 training, and support to successfully implement them.

12 That is why many of our recommendations
13 concentrate on ways that the Federal Government can
14 provide for schools to implement effectively these
15 practices and ensure that the administration of school
16 discipline is conducted in a non-discriminatory
17 manner.

18 Finally, studies have shown that school
19 counselors improve school safety and increase student
20 achievement, yet, according to the Department of
21 Education data, 1.6 million students attend a school
22 with a sworn law enforcement officer but not a school
23 counselor.

24 Moreover, Latinx, Asian, and black
25 students were all more likely than white students to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 attend a school with a police officer but not a
2 counselor.

3 Our 2018 report on the inequities of
4 public school funding found that students attending
5 schools in poor neighborhoods were being deprived of
6 these critical support services.

7 Therefore, our report recommends Congress
8 to provide funding and incentivize states to provide
9 funding to ensure all schools have adequate numbers of
10 counselors and social workers.

11 I hope you'll join me in voting in support
12 of these findings and recommendations. Thank you.

13 CHAIR LHAMON: Thank you. Is there any
14 further discussion? Hearing none, I will take a roll
15 call vote.

16 Commissioner Adegbile, how do you vote?

17 COMMISSIONER ADEGBILE: Aye.

18 CHAIR LHAMON: Commissioner Heriot?

19 COMMISSIONER HERIOT: No.

20 CHAIR LHAMON: Commissioner Kirsanow?

21 COMMISSIONER KIRSANOW: No.

22 CHAIR LHAMON: Commissioner Kladney?
23 Commissioner Kladney, how do you vote?

24 COMMISSIONER KLADNEY: Yes.

25 CHAIR LHAMON: Thank you. Commissioner

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Narasaki?

2 COMMISSIONER NARASAKI: Yes.

3 CHAIR LHAMON: Commissioner Yaki?

4 COMMISSIONER YAKI: I want to thank
5 Commissioner Narasaki for her leadership on this and
6 vote aye.

7 CHAIR LHAMON: Vice Chair Timmons-Goodson?

8 VICE CHAIR TIMMONS-GOODSON: Yes.

9 CHAIR LHAMON: And I vote yes. The motion
10 passes, two Commissioners opposed, no Commissioner
11 abstained. All others were in favor.

12 I'll note that with the adoption of the
13 report and the findings and recommendations, the clock
14 now begins ticking with respect to deadlines for
15 statements and rebuttals.

16 The deadline for statements will be
17 Monday, May 13th. The deadline for rebuttals will be
18 Thursday, June 13th.

19 If a Commissioner intends to file a
20 surrebuttal, notice will need to be given by Thursday
21 June 20th and the surrebuttal will be due on Thursday,
22 June 27th.

23 **III. DISCUSSION AND VOTE ON REVISED PROJECT**

24 **TIMELINES POST-SHUTDOWN**

25 The next item is a discussion and vote on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 revised project timelines post-shutdown. To begin
2 discussion, I'll move that the Commission adopt the
3 revised project timelines.

4 Is there a second?

5 COMMISSIONER ADEGBILE: Second.

6 CHAIR LHAMON: Thank you. I'll begin
7 discussion with a few points. We were, I know, all
8 dismayed by the time that we lost as a result of the
9 government shutdown from December 2018 through January
10 2019.

11 I am proud of and grateful to all the
12 Commission Staff who came back after the shutdown
13 ready and eager to get back to work, and
14 extraordinarily productively I will add.

15 After the shutdown, due to strong efforts
16 from Commission Staff, the Commission successfully
17 held a public briefing on the conditions of
18 confinement for women in prison on the originally
19 scheduled date of February 22nd.

20 Unfortunately, even working as hard as
21 possible we cannot fully recover from the time we lost
22 from the shutdown, during which by law Commission
23 Staff could not work.

24 Accordingly, Staff prepared new project
25 timelines for our current pending projects so that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 could move forward towards completion on all of these
2 projects while not compromising on the quality of our
3 investigative reports.

4 These projects include the Commission's
5 statutory enforcement report on federal civil rights
6 enforcement and briefing reports on the collateral
7 consequences of incarceration, school discipline, as
8 we've discussed today, women in prison, and hate
9 crimes. These timelines were initially prepared and
10 shared with the Commissioner's special assistants in
11 February. I am confident that these timelines take
12 into consideration our investigative priorities, our
13 Staff capacity, and the pressing need to share with
14 the public our reports, findings, and recommendations
15 on critical civil rights issues.

16 I thank our Staff for their continued work
17 in fulfilling the Commission's charge to report to
18 Congress, the president, and the American people about
19 the state of civil rights in our country.

20 Any other discussion on this motion?
21 Hearing none, I'll call the question and take a roll
22 call vote.

23 Commissioner Adegbile, how do you vote?

24 COMMISSIONER ADEGBILE: Aye.

25 CHAIR LHAMON: Commissioner Heriot?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 COMMISSIONER HERIOT: Yes.

2 CHAIR LHAMON: Commissioner Kirsanow?

3 COMMISSIONER KIRSANOW: Yes.

4 CHAIR LHAMON: Commissioner Kladney?

5 Commissioner Kladney, how do you vote?

6 COMMISSIONER KLADNEY: Yes.

7 CHAIR LHAMON: Thank you. Commissioner

8 Narasaki?

9 COMMISSIONER NARASAKI: Yes.

10 CHAIR LHAMON: Commissioner Yaki?

11 COMMISSIONER YAKI: Aye.

12 CHAIR LHAMON: Vice Chair Timmons-Goodson?

13 VICE CHAIR TIMMONS-GOODSON: Yes.

14 CHAIR LHAMON: And I vote yes. The motion
15 passes unanimously.

16 **IV. DISCUSSION AND VOTE ON THE DECEMBER 2019**

17 **BUSINESS MEETING DATE**

18 Our next item of business is a discussion
19 and vote on the December 2019 business meeting date.
20 To begin discussion, I move that the Commission move
21 December's business meeting date from Friday, December
22 6th, to Thursday, December 5th.

23 Is there a second?

24 COMMISSIONER NARASAKI: I second.

25 CHAIR LHAMON: Thank you. I'll begin

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 discussion by pointing out that several of our
2 Commissioners terms expire near the end of this year.

3 We will miss you when you go.

4 Vice Chair Timmons-Goodson's last day on
5 the Commission is December 5, 2019 so we hope to
6 include her in the last votes of the year before her
7 term expires.

8 Any other discussion? Hearing none, I'll
9 call the question and take a roll call vote.
10 Commissioner Adegbile, how do you vote?

11 COMMISSIONER ADEGBILE: Aye.

12 CHAIR LHAMON: Commissioner Heriot?

13 COMMISSIONER HERIOT: Yes.

14 CHAIR LHAMON: Commissioner Kirsanow?

15 COMMISSIONER KIRSANOW: Yes.

16 CHAIR LHAMON: Commissioner Kladney?

17 COMMISSIONER KLADNEY: Yes.

18 CHAIR LHAMON: Commissioner Narasaki?

19 COMMISSIONER NARASAKI: Yes.

20 CHAIR LHAMON: Commissioner Yaki?

21 COMMISSIONER YAKI: Aye.

22 CHAIR LHAMON: Vice Chair Timmons-Goodson?

23 VICE CHAIR TIMMONS-GOODSON: Yes, and
24 thank you.

25 CHAIR LHAMON: Thank you. And I vote yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The motion passes unanimously.

2 **V. CONSIDERATION OF THE AMENDED BUSINESS ITEMS**

3 **BEGINNING WITH A PROPOSED STATEMENT FROM**

4 **COMMISSIONER KIRSANOW**

5 We'll now consider the amended business
6 items beginning with a proposed statement from
7 Commissioner Kirsanow. I'll first turn it over to
8 Commissioner Kirsanow to read the proposed statement.

9 COMMISSIONER KIRSANOW: Thank you, Madam
10 Chair.

11 The U.S. Commission on Civil Rights
12 condemns anti-Semitic comments made by Congresswomen
13 Rashida Tlaib and Ilhan Omar. We also express our
14 disappointment that the House of Representatives did
15 not formally rebuke them.

16 One of the first notable comments made by
17 Congresswoman Tlaib in her new position was to accuse
18 supporters of the anti-BDS, that's Boycott,
19 Divestment, and Sanctions, of dual loyalty, tweeting,
20 quote, they forgot what country they represent, end
21 quote.

22 Congresswoman Omar has made a number of
23 comments suggesting that Jewish Americans have divided
24 loyalties between United States and Israel.

25 And Congresswoman Omar engaged in a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Twitter exchange in which she shared her belief that
2 American support for Israel is due to campaign
3 contributions from the American Israel Public Affairs
4 Committee, or APEC.

5 Despite unequivocally apologizing less
6 than three weeks later, Congresswoman Omar stated at a
7 progressive town hall in which Congresswoman Tlaib was
8 also in attendance, quote, "nobody ever gets to have
9 the broader debate of what is happening with Palestine
10 so for me I want to talk about the political influence
11 in this country that says it's okay to push for
12 allegiance to a foreign country."

13 Congresswoman Nita Lowey responded to the
14 comments by Tweeting, quote, "lawmakers must be able
15 to debate without prejudice or bigotry, I'm saddened
16 that Representative Omar continues to mischaracterize
17 support for Israel."

18 Congresswoman Omar responded, quote, "I
19 should not be expected to have allegiance/pledge
20 support to a foreign country in order to serve my
21 country in Congress or serve on the Committee."

22 Congresswoman Omar's suggestions of Jewish
23 allegiances to a foreign power are particularly
24 troublesome because Jews disproportionately are the
25 target of hate crimes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 In New York City in 2018, 69 separate
2 individuals were arrested for anti-Jewish hate crimes,
3 which was the largest number of people arrested for
4 any type of hate crime in that city, and nationally,
5 523 people were arrested for anti-Semitic offenses in
6 2017.

7 Despite being repeatedly informed that
8 questioning the loyalty of Jewish Americans because of
9 their support for Israel is an old and harmful anti-
10 Semitic slur, Congresswoman Omar continues to make
11 such comments, to suggest that she actually believes
12 what she says, that American support for Israel is
13 driven by Jewish Americans' prioritization of Israel's
14 interests.

15 The slur, one of the oldest and most
16 pernicious in history, has no place in public life.

17 CHAIR LHAMON: Thank you, Commissioner
18 Kirsanow. Is there a motion so we can open the floor
19 for discussion?

20 COMMISSIONER KIRSANOW: Yes, I move that
21 the Commission adopt this statement.

22 CHAIR LHAMON: Is there a second?

23 COMMISSIONER HERIOT: I'll second.

24 CHAIR LHAMON: Thank you. Any discussion
25 on this statement?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I'll start by noting that Commissioner
2 Kirsanow initially raised this statement for
3 Commissioners' consideration last month.

4 Commissioner Kirsanow, I appreciated that
5 in response to my request you agreed to see if we
6 could work together on a statement that we could both
7 propound. Unfortunately, we were not able to come to
8 an agreement on a proposed statement.

9 And so for this reason I move to
10 substitute the statement from Commissioner Kirsanow
11 with the version that I shared with all Commissioners
12 earlier this week that reads as follows, excluding
13 footnotes: The U.S. Commission on Civil Rights
14 condemns past and recent comments motivated by or
15 evidencing religious intolerance.

16 Such remarks, particularly when they are
17 made by American political leaders, have no place in
18 America, a nation founded on ideals of religious
19 freedom.

20 At a recent presentation to the
21 Commission, a U.S. Holocaust Museum historian stated
22 that white supremacy and anti-Semitism were not
23 extinguished 50 years ago after the Holocaust, nor are
24 they extinguished from our current world.

25 The presentation highlighted the danger

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 inherent in fostering hate and allowing religious
2 intolerance to be accepted in public discourse. These
3 dangers do not lie in the distance past but are still
4 with us.

5 For over 60 years, the Commission has
6 stood vigilant against the threats of faith-based
7 bias.

8 As the Commission has unanimously stated
9 previously, our nation's leadership must use their
10 platforms to fight against forces that would seek to
11 divide us on the basis of differences. Today we
12 reiterate that message.

13 Those who use words of intolerance for
14 political gain have not learned the lessons on the
15 true danger of this path. Their actions and choice of
16 words bring discomfort and fear to many, contrary to
17 the values of acceptance we should all champion.

18 We urge all of America's leaders, whether
19 in Congress, the White House, or other seats of power,
20 not to engage in religiously intolerant activity but
21 rather to speak strongly against bigotry and hate
22 wherever it may manifest.

23 Do I have a second for my motion?

24 COMMISSIONER ADEGBILE: Second.

25 CHAIR LHAMON: Thank you. We will now

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 move to discussion of my motion for substitution. Is
2 there any discussion?

3 (Simultaneous Speaking.)

4 Madam Vice Chair, do you want to go ahead?

5 VICE CHAIR TIMMONS-GOODSON: Yes, I was
6 just going to say that what you are proposing very
7 well states -- (Telephonic interference.)

8 And it lacks the personal almost attack
9 that Commissioner Kirsanow's has and I think it has a
10 much better feel and I would be supporting it.

11 CHAIR LHAMON: Thank you. Commissioner
12 Kirsanow?

13 COMMISSIONER KIRSANOW: Thank you, Madam
14 Chair. I prefer my version obviously and I appreciate
15 your effort to come up with something upon which all
16 of us could vote affirmatively.

17 There are two reasons why -- and I
18 actually plan to vote because I suspect, of course,
19 that the motion to substitute is going to be approved
20 and I plan to vote for your statement, despite the
21 fact that I have at least one quarrel with it,
22 probably two.

23 The first is I do think, contrary to the
24 Vice Chair, whose statement I respect, that when we
25 have statements like this, when we have an opportunity

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to do so and we're vigilant about it, we should
2 specifically call out the individuals who are doing
3 it, especially if it's somebody in a position of
4 power. It's been done in the past and I think
5 it's important to do so, especially in this context.

6 Second, there is a statement in the
7 substitute that you proposed that at least I wouldn't
8 agree with and that's that the Commission has stood
9 firm -- where is that? -- against religious
10 intolerance, when I think that, at least from my
11 perspective, the Peaceful Coexistence Report doesn't
12 really comport with that statement.

13 So for that reason I do plan on voting
14 because I suspect that, as I said, the motion will
15 pass for this statement. But I'd also prefer to have
16 an independent vote on the statement that I just read
17 also.

18 CHAIR LHAMON: Is there any further
19 discussion? Commissioner Narasaki?

20 COMMISSIONER NARASAKI: Yes, and I
21 actually want to appreciate Commissioner Kirsanow for
22 raising the issue in the first place. I think it's
23 important for the Commission to be clearer on where we
24 stand on anti-Semitism and I think all of us share a
25 concern about what is happening.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I share, though, the Vice Chair's belief
2 that it is difficult to start calling out individuals
3 and particularly when there are, unfortunately, so
4 many individuals who are making these kinds of
5 statements, we would be spending all of our time doing
6 that.

7 And I note that, for example, there was a
8 recent Tweet by Representative Jim Jordan, who spelled
9 Tom Steyer's name, who's a very noted activist on
10 environmental affairs, with dollar signs instead of an
11 "S" in a statement, a Tweet, about Jewish donors by
12 Majority Leader McCarthy.

13 So, I think rather than get into the
14 business of trying to police every individual, it's
15 important for us to make a general statement and I
16 support the Chair's statement.

17 CHAIR LHAMON: Thank you. If there's no
18 further discussion, I'll take a roll call -- I'm
19 sorry, Commissioner Yaki?

20 COMMISSIONER YAKI: Thank you very much.
21 I want to thank actually both the Chair and
22 Commissioner Kirsanow for raising this important
23 issue. I'm sorry that you two could not reach an
24 accord.

25 I, for one, actually do not mind naming

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 individuals and holding them to account for any
2 actions or statements that they take because I think
3 it is important to ensure that people are called out
4 individually.

5 But I also sympathize with the fact that
6 there is, unfortunately, at this time a lot of people
7 who would qualify for that and we could be here
8 spending a lot of time at all our Commission meetings
9 dealing with this.

10 So I thank the Chair for her leadership on
11 this and I would just note that it is absolutely true
12 that anti-Semitism is despicable, that it is not the
13 province on the high ground for any political party
14 but for all Americans in that many of the recent, most
15 heinous acts of anti-Semitism that have occurred in
16 this country have been perpetrated by white
17 nationalists who we condemned earlier this month.

18 And it is important not to attempt to draw
19 any conclusions about any race, religion or what have
20 you in terms of this. It is a scourge that we must
21 continue to combat wherever we can. Thank you.

22 CHAIR LHAMON: Thank you. Commissioner
23 Heriot?

24 COMMISSIONER HERIOT: I just want to say
25 that that is one of those rare occasions where I agree

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 with Commissioner Yaki that there's nothing wrong with
2 naming people who have made statements of the kind
3 that we're talking about.

4 I'd also like to point out that both
5 statements, both Commissioner Kirsanow's and the
6 Chair's statement, do in fact name names.

7 The Chair's statement does it in the
8 footnotes and I feel like I'm in some parallel
9 universe when people are suggesting that just because
10 it's in the footnote that it's not there. It's there
11 and I think it should be there.

12 So, I also agree with Commissioner
13 Kirsanow that because the statement says that the
14 Commission has stood vigilant against threats of
15 faith-based bias for 60 years, that's just a false
16 statement that we did not do so in peaceful
17 coexistence and I think that is very much to the
18 Commission's shame. I would note that the Chair was
19 not the Chair at that time.

20 And one more point here about the Chair's
21 statement, while it does put the names of the persons
22 in the footnotes, in the text we have the word hate
23 and I think the word hate is much overused today.

24 These were statements that I believe are
25 bigoted but I would not necessarily say that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 statements reflected hatred on the part of the
2 speakers. And so I would not have used that word.

3 Commissioner Kirsanow's statement also
4 uses the word hate but it's in connection with a
5 particular statement about hate crimes and does not
6 attribute hatred to the speakers. Yes, that's right.

7 So, that's all I have to say on that. I
8 intend, by the way, to abstain on all of these because
9 I have not yet examined all of the statements that
10 were made and so I feel like I just need to stay out
11 of this one.

12 CHAIR LHAMON: Thank you, Commissioner
13 Heriot. I appreciate your recognition that I was not
14 here for the Peaceful Coexistence Report.

15 I will note that while I have editorial
16 quibbles with that among other reports that precede my
17 time, it is my view that the report does stand
18 vigilant against religious intolerance.

19 There were particular statements from
20 particular Commissioners that may cross a different
21 line and I know and understand that that was a very
22 contentious report.

23 COMMISSIONER HERIOT: I just want to add
24 that I agree with you that the body of the report was
25 not the problem.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIR LHAMON: Thank you. Is there any
2 further discussion?

3 Hearing none, I'll call the question and
4 take a roll call vote on my motion for substitution,
5 which is the motion that is now pending.

6 Commissioner Adegbile, how do you vote?

7 COMMISSIONER ADEGBILE: Aye.

8 CHAIR LHAMON: Commissioner Heriot?

9 COMMISSIONER HERIOT: I abstain.

10 CHAIR LHAMON: Commissioner Kirsanow?

11 COMMISSIONER KIRSANOW: No.

12 CHAIR LHAMON: Commissioner Kladney?

13 COMMISSIONER KLADNEY: Yes.

14 CHAIR LHAMON: Commissioner Narasaki?

15 COMMISSIONER NARASAKI: Yes.

16 CHAIR LHAMON: Commissioner Yaki?

17 COMMISSIONER YAKI: Aye.

18 CHAIR LHAMON: Vice Chair Timmons-Goodson?

19 VICE CHAIR TIMMONS-GOODSON: Yes.

20 CHAIR LHAMON: And I vote yes. The motion
21 passes. One Commissioner opposed, one Commissioner
22 abstained, and all others were in favor.

23 **VI. DISCUSSION AND VOTE ON THE SUBSTITUTED STATEMENT**

24 **FROM THE CHAIR**

25 That means that now we can resume

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 discussion on the main motion if there's any further
2 discussion, and that is a discussion and vote on the
3 substituted statement that I read aloud earlier.
4 Hearing none, we can now vote on the actual statement.

5 I see a confused look on Commissioner
6 Adegbile's face. We had voted just now on the motion
7 to substitute, to consider it. We're now voting on
8 the actual statement.

9 COMMISSIONER ADEGBILE: Thank you, Madam
10 Chair. It's early.

11 CHAIR LHAMON: Robert's rules of orders.
12 Commissioner Adegbile, how do you vote?

13 COMMISSIONER ADEGBILE: Aye, and it's
14 earlier for Commissioner Kladney, I understand.

15 CHAIR LHAMON: Commissioner Heriot?

16 COMMISSIONER HERIOT: I abstain.

17 CHAIR LHAMON: Commissioner Kirsanow?

18 COMMISSIONER HERIOT: Can I comment,
19 though? There's much that I agree with on this
20 statement.

21 CHAIR LHAMON: Thank you. Commissioner
22 Kirsanow?

23 COMMISSIONER KIRSANOW: Yes.

24 CHAIR LHAMON: Commissioner Kladney?

25 COMMISSIONER KLADNEY: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIR LHAMON: Commissioner Narasaki?

2 COMMISSIONER NARASAKI: Yes.

3 CHAIR LHAMON: Commissioner Yaki?

4 COMMISSIONER YAKI: Aye.

5 CHAIR LHAMON: Vice Chair Timmons-Goodson?

6 VICE CHAIR TIMMONS-GOODSON: Yes.

7 CHAIR LHAMON: And I vote yes. The motion
8 passes. No Commissioner opposed, one Commissioner
9 abstained. All others were in favor.

10 **VII. DISCUSSION AND VOTE ON PROPOSED STATEMENT**
11 **FROM COMMISSIONER NARASAKI ON DREAM ACT OF 2019,**
12 **CIRCULATED BY HER SPECIAL ASSISTANT JASON LAGRIA**

13 We'll now consider another amended
14 business item and that is the proposed statement from
15 Commissioner Narasaki.

16 I'll first turn it over to Commissioner
17 Narasaki to read the proposed statement.

18 COMMISSIONER NARASAKI: Thank you, Madam
19 Chair. The statement without footnotes reads "U.S.
20 Commission on Civil Rights urges passage of the Dream
21 [Development, Relief, and Education for Alien Minors]
22 Act of 2019.

23 The U.S. Commission on Civil Rights
24 welcomes the introduction of the Dream Act of 2019.
25 First introduced 19 years ago, passage of this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 bipartisan legislation is long overdue.

2 The Dream Act recognizes that a country is
3 stronger when all of its members can make economic and
4 social contributions to their fullest potential.

5 The Dream Act would provide the
6 opportunity to earn legal permanent residence and
7 eventual citizenship to the dreamers, undocumented
8 immigrants who are brought to the U.S. as children,
9 built their lives and families here, and are
10 considered American in every way except for their
11 immigration status.

12 Our country has already benefitted from
13 the creation of hundreds of thousands of jobs and
14 increased economic activity of dreamers who have
15 benefitted from the Federal Government's deferred
16 action for childhood arrivals, the DACA program, which
17 allows them to attend college, to serve in the
18 military and start businesses.

19 However, the DACA program only serves as
20 temporary relief from deportation for the dreamers.
21 The current administration has sought to end the
22 program and the future of the DACA program remains
23 uncertain.

24 DACA recipients have relied on promises of
25 the program to great personal risk and threats to end

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the program raise serious access to justice concerns.

2 Without the Dream Act, dreamers continue
3 to be at risk of being exploited in the workplace,
4 deported or prevented from fully contributing to and
5 supporting their families, their communities, and
6 their country.

7 Since the 1960s, the Commission and its
8 State Advisory Committees have chronicled the civil
9 rights implementation of our nation's immigration laws
10 and policies.

11 Lawmakers must work to establish
12 compassionate policies and common sense solutions to
13 allow unauthorized immigrants to continue their
14 contributions to our country without being
15 marginalized and without fear of immediate
16 deportation.

17 The Dream Act is an important first step
18 to a much-needed comprehensive immigration reform and
19 the Commission strongly urges Congress to finally pass
20 this legislation."

21 CHAIR LHAMON: Thank you, Commissioner
22 Narasaki. Is there a motion so we can open the floor
23 for discussion?

24 COMMISSIONER NARASAKI: Yes, I move that
25 we adopt this statement.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIR LHAMON: Thank you. Any second?

2 COMMISSIONER ADEGBILE: Second.

3 CHAIR LHAMON: Thank you. Any discussion
4 on this statement? Hearing none, I'll call the
5 question --

6 COMMISSIONER HERIOT: I should say
7 something.

8 CHAIR LHAMON: Commissioner Heriot?

9 COMMISSIONER HERIOT: I think I agree
10 entirely that we need comprehensive immigration
11 reform. I think almost everybody agrees with that,
12 it's just they don't always have the same idea of what
13 the reform should look like.

14 I also agree that the case of young
15 children that come to the country with their parents
16 illegally, that's a special case and needs to be dealt
17 with maybe separately.

18 But unfortunately, I don't know enough
19 about the Dream Act to be voting on this so I will be
20 abstaining again.

21 CHAIR LHAMON: Thank you. Any further
22 discussion? Okay, I'll call the question and take a
23 roll call vote.

24 Commissioner Adegbile, how do you vote?

25 COMMISSIONER ADEGBILE: Aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIR LHAMON: Commissioner Heriot?
2 COMMISSIONER HERIOT: I abstain.
3 CHAIR LHAMON: Commissioner Kirsanow?
4 COMMISSIONER KIRSANOW: Abstain.
5 CHAIR LHAMON: Commissioner Kladney?
6 COMMISSIONER KLADNEY: Yes.
7 CHAIR LHAMON: Commissioner Narasaki?
8 COMMISSIONER NARASAKI: Yes.
9 CHAIR LHAMON: Commissioner Yaki?
10 COMMISSIONER YAKI: Aye.
11 CHAIR LHAMON: Vice Chair Timmons-Goodson?
12 VICE CHAIR TIMMONS-GOODSON: Yes.
13 CHAIR LHAMON: And I vote yes. The motion
14 passes. No Commissioner opposed, two Commissioners
15 abstained, all others were in favor.

16 **VIII. MONTHLY STAFF DIRECTOR'S REPORT**

17 Next we'll hear from the Staff Director, Mauro
18 Morales, for the monthly Staff Director's report.

19 STAFF DIRECTOR MORALES: Madam Chair,
20 thank you. I have nothing further to add than what's
21 already contained in the Staff Director's report that
22 was provided to Commissioners.

23 I'm always available, of course, to
24 discuss any particular item or detail that a
25 Commissioner may have and I look forward to discussing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 budget items with Commissioners at a point later
2 today.

3 Thank you.

4 CHAIR LHAMON: Thank you, Mr. Staff
5 Director. Commissioner Narasaki?

6 COMMISSIONER NARASAKI: Yes, I know I've
7 been thanking a lot of people at this meeting. It's
8 my last year on the Commission so I hope people will
9 be patient with that.

10 I really just want to add my sincere
11 appreciation to the entire staff of the Commission for
12 the excellent work that we have been producing
13 together. It has not gone unnoticed by lawmakers and
14 people across the country.

15 In addition to the voting report we've
16 been talking about, at multiple conferences I've
17 attended recently I've heard positive and heartfelt
18 appreciation for our Broken Promises Report, which
19 describes our nation's failure to live up to its
20 promises to Native Americans, and as you know, has
21 been mentioned by some of our newest Native American
22 Members of Congress in their efforts to move some
23 legislation.

24 Our report on public education funding
25 inequalities and increasing racial and income

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 segregation continues to be cited as our nation
2 discusses the merits of college admissions.

3 And just this past week, appropriators in
4 Congress relied on our report on fines and fees to ask
5 for appropriations report language to push for
6 resources for local governments to ensure
7 constitutional collections of fines and fees.

8 And our most recent report on excessive
9 police use of force to ask for report language
10 requiring the Department of Justice to return to
11 vigorous enforcement of constitutional policing,
12 including the use of consent decrees.

13 So, I just want you to know that our work
14 is making a lasting impact and I want to thank the
15 Chair and the Staff Director for their leadership and
16 the Staff and our fellow Commissioners for all of
17 their very hard work.

18 Thank you.

19 CHAIR LHAMON: Thank you, Commissioner
20 Narasaki. I work to raise my two children with what
21 we call an attitude of gratitude and yours is
22 certainly a model to follow in that regard. So thank
23 you.

24 We'll now close the business meeting and
25 reconvene in ten minutes, so we will start ten minutes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 early for the public comment period that will follow
2 the close of the business meeting.

3 I'll note that I am recused from the
4 discussion of the topic in the public comment period
5 and Commissioner Yaki, who chairs the Subcommittee of
6 the Commission's focus on that issue, will chair this
7 meeting moving forward.

8 I also will ask that those of you who are
9 seated in the front rows, if you could have a seat in
10 the back so the staff can make sure that individuals
11 who are coming to speak next in the public comment
12 period can sit in those rows and we can move quickly
13 through.

14 But it looks like there's quite a few
15 people have come to participate in the public comment
16 period. So, if there's nothing further I adjourn this
17 meeting at 9:39 a.m. and the Commission will reconvene
18 for the public commentary at 9:50 a.m.

19 (Whereupon, the above-entitled matter
20 went off the record at 9:39 a.m. and
21 resumed at 9:50 a.m.)

22 **IX. PUBLIC COMMENT PERIOD**

23 COMMISSIONER YAKI: Good morning, today is
24 April 12, 2019. My name is Michael Yaki, I'm a Member
25 of the U.S. Commission on Civil Rights.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I am the Chair of the Subcommittee of U.S.
2 Commission on Civil Rights with regards to immigration
3 detention. We are coming to order at 9:50 a.m. East
4 Coast time at the Commission's Headquarters in the
5 Hearing Room located at 1331 Pennsylvania Avenue,
6 Washington D.C.

7 Also present with me at this meeting are -
8 - I am committing the cardinal sin, I'm running
9 through my interpreter. So I will just pause for a
10 second.

11 (Pause.)

12 COMMISSIONER YAKI: I am joined from my
13 left to right by Commissioner Peter Kirsanow,
14 Commissioner Gail Heriot, Commissioner Karen Narasaki,
15 our Staff Director, Mr. Mauro Morales, and
16 Commissioner Debo Adegbile.

17 And on the phone can we have confirmation
18 that the Vice Chair Timmons-Goodson is here? -- Maybe
19 not yet. Commissioner Kladney?

20 COMMISSIONER KLADNEY: Yes, I'm here.

21 COMMISSIONER YAKI: Thank you very much.
22 A quorum of our Subcommittee is present.

23 Is our court reporter present?

24 COURT REPORTER: Yes.

25 COMMISSIONER YAKI: And our Staff Director

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 is present?

2 MR. MORALES: Yes, I am.

3 COMMISSIONER YAKI: The meeting shall now
4 come to order. Before we begin, I would note that
5 this is a Hearing for public comment.

6 As such, normal procedures that
7 Commissioners engage in such as opening statements
8 will be waived.

9 However, with the consent of the Committee
10 I would ask that each Commissioner be allowed to, if
11 they so wish, to present a written opening statement
12 that will be included in the record of this
13 proceeding.

14 Any objections? So done.

15 The Commission's 2015 report, "With
16 Liberty and Justice for All, the State of Civil Rights
17 and Immigration Detention Facilities," addressed the
18 status of undocumented immigrants to this country.

19 Chapter 4 of that report dealt with the
20 status of detained undocumented children to this
21 country but focused mostly on the treatment of
22 unaccompanied children -- I'm sorry, unaccompanied
23 minor children.

24 In July 2018, the Commission voted to
25 reopen its investigation on the conditions of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 immigration detention in response to the
2 Administration's policy of forced family separation
3 and appointed the Subcommittee, which is here today,
4 to examine the issue further.

5 It is important to note that the Inspector
6 General of the Department of Health and Human Services
7 [HHS] released a report in January stating that,
8 quote, the total number of children separated from a
9 parent or guardian by immigration authorities is
10 unknown.

11 And further, that, quote, thousands of
12 children may have been separated during an influx that
13 began in 2017 before the accounting required by this
14 Court. And HHS has faced challenges in identifying
15 separated children, end quote.

16 The fact that these families are in the
17 United States does not in our opinion deprive them of
18 their basic human rights.

19 While DHS, [U.S. Department of Homeland
20 Security], which refused to answer our interrogatories
21 on this issue that were issued in August of last year,
22 and the Health and Human Services, which refused to
23 answer our interrogatories sent last December may not
24 recognize that the Commission has jurisdiction over
25 this issue.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We respectfully disagree and note that
2 national origin discrimination is prohibited under the
3 1964 Civil Rights Act and is part of our statutory
4 mandate.

5 Today, in fulfilment of that mandate, the
6 purpose of today's meeting is to hear from members of
7 the public, including advocates, legal experts,
8 affected persons, and any other individuals who wish
9 to speak on this issue.

10 We are specifically seeking public comment
11 on the changes in policy, procedures, treatment, and
12 impact of the detention and separation of immigrant
13 families detained at the Southern border by the
14 current administration.

15 Before we begin this open public comment
16 session, let me set down a few ground rules for
17 everyone here today.

18 Number one, please tailor your remarks to
19 today's briefing topic, immigration detention centers
20 and the treatment of immigrants.

21 Please state your name for the record. I
22 would note that if you are uncomfortable with your
23 name, just how you would like to be identified.

24 Please also note that the U.S. Commission
25 on Civil Rights has a policy not to what's called

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 defame, degrade, or incriminate any person.

2 That doesn't mean you can't express an
3 opinion but please try and restrain yourself a little
4 bit.

5 Given some of the topics that may come up,
6 I must give this reminder that it has been imposed
7 upon us by the Congress since 1983 that we are
8 prohibited from taking in any information or talking
9 about the issue of abortion.

10 So, those comments cannot be allowed in
11 the record and if necessary, I will have to enforce
12 that restriction.

13 As you note, we have a Spanish language
14 interpreter to interpret these opening instructions
15 and an interpreter will be available for any public
16 comments provided in Spanish into English for the
17 Commission.

18 If you need additional accommodations
19 while speaking, please let one of our staff members
20 know. Also note over to the right we have signage
21 available for those who are hearing impaired.

22 You will each have five minutes to speak,
23 which will be measured by a timer right here. Please
24 notice the box has three lights on it.

25 When the light turns from green to yellow,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that means one minute remains. When the light turns
2 red, you should conclude your statement.

3 If you do not conclude, I will be forced
4 to do the terrible thing of cut off your microphone
5 because there's so many people in this room and we
6 want to make sure you're heard.

7 However, for individuals using
8 interpretation services, you will get the additional
9 time if necessary, extending to a full five minutes
10 for the interpretation.

11 That does not mean that you can bring up
12 an interpreter, not use them, and take ten minutes.

13 Given the limited time we have and as you
14 know, we've actually expanded the time as originally
15 intended, we are here to listen and not engage in
16 questions or discussions.

17 However, if a witness ends early or wishes
18 to take questions within their time limit, I may
19 exercise discretion and recognize a Member of the
20 Subcommittee to ask a question.

21 But I will cut it off when the time limit
22 is reached in fairness to everyone else who is here.

23 Even though we are limited in time, if you
24 cannot finish or you would like submit additional
25 information, we encourage you to do so by mailing or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 emailing any additional written material to us at the
2 addresses provided on the information sheets that are
3 available outside by Monday, May 13th.

4 While awaiting your turn, please sit in
5 the numbered chair that corresponds to your ticket.

6 In order to reduce time between speakers,
7 we are going to ask people to move forward to the
8 microphones while people may still be speaking.
9 Please don't be distracted by that.

10 Our wonderful staff will be there to help
11 you do this little dance.

12 Finally, I want to thank the staff, the
13 Staff Director, and Pam Dunston, for all the great
14 work they've done in setting up this public comment
15 today.

16 There may be times when some of us may
17 leave the room and come back. Please don't be
18 distracted by that, we're not trying to be rude, there
19 are just other things going on. And so continue with
20 your statement unless I direct you otherwise.

21 With that, we will begin and we will begin
22 with our first speaker. I believe we're starting from
23 this end of the table and moving that way.

24 Ms. Losmin Jimenez, if you would state
25 your name? And you have five minutes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. JIMENEZ: My name is Losmin Jimenez,
2 I'm the Project Director and Senior Attorney for
3 Immigrant Justice at Advancement Projects National
4 Office in D.C. Advancement Projects is a multi-racial
5 civil rights organization.

6 Our immigrant justice project supports
7 grassroots organizations and litigation, advocacy,
8 organizing, and communications to build power in their
9 local communities by working to dismantle racist
10 policies that result in the criminalization of
11 migration.

12 In our work, we conducted two stakeholder
13 visits at immigration detention centers, the first in
14 August 2018 at Eloy Detention Center in Eloy, Arizona
15 and the second in April of 2019, just last Tuesday, at
16 York County Prison in York, Pennsylvania.

17 This was in partnership with Puente Human
18 Rights Movement in Arizona, and Juntos and Case San
19 Jose in Pennsylvania. At both prisons we witnessed
20 firsthand the inhumane and deplorable conditions in
21 which this country cages immigrants and those serving
22 criminal offenses.

23 It's important that people understand
24 today what we saw and heard. I also speak from my
25 experience having represented adults in immigration

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 detention in Florida, and unaccompanied minors in
2 Baltimore.

3 Immigration detention by its very name is
4 misleading. It's not detention, it's prison. The
5 immigrant detention centers are like the bits and
6 pieces of mass incarceration that dehumanize
7 individuals at every level.

8 At Eloy Detention Center, which is run by
9 a private prison corporation, halfway between Tucson
10 and Phoenix, we witnessed a lot of atrocities that
11 day. It was a typical day in Arizona, it was over 100
12 degrees.

13 We visited the facility and then met with
14 people who were detained there. We had the
15 opportunity to see a woman who was seven months
16 pregnant and almost in her eighth month.

17 She told us she was always very hungry and
18 she'd lost weight in detention. ICE [U.S Immigration
19 and Customs Enforcement] told us that she received a
20 high-protein diet. We learned that the high-protein
21 diet was just an extra piece of bread and cheese in
22 addition to the three daily substandard meals she
23 could barely eat.

24 We saw a man who had Down syndrome in a
25 special needs unit, which is segregation. We saw and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 heard from people about the inhumane work conditions,
2 poor food quality, lack of medical care, and brutality
3 of solitary confinement.

4 We saw people in detention at Eloy working
5 to clean, to paint, to cook, to landscape in the hot
6 desert sun. These voluntary jobs are paid \$1 a day
7 while the corporation gets over \$73 a day from ICE.

8 When we passed by the kitchen, we saw that
9 most of the kitchen staff were people who were
10 detained as well. We heard stories of rancid bread,
11 expired food, putrid water, and medicine that seemed
12 like it came from a dollar store.

13 We saw cages that are used for outdoor
14 recreation and we heard about people having to wear,
15 because that's what's provided, yellow, dingy,
16 sometimes bloodstained underwear as part of their
17 daily existence at this prison.

18 On our tour at York last week, we
19 encountered some very similar things. Now, York is
20 different in that it's a state-run facility where ICE
21 runs about half the beds.

22 On the day of our visit, we were aware
23 that 690 immigrants are detained at York. The total
24 capacity is 1500. Unlike Eloy where people are in
25 two-person cells with bunk beds, at York there's just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a giant room with 60 bunk beds, open, where everyone
2 sleeps.

3 And there was several pods like these at
4 the facility. We saw one of these rooms, we walked
5 through them. Not only are all of the beds in the
6 open, but so are the toilets and showers.

7 There are no curtains, there is no
8 privacy, meaning everyone who's detained has to
9 urinate, defecate and bathe in full view of everyone
10 else.

11 The people who are detained there for
12 immigration purposes are treated exactly the same way
13 as people who are there serving their criminal
14 sentence. There is no distinction.

15 We heard some of the same complaints,
16 inhumane work conditions, poor food quality, and lack
17 of basic medical care. This is not an anomaly, this
18 is the norm.

19 We believe that the detention of
20 immigrants must end today and that the United States
21 should move away from an enforcement approach to a
22 humanitarian approach to migration, and work with
23 organizations like the Red Cross rather than private,
24 punitive, for-profit corporations.

25 Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 COMMISSIONER YAKI: Thank you. Next
2 speaker?

3 MS. SCHAETZEL: Hi, I'm Ann Schaezel,
4 very unexpert, but from concerned groups, including
5 the national group, Grannies Respond, and New York
6 City grassroots group, Don't Separate Families.

7 We thank the Commission's for a crucial
8 public examination of this shameful ongoing treatment
9 of people seeking sanctuary in the United States. I,
10 myself, went on the Grannies Respond caravan last
11 summer to McAllen, Texas.

12 We rerouted our caravan to Dilley, Texas
13 because we heard as we entered Texas that a child had
14 died shortly after being released from Dilley.

15 And I just wanted to say as an observer
16 from the Northeast going to these detention centers --
17 we went to Dilley, we went to Tornillo, we went to
18 Homestead -- they are isolated, they're far from
19 public view, they are places where if you didn't know
20 that -- we had to search for Dilley, a giant complex.

21 And it was an unmarked enormous collection
22 of buildings that were heavily guarded, we were chased
23 away from the parking lot of this facility, and we
24 understand that there is a court embedded in this, an
25 immigration court embedded in the facility but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 absolutely inaccessible to the public.

2 My view is totally as an outsider but as
3 someone who just feels that, as a citizen, this
4 treatment of sanctuary-seeking immigrants is something
5 that no citizen can tolerate.

6 The Dilley facility reminded me of nothing
7 more than the Ethiopian resettlement camps that I saw
8 in 1980. There is the same feeling of oppressive,
9 enforced isolation.

10 I also drove to Antelope Wells, New
11 Mexico, days after the death of another child, Jakelin
12 Caal Maquin, and I spent the week of Christmas in
13 Tornillo, Texas with a project that is called Witness
14 Tornillo started by a member of our group, which is
15 trying to bring public attention when there isn't
16 official revelation of the facts of these facilities.

17 And again, Tornillo is out in the middle
18 of nowhere. Finally, I spent time in Homestead,
19 Florida, where, after the closing of Tornillo, it's
20 now the largest child detention center in the United
21 States.

22 I would like to read a statement by a
23 remarkable man, Joshua Rubin, from Witness Tornillo.
24 He camped out outside Tornillo for three months and in
25 the absence of any other public interest at the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 moment.

2 And after that detention camp closed, he
3 spent another six weeks outside the Homestead
4 detention center. This is Joshua Rubin's statement.

5 COMMISSIONER YAKI: You have less than a
6 minute left.

7 MS. SCHAEZEL: I can finish. Okay, I'm
8 going to pass it onto my colleague. I've spent the
9 past several months of my life standing outside
10 detention camps built on federal land to constrain
11 what was known as unaccompanied alien children.

12 These are children that have either been
13 separated at the border from family members or
14 friends, or in rarer cases, they came alone. For the
15 most part, they did not want to come.

16 We've seen from the art produced by these
17 children that they loved their homes, they were forced
18 to leave by threats of violence and abject poverty.

19 That these camps are on federal land
20 allows the private agencies hired to run them to skirt
21 state requirements for child welfare like decent
22 education and background checks for employees.

23 COMMISSIONER YAKI: Okay, thank you very
24 much. Next speaker. I appreciate everyone sticking
25 to the time, thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. SEILER: My name is Margaret Seiler
2 and I'm an educator from Brooklyn, New York and a
3 volunteer with Don't Separate Families, the same group
4 that Ann is with and also Joshua Rubin. And I will
5 continue reading Joshua's statement.

6 The Federal Government also argues, and
7 its arguments have so far prevailed, that the
8 requirements of the Flores Settlement do not apply to
9 these large detention centers such as in Homestead,
10 Florida, right now. The Flores Settlement would limit
11 the confinement of these children to 20 days in what
12 the settlement calls the least restrictive
13 environment. Children would stay only long enough for
14 contact to be established with their families and
15 friends and they would be placed appropriately. But
16 here, at such places like in Homestead, Florida, and
17 what was at Tornillo, Texas, the stays of these
18 children are as long as ten months, and the children,
19 aged 13 to 17, have the IDs hanging from their necks
20 scanned as they move from place to place, tent to
21 building, in single file.

22 They are prisoners. Although they have
23 committed no crime, they live under conditions
24 considerably worse than any other prisoners. There
25 are no regular visits. They cannot send or receive

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 mail. They have no idea about the length of their
2 sentence. And we have learned from interviews with
3 released children, they are threatened with more time,
4 longer prison terms if they misbehave.

5 I and others stand to watch them outside
6 the fences of the prison. Many dare to wave and call
7 out. We, the volunteers have called to them (foreign
8 language spoken) you are not alone. Recently a boy
9 called back (foreign language spoken) I am alone.
10 Another asked us to set him free. We hear their
11 voices. We see their faces. Boys and girls who have
12 had their lives put on hold, separations that experts
13 tell us will do them life-long damage.

14 This prison is in Homestead, Florida.
15 Open your eyes. Listen to their voices. They are
16 calling out to you.

17 And to just extend on to that, as you
18 probably know, the Homestead, Florida facility is a
19 for-profit detention center, which has recently grown
20 to about 2,200 13- to 17-year-olds and apparently,
21 they want to expand even more.

22 I am also here to represent the Immigrant
23 Families Together, which is a network of Americans
24 around the country committed to rapid response
25 unification of families separated by the recent zero

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 tolerance policy. And I want to read a statement from
2 Julie Schwietert Collazo, who is the co-founder of
3 Immigrant Families Together. And if I have time, I
4 will say some more.

5 Immigrant Families Together has, to date,
6 posted bond -- these are just regular Americans who
7 had to come together to help solve this problem. IFT
8 has, to date, posted bond for more than 70 parents,
9 grandparents, and older siblings who were separated
10 from children because of zero tolerance, which as we
11 all know has not ended. It continues. The majority
12 of these adults were detained at Adelanto in
13 California or Eloy in Arizona, although we have also
14 posted bond for adults detained in Texas, Missouri,
15 New York, and New Jersey.

16 Regardless of the location, we have heard
17 a litany of horror stories about the physical and
18 psychological conditions in ICE detention facilities.

19 Common stories include having been issued not just
20 used but soiled undergarments upon intake; being
21 served cold, undercooked, or spoiled food; being
22 denied adequate medical care -- the stock ICE sickbay
23 prescription seems to be a Tylenol and water; being
24 denied adequate feminine hygiene products; and if
25 detained with children, being denied adequate diapers.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 These are the routine stories.

2 Worse: The mother who was detained and
3 couldn't eat, who vomited constantly, who vomited
4 blood, and who was told by ICE -- this is a story
5 corroborated by her cellmate -- that she should just
6 take a Tylenol and drink water.

7 Upon her release, she was diagnosed with
8 cancer of the esophagus and has been given a very poor
9 prognosis. The admitting doctor reported that had she
10 received the appropriate care or referral in
11 detention, her prognosis would likely have been
12 better.

13 This is not an outlier case and these are
14 just anecdotes about a few of the cases of physical
15 mistreatment or neglect.

16 There is also the issue of psychological
17 mistreatment; of guards who speak Spanish but refuse
18 to speak in detainees' language; of the isolation of
19 detained women who speak only indigenous languages;
20 the prohibitions against detained women touching one
21 another, even to hug or braid each other's hair --

22 COMMISSIONER YAKI: I'm sorry, your time
23 is up.

24 MS. SEILER: -- and the constant stream of
25 insults.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 COMMISSIONER YAKI: Thank you.

2 MS. SEILER: Thank you.

3 MS. JAMES: Good morning. My name is
4 Chelsea James and I am a senior Spanish major at
5 Howard University. I came to talk about a recent trip
6 that we were able to take to volunteer in Tijuana,
7 Mexico with migrants who were attempting to cross in
8 the PedWest Crossing at Tijuana.

9 So first of all, we were there conducting
10 Know Your Rights seminars to help immigrants
11 understand their rights in the asylum-seeking process
12 and to understand the actual process of seeking
13 asylum.

14 We were tasked with informing them about
15 the possibility of family separation because a lot of
16 the migrants did not know that that was a possibility
17 that they could be separated from their spouse or from
18 their children when attempting to cross, and
19 explaining to them the (foreign language spoken), the
20 ice box and the cold conditions that they would have
21 to face in the detention center when they first
22 crossed the border. We were told about children who
23 actually suffered respiratory issues due to the cold
24 temperatures and the lack of any type of warmth or
25 blankets provided to those migrants.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And we also had to tell them about
2 indefinite detention, that when they got to the United
3 States we couldn't tell them exactly how long that
4 they would be detained or where they would be
5 detained. Even if they had family in the United
6 States, they wouldn't necessarily be able to stay with
7 the family. They would be detained until the
8 Government decided that they shouldn't be.

9 And then we also talked to some people who
10 were returned to Mexico and told to stay in Mexico and
11 had to deal with their anxiety with how to build a
12 case in Mexico with documents that are all in Spanish,
13 and how to translate those, and where to get legal
14 advice.

15 But all of these factors and issues were
16 not a deterrent for these migrants. Everybody still
17 was determined to cross the border because they knew
18 that where they were in Mexico, they were not safe.
19 So I just think that's important to stress because
20 these impediments have been put in place by certain
21 lawmakers because they said that it would be a
22 deterrent for people to cross the border but it's not
23 because these families are running for their lives.

24 So I just wanted to stress that these
25 families are running for their lives, this is not a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 deterrent, and thank you.

2 COMMISSIONER YAKI: Thank you very much.

3 Just a quick housekeeping comment and you
4 might want to help on this. I know a lot of you have
5 statements that you would like to read that were from
6 other people. That's great. You can also just submit
7 them separately in the entirety so that it is not cut
8 off and it will be included in the record. And just a
9 suggestion: If you know the statement is long, you
10 might want to -- because you can submit the entirety
11 separately, you might just want to edit and make sure
12 that the big finish isn't cut off by me going time is
13 up. So, you might want to do that in order to help
14 make the point a little bit better. Okay, we will
15 continue.

16 MS. BEDELL: Good morning, Commissioners.

17 I thank you for this opportunity to speak. My name
18 is Briones Bedell and I am a high school student from
19 California.

20 It was well-documented by the Commission
21 in 2015 that there has been some degree of
22 noncompliance of the Performance-Based National
23 Detention Standards in detention centers. Based on my
24 observations in [redacted], I can infer that the lack
25 of compliance with PBNDS Standards [Performance-Based

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 National Detention Standards] continues in detention
2 centers, particularly in the area of medical care.

3 This [redacted] center is the first stop
4 for many Central American asylum seekers, who are
5 dropped off by government-funded buses, directly after
6 being released from detention. Based on the number of
7 people that arrive at the [redacted] center with
8 significant illness, with some that require treatment
9 within hours of arrival, I suspect that detainees may
10 not be receiving the continuity of medical care that
11 is required by law prior to their release.

12 On February 18th, 2019, during a 14-hour
13 shift, I witnessed over 700 refugees pass through this
14 [redacted] center. I remained at this center well
15 into the early morning hours attempting to remedy
16 medical situations that ranged from minor to life-
17 threatening. A significant minority, mostly children,
18 came to the center with no shoes. Several people were
19 suffering from infected blisters and ingrown toenails.

20 One young girl approached me with chigger bites up
21 her legs and on the soles of her feet, which had
22 become infected. Many were showing signs of
23 dehydration and, in place of ChapStick, I was forced
24 to prepare Q-Tips with Aquaphor for the cracked and
25 bleeding lips of almost everyone that I talked to.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 A man pleaded with me to give him blood
2 pressure medicine, saying that they took his
3 medication in detention. If this is true, this is a
4 violation of PBNS Section 4.312, which states that
5 detainees with chronic conditions shall receive care
6 and treatment as needed that includes monitoring of
7 medications.

8 By the end of the night, I had assisted
9 almost 300 people, armed with nothing other than a
10 translator and a cabinet of cold medicines and pain
11 killers, many of which were expired. When a
12 translator wasn't available, I relied on gestures to
13 try to understand their symptoms. At one point, I ran
14 low on dosing cups and had to wash them in-between
15 uses.

16 Despite feeling unqualified, I feared that
17 inaction would be just as irresponsible.

18 The most serious illnesses that I
19 witnessed were involving three children. Their
20 parents were reluctant to leave the [redacted] center
21 to seek urgent care. Furthermore, the language
22 barrier posed a challenge in advocating for the health
23 of their children. Two mothers with young boys aged 2
24 and 4 asked for help after their children had been
25 suffering from fevers, congestion, and nausea. Due to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 their being no established protocol, I Googled the
2 nearest urgent care center that was still open and it
3 was only after I assured the woman that they would be
4 allowed back into the center that two other volunteers
5 accompanied them to the office. Afterward, the doctor
6 confirmed that these cases could have quickly
7 escalated into an emergency.

8 Another young boy, age 6, was screaming,
9 thrashing, and attempting to bite due to what appeared
10 to be a very high fever. The boy's father stated that
11 his son had never had medicine before but needed it
12 now. After several failed attempts of administering
13 fever reducer, I resorted to applying a cold washcloth
14 to his forehead over the course of two hours,
15 utilizing an office Tupperware bin which was the only
16 container that I could find that could hold water in
17 the facility.

18 Why are these refugees arriving at this
19 [redacted] center requiring urgent medical care only
20 hours after being released from a detention center?
21 What I would also like to know is how a 16-year-old or
22 anyone for that matter can walk into a respite center
23 and be expected to make split-second decisions
24 concerning medical problems. It is not only unfair to
25 place untrained volunteers in that position, but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 unethical to let these refugees feel that they are in
2 a place that can adequately handle their needs.

3 My intention is not to criticize the other
4 invaluable services that this respite center does
5 provide. I implore the Commission, however, to
6 further investigate the adherence to PBNDS medical
7 standards in detention centers, particularly in the
8 case of children. With the detention centers being
9 overwhelmed, we can assume that liminal spaces, such
10 as the respite center, are equally overwhelmed dealing
11 with gaps in care and are doing so with fewer
12 resources.

13 Thank you.

14 COMMISSIONER YAKI: Thank you.

15 I'm going to exercise my prerogative as
16 chair to say you're a high school student? Wow.

17 MS. BEDELL: Yes, thanks.

18 MS. PERRY: My name is Amy Toran Perry and
19 I lived in El Paso when the internment camps went up
20 and --

21 COMMISSIONER YAKI: Just one second. Can
22 you just pull your mic a little bit closer?

23 MS. PERRY: First of all, I am very
24 concerned that I am going to be taking up the time of
25 someone who is actually served time in a detention

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 center, so I am going to go really quickly and just
2 submit what I was going to say.

3 I am with Military Families for Families.

4 I lived in El Paso when the internment camps when up.

5 We only lived there for one year. My husband was at
6 a school there. And we were shocked to see the
7 internment camps go up and discussed it.

8 We immediately started helping out through
9 organizations in El Paso, which have been now, I would
10 imagine after seeing photos under the bridge, I don't
11 know if you all have seen those, I would imagine they
12 are thoroughly depleted of resources there by now.

13 At the beginning you said that you do have
14 jurisdiction over the statutory mandate. So I'm
15 wondering how many of you have actually been to a
16 detention center on this committee. Some of you have
17 not. I really encourage you to go.

18 I'm going to submit this article. It's an
19 open letter from retired U.S. military generals, flag
20 officers about the use of military bases to detain
21 immigrant families. This is from last year. They are
22 bringing up the idea again. So I am submitting that.

23 This is an environmental study written by
24 Earth Justice called Toxic Cages. It is written about
25 the superfund sites that they want to put the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 detention centers on military posts, which are un-
2 remediated superfund sites. And that article is right
3 here. I'm going to submit that as well, as well as
4 submit all of my comments of thorough disgust and
5 disappointment with our government and all of the
6 committees that have provided oversight -- or the lack
7 of oversight, I should say, and I am sorry, as well as
8 your own.

9 If there are people on this committee that
10 have not been to a detention center, I find that
11 extremely upsetting. I have talked to Members of
12 Congress who have not visited detention centers,
13 particularly the Homestead Center, which is an
14 unlicensed facility.

15 And that's all I have to say.

16 COMMISSIONER YAKI: Thank you very much.

17 Just quickly in response, some members of
18 the committee were not in 2015 when we did do the
19 report. And practically all of them did go down to
20 that. And there are budget constraints that we have
21 that are different than other agencies in the ability
22 to go and take a field trip.

23 MS. PERRY: I am a military spouse. I
24 have budget constraints as well.

25 COMMISSIONER YAKI: I understand.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. PERRY: It's very important.

2 MS. REESE: Good morning, everyone. Can
3 you hear me?

4 May name is Rhonda Reese. I am with the
5 Alliance for Family Reunification. We are a non-
6 profit alliance of people of conscience representing
7 also people of various faith traditions as well, or no
8 faith tradition, and we formed in response to learning
9 children that had been separated from their parents.
10 We are in Virginia and particularly, we formed quickly
11 when we learned of minor children that were being held
12 at the Youth for Tomorrow facility in Bristow,
13 Virginia.

14 We formed because we are outraged at the
15 fact that children are actually being separated from
16 their families. And then when we also learned that
17 there are also other facilities in Virginia, like the
18 Staunton Shenandoah Valley Juvenile Center, where
19 there have been allegations of abuse, use of drugs,
20 restraints, mesh bags over the heads, and restraints
21 over children there.

22 Once this was learned, there was outrage
23 on that and Governor Northam said we will do an
24 investigation of this. And when the report came back,
25 they were found to have been operating under normal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 procedures. I have a problem with that, knowing that
2 if I were to do any of that to any of my kids,
3 certainly there would have been a call made to -- what
4 is it -- Child Social Services. No.

5 We find that there is lack of
6 transparency, even with the -- when we were trying to
7 find out the fate of the children that were held at
8 the Bristow facility, even when we would talk to our
9 Senators and Congresspeople, you know there is no
10 transparency. They wouldn't tell us when we would
11 call. They wouldn't really tell them. And they even
12 only got access only after the outrage -- only after
13 the outrage. And this is -- I can't.

14 Anyway, so this policy -- and since then I
15 have been active, our group has been active in going
16 to hearings, Congressional hearings and hearing about
17 how these children are getting separated. We are
18 learning that children are being deported without
19 their parents and parents are being deported without
20 their children. We are also learning that children
21 are getting adopted. They have parents but they are
22 getting adopted. How can we do this? How can we do
23 this?

24 And then I was particularly astonished to
25 hear about how the process at which people are being

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 detained by people who aren't experts in knowing who
2 should be separated. They are making these split
3 decisions and separating these kids and putting them
4 in these facilities and even with pre-verbal children.

5 There is no way that they can get together because
6 they weren't giving them IDs so they know that this
7 person goes with that person.

8 So I can't even -- but anyway. So I am
9 just letting you know that there are a lot of us, a
10 lot of Americans that aren't happy with this. I am
11 just one but there are many of us that know that this
12 is wrong and we really need to do something about this
13 and consider not only the impact, which is already
14 horrible enough, and un-American enough that we are
15 doing to these families, but we haven't thought about
16 the impact to us, and our identity, and our humanity.

17 This is eating us, too. And these people who are put
18 in these positions to do this, the people at these
19 detention -- enforcing these horrible practices at
20 these detention centers, at the border, and so on.
21 We've got to do something about it.

22 You know I just -- I probably should stop
23 talking but really, it's for the sake of our own
24 humanity. It is antithetical to what we are as
25 Americans. We are reliving, we are redoing the same

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 thing what we did to the Japanese in detention center
2 -- the internment camps, the Native Americans to
3 African Americans. We are repeating it. Enough.
4 Enough. Enough. I hope you guys have some power and
5 impact because a lot of us want to see this stopped.

6 COMMISSIONER YAKI: Thank you. Next
7 speaker.

8 MS. WADHWA: Good morning. My name is
9 Amisha Washwa and I am a high school senior from
10 California. I would first and foremost like to thank
11 the United States Commission on Civil Rights for
12 granting me this opportunity to share my thoughts,
13 observations, and experiences on the topic of
14 immigration detention centers and the treatment of
15 immigrants.

16 About a month ago, the week of President
17 Trump declaring the national emergency, I had the
18 opportunity to fly down to the southern border in an
19 academic pursuit known as a field study, with the
20 purpose of exploring and observing the situation
21 occurring for myself.

22 Although I interviewed locals, Border
23 Patrol agents, and even the public defender of
24 Brownsville, my most impactful conversations were with
25 the refugees, themselves, fleeing their home countries

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in the Northern Triangle. I was in Matamoros, Mexico,
2 a few feet away from our southern border, where I saw
3 a group of 35 Latin American refugees. I saw children
4 playing soccer with empty soda cans and parents were
5 in line to pick out dinner and clothing that we had
6 brought with us as donations.

7 I had dinner with Marcenia (phonetic), a
8 woman who was dressed in rags and who clearly hadn't
9 showered in days. My conversation with her revealed
10 that Marcenia was in fact a professor from Honduras
11 and had to leave her profession, home, and family
12 behind to try to seek asylum in the United States.
13 She had given up half of her dinner to a two-year-old
14 that was sitting nearby. When asked if that was her
15 daughter, the professor replied that, under these
16 circumstances, everyone became family.

17 That two-year-old was named Margarita, who
18 was part of (foreign language spoken), or the family
19 of 14. I soon came to the understanding that the
20 family of 14 actually used to be a family of 16 but
21 Margarita's parents were brutally shot in front of her
22 on the track from Honduras to the border, yet there
23 was no sense of counseling or emotional support
24 whatsoever provided to anyone in the family.

25 Margarita spent her days in a windowless

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 room with the other refugees, held on the Mexican
2 border and unable to reach the USA and claim asylum,
3 as the law mandates. Each day, the agents would call
4 out two or three serial numbers, who would get to
5 cross the border and claim asylum. Families were
6 often broken up and there was a period of as long as a
7 week that no numbers were called at all.

8 It became clear to me that there didn't
9 seem to be a system of orderly conduct, oversight, or
10 accountability. Throughout this tragedy and chaos,
11 Margarita still found the courage to smile, make
12 friends, and didn't hesitate in treating me as if I
13 was her older sister, racing together and playing tag.

14 That day, like Marcenia said, we all became family.

15 Upon making it across the border and
16 claiming asylum, many refugees are shuttled into a
17 respite center, after spending days and even weeks in
18 a detention center. My first day at the respite
19 center felt like I was sucked into a vortex, as any
20 sense of time escaped me. What was supposed to be a
21 short volunteer opportunity soon turned into a 15-hour
22 emotional saga, as I took in what was happening around
23 me.

24 Every hour, dozens of new refugees arrived
25 at the center, scared, confused, and helpless hours

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 just from leaving the detention center. I saw mothers
2 using twist ties as shoelaces. I saw fathers
3 struggling to secure basic necessities for their
4 families. I saw babies crying for any sense of
5 security or sanitation. And I saw girls younger than
6 me pregnant with their rapists' babies. Everywhere I
7 looked, the center was overcrowded and riddled with
8 sickness, weariness, and confusion.

9 As I was making a round of the back of the
10 center, I saw a young boy of about four years coughing
11 and holding onto his mother. Placing my hand on
12 Javier's forehead, I knew that his burning fever
13 wouldn't simply wear off with time. We drove him
14 immediately to the emergency room, where I translated
15 the forms for his mother, while Javier and I watched
16 Wheel of Fortune in the waiting room. We got a
17 doctor's glove and blew it up, forming a makeshift
18 balloon of sorts. After a lengthy examination, the
19 doctor prescribed heavy antibiotics for Javier and
20 urged that we buy medications immediately. This was
21 hours after being released from a detention center.

22 As we left in pursuit of a pharmacy that
23 could fill the prescription well past midnight, Javier
24 gasped in excitement from the back seat. He had just
25 seen the golden arches of a McDonald's, which would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 soon become our dinner.

2 The asylum and immigration process here is
3 extremely long and arduous. Because of time
4 restraints today, I haven't even gotten to (foreign
5 language spoken) or ice boxes, where detainees are
6 sent to windowless rooms in freezing temperatures to
7 try to get them to waive their claim to asylum. I
8 haven't even gotten to child separations that are
9 occurring at the border, with children still unable to
10 find their parents to this day.

11 Today, I speak on behalf of Margarita, on
12 behalf of Javier. I shared their stories with you to
13 demonstrate that, at the end of the day, these
14 children are just that, children who want to play tag
15 and search for a toy in their Happy Meal. The
16 families left everything in a split second and
17 followed the legal processes to a tee, yet they are
18 still being treated as non-human, alien political
19 bargaining chips.

20 I urge this committee to take action.

21 Thank you.

22 COMMISSIONER YAKI: Thank you.

23 After Briones and Amisha, I think I was
24 just a complete slacker in high school.

25 Next speaker.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. CHINCHILLA: Good morning, Mr. Chair
2 and members of the Commission. Thank you very much
3 for this opportunity. My name is Olivia Chinchilla.
4 I work with an academic non-profit.

5 Amisha, and Briones, and I, and a number
6 of others went down to the border on this field study,
7 however, we are here of our own volition.

8 So I wanted to begin with two words, two
9 words that one of the members on the bridge, one of
10 the people on the bridge I met shared with me. We
11 were standing together and she said, in English
12 because I don't know Spanish and we were just talking
13 -- we were trying to talk -- and she said it's
14 beautiful. And I was a little confused because we
15 were standing right by a dumpster, a lot of mud, the
16 soccer balls were getting dirty, and it wasn't the
17 most beautiful night outside but she repeated it and
18 then pointed to me. And she meant to say you're
19 beautiful and she was referring to the act of bringing
20 food to them on the bridge. All of these people were
21 there eagerly waiting and just waiting for some news
22 of what they could do and yet, despite all that they
23 had gone through, Patricia, the girl that said it's
24 beautiful, she was 16 years old, had a several-month-
25 old child that was conceived of rape. And she was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there and yet she was choosing to focus outward and
2 really just had this hope, this expectation that she
3 could make it into the United States and would receive
4 some sort of kindness and support in that moment.

5 And so I don't think I have ever, in my
6 entire life, in that moment realized or like expected
7 how grateful people would be just to receive a roll of
8 toilet paper. As I handed out a roll of toilet paper,
9 people were so excited and thankful. It just shows
10 how much a lot of these immigrants lack in their basic
11 necessities, and yet they are trying to seek asylum
12 and being stopped right there at the border.

13 So I am very deeply disturbed with a lot
14 of the developments in these detention facilities,
15 particularly that the immigrants are treated as
16 prisoners, that there are reports of sexual assault
17 and abuse, and also that they lack mental health
18 resources.

19 We did have an opportunity to go and see
20 outside of the Southwest Key's facility in
21 Brownsville, Texas, which was, and perhaps still is,
22 one of the largest child detention facilities. And it
23 was actually in an abandoned Walmart. So it was
24 really weird because the facade of the building had
25 been like re-plastered with Southwest Key's program

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 but you could still see where Walmart had been
2 scratched off.

3 And we weren't allowed into the facility.

4 As a number of others have mentioned, these
5 facilities are very closed off either to members of
6 policymakers, members of the public, and these are
7 often private facilities, which is very deeply
8 disturbing.

9 In California, actually, where I'm from,
10 does have one of the highest number of detention
11 facilities, as well as number of detainees, and they
12 have open investigations into some of these instances
13 where reported suicides weren't reported -- or
14 attempted suicides weren't reported or where mental
15 health resources were not given. And these are the
16 most vulnerable members of society that are seeking
17 support from the United States. And they need the
18 support. They don't need more harm from something
19 like sexual assaults or abuse.

20 Another story I would like to share with
21 you, when we were speaking with one of the advocates
22 for immigrants in Texas, he mentioned a story where he
23 was interviewing a child and the child said oh, my
24 name -- and he was separated from his parents -- he
25 said oh, my name; my nickname is Grandpa. He said why

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 is your nickname Grandpa and someone else's nickname
2 was Grandma, someone else's was Mom, someone else's
3 was Dad. And it was because these children without
4 their parents had actually formed their own community,
5 their own family in prison or prison-like detention
6 facility. And something like that is just so
7 incredible, it sent a shiver up my backbone. It is so
8 incredibly disturbing to think that these children do
9 not have access to their parents and then lack the
10 resources within these detention facilities.

11 Another story, when we were at this
12 respite center, I helped a number of immigrants get to
13 the airport. And as we were leaving the parking lot,
14 as I was driving them out of the parking lot, one of
15 the ladies crossed herself. And I looked at her and I
16 didn't really know Spanish but I just kind of placed
17 my hand on my heart to let her know that it would be
18 all right. But just the enormous trust that they are
19 placing in someone -- someone in the United States to
20 help them get to the place where they can seek asylum
21 from these horrific things that they are fleeing in
22 their country is something that we should just take
23 seriously.

24 Recently, I was in a Spanish-speaking
25 country and as I was leaving an appointment from the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 U.S. Embassy, I noticed that on the wall there were
2 two panels. One was the Declaration of Independence
3 in English and the other was the Declaration of
4 Independence translated into Spanish. And we all know
5 the Declaration. It starts with we hold these truths
6 to be self-evident that all men are created equal.
7 All are created equal and yet, in today's day and age,
8 it is not so self-evident and we can't feign ignorance
9 or lack of knowledge. It is incumbent upon all of us
10 to do something about it, whatever it is. And for me
11 it is flying here to speak to you but you have it in
12 your hands the power to literally investigate this and
13 make a claim to help protect those and to make it
14 truly beautiful for all in the United States.

15 Thank you.

16 COMMISSIONER YAKI: Thank you.

17 Next speaker.

18 MS. ORTEGA: My name is Ishalaa Ortega. I
19 am a full-time student --

20 COMMISSIONER YAKI: Can you not speak
21 straight -- if you could, lean back.

22 MS. ORTEGA: Okay.

23 COMMISSIONER YAKI: There is a lot of
24 feedback.

25 MS. ORTEGA: My name is Ishalaa Ortega. I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 am a full-time student and I have a full-time job as a
2 care coordinator in a health center. I am an
3 immigrant woman of Trans experience and an asylum
4 recipient.

5 Today I am here with Immigration Equality,
6 an organization leading the national LGBTQ immigrants'
7 rights, especially for those seeking asylum from all
8 over the world.

9 I am originally from Tijuana, Mexico and
10 in order to make my country a better place for people
11 like me, I started working as a political activist
12 trying to influence public policies to ensure that
13 LGBTQ community and people living with HIV were
14 treated with decency, respecting our dignity, and
15 applying every single listed human right to us, the
16 same rights that gender white heterosexual men are
17 granted with at the moment they are born.

18 I was doing my advocacy work while having
19 a regular job as a supervisor in a call center where,
20 after six years of work, I was fired in December 2011
21 for defending a person who was discriminated against
22 for testing positive in an HIV test that is an
23 injustice hiring requirement in Mexico.

24 Later, in 2012, there were elections for
25 governor in the State of Baja California. The

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 candidate from the political party called PRI, who
2 made homophobic comments against the LGBTQ community
3 in a debate. I organized people, attended
4 conferences, and even met with him in person.

5 So afterwards, I received death threats
6 for speaking out against this candidate. I have to
7 flee Mexico in order to save my life and not to become
8 another statistic among all the activists who have
9 already disappeared by Mexico's Government.

10 I presented myself at the Otay Mesa border
11 in July 2012. I asked for asylum. They incarcerated
12 me for around 50 days, where I received despicable
13 treatment and experienced humiliation.

14 First, I was taken into a little room,
15 where a female officer touched me everywhere. Then
16 she went to bring in male officers, who touched my
17 genitalia area over and over again, trying to find out
18 if I underwent sex reassignment surgery without
19 believing the information I provided them.

20 Then, I was taken into a waiting area,
21 where they made me sit all the way in front of around
22 20 people to humiliate me. They had some small
23 mattresses but they did not provide me with one.
24 Instead, I was forced to sit all night without
25 sleeping.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The next day, I was forced to continue
2 sitting without an opportunity to stretch my legs.
3 Around 4:00 p.m., I was required to testify in front
4 of an officer for 30 minutes, who asked me tons of
5 questions, invasive questions. I was forced to
6 continue sitting after that. Then, they finally gave
7 me a little mattress.

8 Around 3:00 a.m., a male officer came in
9 to make me go to San Ysidro Port of Entry. The
10 officer tightened the handcuffs so hard that my hands
11 turned blue for lack of blood circulation. A female
12 officer passed by and I asked her for some help. She
13 looked at my hands and then she just shook her head in
14 disapproval of how I was being treated. And without a
15 single word, she uncuffed me.

16 They made me sit next to the intake
17 process officer. I looked very bad at that time, with
18 no shower, no sleep. My face was a whole mess. My
19 facial hair was mixed with my makeup and people looked
20 at me as if I was a circus sensation. Both the
21 inmates and officer were laughing at me.

22 ICE facilities do not have cells for Trans
23 people. What they did was to take all of the six
24 gender inmates out of a cell in order to let me be in
25 for a little bit of rest. But while I was in there,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the officer found a way to wake me up with random
2 questions in order to not to let me sleep.

3 Seventy-two hours later, I was finally
4 taken into a CCA, a for-profit prison in San Diego,
5 California, where I had the opportunity to take a
6 shower. I went through another intake process. They
7 asked me about my health and gender identity. I told
8 him I was a transgender woman. Then he asked, are you
9 afraid of being in the male bunk? I said, yes. Then,
10 he told me don't say that or I will have to put you in
11 solitary confinement.

12 I was taken to the cell with a sack of
13 other inmate's used clothing and my dignity broken.
14 Inside the prison, they call everybody by their last
15 name but transgender people are called by their first
16 name so just to make sure to let everybody know our
17 first name, which usually legally is a male name.

18 They placed us in cells around the
19 showers, where they pointed the security cameras. We
20 were always sick, due to the humidity showers create.

21 We have to eat breakfast at 5:00 a.m.,
22 lunch around 11:30, and dinner at 5:00 p.m. So we
23 have a gap of 12 hours without food, to force us to
24 buy the overpriced, unhealthy commissary snacks that
25 there sells for up to a thousand percent more than the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 prices outside of prison. I gained 40 pounds.

2 Transgender people are exposed to the
3 verbal and physical abuse of other inmates and
4 officers. And because many do not speak English and
5 very few officers speak good Spanish, the
6 communication is very poor.

7 I received a doctor's letter of approval
8 to work --

9 COMMISSIONER YAKI: I'm sorry but your
10 time is up.

11 MS. ORTEGA: I just want to invite you all
12 too actually visit the place to see how badly we are
13 being treated.

14 COMMISSIONER YAKI: I appreciate it.

15 One little trick is that if you have a
16 page of testimony, double-spaced, normal margins,
17 that's a minute. When you do a single-spaced page,
18 that's at least two and a half minutes. So remember
19 that when you -- because we want you to get your
20 points out there and we know a lot of people put the
21 big good stuff toward the end. So you might just
22 think about editing a little bit, if you want to get
23 your point across in the hearing. But your entire
24 statement can be submitted for the record.

25 MS. RIVERA: Good morning and thank you to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the witnesses and to the members of the Commission.
2 My name is Laura Rivera and I am here on behalf of the
3 Southern Poverty Law Center.

4 Through the Center's Immigrant Justice
5 Project, we have represented hundreds of people
6 confined solely because of their immigration status.
7 Now, the law does not treat status violations as a
8 crime but rather as a civil infraction yet, every day
9 in this country 51,000 people are living in places no
10 different from prisons, as they await the outcome of
11 their immigration court proceedings, a punishment
12 without a crime.

13 Scores of our clients have never been free
14 inside the United States. They came because home had
15 become a place where they could no longer survive.
16 They sought the United States because they had been
17 taught that it's a beacon for democracy, a country
18 where, unlike back home, the rule of law is strong
19 enough to withstand the winds of politics, where
20 individual rights reign supreme. They journey to the
21 southern border in search of this haven and they find
22 a frontier pockmarked with barriers meant to exclude
23 them.

24 Many of our clients went straight to ports
25 of entry to seek asylum, a perfectly lawful move.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 There, they were told to take a number and wait, a
2 practice called metering, where precious few are
3 accepted per day.

4 Last summer, our client Jose spent eight
5 days outside a port of entry in Hidalgo, Texas. He
6 had no shelter, no place to bathe, no food but for
7 gifts from charity. Another client, whom I will call
8 Ramon, he and his wife waited 30 days in Calexico
9 before they could seek asylum due to these unlawful
10 practices.

11 These three followed the rules and they
12 turned themselves over at official ports of entry.
13 They were immediately taken into Immigration custody
14 and put in cramped cells made of metal fencing. Some
15 people contest that they are cages but they felt that
16 way to our clients, who spent days inside them.

17 Asylum seekers are entitled to initial
18 screenings about their claims within seven days but
19 many wait much longer. These interviews determine
20 whether their fear of persecution is credible. If
21 they are, they are entitled to try their claims before
22 an immigration judge. But for those who follow the
23 rules and presented at ports of entry, they have no
24 right to ask an immigrant judge for their release from
25 custody. Only ICE has that power, by granting them

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 parole to live in the community during their court
2 proceedings but, under this administration, parole
3 rates have plummeted.

4 Whole regions of this country are
5 virtually parole-free zones. This administration
6 knows where they are and they are shuttling hundreds
7 of asylum seekers from the border to these places
8 thousands of miles away, confronting a so-called
9 shortage of detention beds of their own making by
10 scrambling to create more.

11 One such place is Louisiana, where the
12 Southern Poverty Law Center represents clients inside
13 two large detention centers. I spent a day last week
14 at the Pine Prairie ICE Processing Center and saw bus,
15 after bus lining up outside the center to unload their
16 human cargo. The men filed into a waiting room, sat
17 along the walls, and were handed paper bags with
18 prison garments. Many will spend months inside and
19 for each day, taxpayers will pay a private prison
20 corporation called GEO Group a flat fee like a hotel,
21 nationally, an average of more than \$100 per person,
22 per day.

23 Nowhere near enough of the money goes to
24 providing for the care of the people the Government
25 has put in its custody. Medical facilities are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 severely under-resourced. A client with Type 1
2 diabetes, Yurandi (phonetic) was hospitalized with
3 diabetic shock after jailers failed to provide the
4 insulin he needed each day. A client with the gout,
5 Ewell (phonetic), has lost his ability to walk as he
6 was denied proper treatment and forced to eat a diet
7 harmful to his condition. And Jose awaits in pain for
8 surgery to replace his hip.

9 Despite these glaring deficiencies, the
10 administration has moved full steam ahead to expand
11 its capacity to confine people in Louisiana.

12 Last week, we visited the River
13 Correctional Facility in Ferriday, near a circa 1850s
14 cotton plantation and a crocodile bayou. There, I met
15 with my client named Ramon, a human rights defender
16 from Cuba, who passed his credible fear interview and
17 applied for parole, thinking he would soon be reunited
18 with his wife. Instead, he has languished in
19 detention for about four months. Because ICE told him
20 nothing about his parole application or any
21 information about his case, he and others stopped
22 eating as part of a peaceful hunger strike.

23 After that, jailers put him in
24 segregation. He walked to our legal visit barefoot,
25 shackled at the ankles, waist, and wrists. He spoke

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of the torture and prison time he endured for
2 defending human rights in Cuba. He had hoped and
3 expected to find in the U.S. the freedom he never
4 enjoyed. He is still waiting.

5 COMMISSIONER YAKI: Next speaker.

6 MS. SCHACHER: My name is Yael Schacher
7 and I am a Senior U.S. Domestic Advocate at Refugees
8 International here in Washington. It's an independent
9 advocacy organization that focuses on asylum,
10 displacement, humanitarian human rights issues that
11 need urgent attention and action by government
12 officials and policymakers and other international
13 organizations. My job at Refugees International puts
14 me in touch with attorneys doing removal defense,
15 including for asylum seekers all over the country.

16 I'm here to tell you the stories of two
17 asylum seekers from Africa, one a gay man and one a
18 political journalist, who fled their countries for
19 their lives. After long and dangerous journeys, they
20 arrived at U.S. ports of entry and asked for asylum.
21 They passed credible fear interviews by asylum
22 officers. Nevertheless, as we learned just a minute
23 ago, they haven't been given a chance to be released
24 from detention and have been languishing in
25 Immigration prison for a long time, one of them for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 over two years.

2 These are not violent men. One spoke out
3 against violence in his home country and one had to
4 flee violence directed at him. They have done nothing
5 wrong. They have committed no crimes. They didn't
6 even cross the border without permission. Why are
7 they being made to suffer for asking for asylum?

8 On April 5th, just one week ago, a federal
9 judge in Washington state ruled that asylum seekers
10 who cross the border without authorization not at a
11 port of entry and are determined to have a credible
12 fear of persecution by asylum officers are entitled to
13 individualized bond hearings before an immigration
14 judge within seven days of their request of them.
15 These bond hearings are in order to determine
16 reasonable conditions for their release from federal
17 detention while they await the many months it takes to
18 adjudicate their asylum claims. But ironically, this
19 ruling only applies to those who cross a border
20 without authorization. It is not applied to asylum
21 seekers who ask for asylum at ports of entry. These
22 arriving asylum seekers, like the two I have
23 mentioned, never get a bond hearing before an
24 immigration judge. Immigrations and Customs
25 Enforcement has sole discretion as to whether they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 will be released from detention while they await
2 adjudication of their asylum claims.

3 ICE has not paroled these two asylum
4 seekers and others who have been in asylum at ports of
5 -- who asked for asylum at ports of entry for the past
6 two and a half years. They can be transferred between
7 prisons, subjected to solitary confinement, have
8 access to little recreation, and to no education or
9 occupation for months on end.

10 One of the two asylum seekers, the one who
11 has been in prison for over two years, experienced the
12 crisis of Ebola in his home country. As a college
13 student, at the time, he didn't leave his home country
14 then but he did meet Americans who went to Africa to
15 help the sick, Americans who are humanitarians, who
16 treated his people well, who helped stop suffering and
17 pain. So when later he faced death threats for
18 publishing articles criticizing female genital
19 mutilation in his country, he set out for America, a
20 beacon for him of respect for human rights, values,
21 and dignity. The place he is now, though, does not
22 seem like that America.

23 The other asylum seeker escaped
24 persecution in his own country only to embark on a
25 terrifying journey. After a crowd beat him and killed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 his partner, and then he was arrested, imprisoned, and
2 tortured, he escaped his country and traveled through
3 many other countries in hard terrain, going without
4 food for days, robbed of his money by an armed and
5 criminal group along the way.

6 Considering the peril that they are
7 leaving and the ordeal of the transit, what level of
8 cruelty would the U.S. have to attain in its policies
9 to have changed their decision to seek asylum here, to
10 have deterred them from coming? In the name of
11 deterrence, how much punishment are we prepared to
12 mete out to these men in order for them to give up
13 their asylum claims? In doing this, are we meeting
14 our legal and humanitarian obligations not to turn
15 away, to push back to danger those who seek refuge in
16 this country?

17 Seeking asylum is a right and such
18 treatment as these two asylum seekers have been given
19 is an affront to both principle and process.

20 What could policymakers do to respond to
21 this? First, they could change the law, which
22 currently does not entitle asylum seekers who present
23 at border crossings, that is arriving aliens, to a
24 bond hearing before an immigration judge. As of now,
25 immigration judges have no authority to rule on DHS

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 custody decisions regarding arriving aliens.

2 Or Congress could ask, in appropriating
3 funds to the Immigration and Customs Enforcement
4 agency, that none should be use for the detention of
5 any individual who has been found to establish a
6 credible fear of persecution, except in reliance of
7 specific evidence supporting a finding by ICE that the
8 individual poses a risk to his community or a flight
9 risk.

10 Right now, ICE is bound by a parole memo
11 that provides for this process but the agency has been
12 engaging in a de facto policy of basically blanket
13 detention of asylum seekers throughout the durations
14 of their hearings in many, many districts.

15 So these are some practical solutions that
16 we could do to change matters and not have a situation
17 where asylum seekers who are really fleeing for their
18 lives are placed in detention, basically,
19 indefinitely.

20 Thank you.

21 COMMISSIONER YAKI: Thank you very much.

22 MS. BALL: Good morning. My name is
23 Alyson Ball and I live in Charlottesville, Virginia
24 and Green Valley, Arizona. I have done work with
25 refugees, asylum seekers, and detainees and I have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 spent the past year speaking to the American public
2 about U.S. immigration, our history, our laws, and our
3 practices.

4 I have read your 2015 report about
5 immigration detention, including the remarks of the
6 dissenting commissioners. I would like to make four
7 suggestions for improving your upcoming report so that
8 it is more effective.

9 Recommendation 1, I think you should have
10 a more accurate description of immigrant detainees.
11 One page 2 of your report, you describe the detained
12 immigrant population as follows: once they cross the
13 U.S. border without authorization and proper
14 documentation, the federal government apprehends and
15 detains these individuals. Your report assumes that
16 detainees are border-crossers but the Center for
17 Migration Studies tells us that 42 percent of our
18 unauthorized are visa over-stayers, not border-
19 crossers and that unauthorized immigrants come from
20 all over the world.

21 Our detainees include not only
22 unauthorized individuals but also people who have come
23 to the U.S. legally but whose status is in jeopardy
24 for a variety of reasons. They, too, could be in
25 detention while waiting for a hearing with an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 immigration judge.

2 Going forward, I hope the Commission will
3 use a more thorough and accurate description of
4 immigrant detainees.

5 Recommendation 2 is to include
6 measurements of the pervasiveness of unconstitutional
7 and legal practices. I agree with the dissenting
8 Commissioner Heriot's concerns that the 2015 report
9 relies heavily on anecdotal evidence. While the
10 examples you are hearing today are very important to
11 our understanding of the detention center situation,
12 it is not enough for you to rely on these but you must
13 be relying on data whenever possible.

14 A January 2019 report from the Office of
15 the Inspector General of the Department of Homeland
16 Security cites over 14,000 deficiencies over a three-
17 year period in the 106 facilities that they studied.
18 Someone is measuring something in these detention
19 centers and I think the Commission needs to review
20 this data and clarify how pervasive these
21 constitutional and legal violations are and, if no
22 measurements exist, then your recommendations could
23 recommend that DHS collect, and report, and publish
24 data on the deficiencies, on the corrective actions,
25 and on the results.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I think you need to rank order your
2 findings. In the 2015 report, your 24 findings and
3 your 18 recommendations are buried on page 124 to 130
4 of your 276-page report. I think it would be more
5 effective if your findings were sorted in order of
6 importance. You could start with constitutional
7 violations that are inherent to the system and then
8 follow those with constitutional guarantees that are
9 operational in nature.

10 And your recommendations, they are very,
11 very significant what you have written in your 2015
12 report but they are poorly written and difficult to
13 digest. These recommendations are the essence of your
14 work and need to be written for your audience.

15 Our last recommendation is that you create
16 an executive summary that is easily digested by
17 Congress, civil society, journalists, and the American
18 public because you need to provide guidance to this
19 country about immigrant detention centers, the
20 Constitution, and the law.

21 My written submission will provide more
22 details about each of these four recommendations and
23 improvements. And I look forward to reading your
24 report.

25 Thank you for your time.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 COMMISSIONER YAKI: Thank you.

2 Next speaker.

3 MS. ABAYA: Good morning. My name is
4 Miriam Abaya and I am representing the Young Center
5 for Immigrant Children's Rights.

6 The Young Center's mission is to promote
7 the best interests of unaccompanied immigrant
8 children, according to Convention on the rights of the
9 child and United States law and we are working to
10 create a system that ensures the safety and wellbeing
11 of every child.

12 Since 2003, we have been appointed by the
13 Secretary of Health and Human Services to serve as
14 child advocate or best interest guardian ad litem for
15 thousands of child trafficking victims and other
16 vulnerable, unaccompanied children seeking protection
17 in the United States. In that capacity, we make
18 recommendations regarding the best interests of
19 individual children to federal agencies, including the
20 Departments of Justice, Homeland Security; Health and
21 Human Services, and State, and work with those
22 agencies to create and implement policies that
23 facilitate the consideration of each child's best
24 interests.

25 In the past 18 months, we have worked on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 hundreds of cases where DHS officials unlawfully
2 separated children from their parents. The following
3 comments are based on our undesired expertise in
4 advocating for the reunification and protection of
5 these children.

6 In 2017, nearly a year before zero
7 tolerance was formally announced, the Young Center
8 began to receive referrals for children deemed
9 unaccompanied, after being taken away from their
10 parents at the border. Though we had received
11 referrals in the past for separated children where the
12 adult's relationship with the child was unclear, what
13 happened in 2017 was different. Some of the children
14 referred to us were toddlers and babies. In all of
15 these cases, there were no doubts about the
16 relationship between these children and their parents
17 but DHS still separated them.

18 In response, the Young Center's Policy
19 Team reached out to child welfare and health
20 organizations and more than 500 of them joined the
21 letter spelling out the specific harms that family
22 separation would inflict on children and families. We
23 now know that career child welfare officials within
24 the administration also raised concerns about the
25 trauma children would suffer if taken from their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 parents but that didn't stop the administration from
2 moving forward with zero tolerance in April 2018.

3 By the time zero tolerance was announced,
4 the Young Center had been referred hundreds of
5 separation cases at all eight of our program sites.
6 Our attorneys and social workers face many hurdles to
7 reunifying these families. The Government
8 intentionally separated families without any plan to
9 reunify or track them. We received no information
10 about whether children had arrived with parents and
11 had to repeatedly called CBP [Customs and Border
12 Protection] and ICE [Immigration and Customs
13 Enforcement] detention centers to gather information.

14 Once we located a parent, we then had to convince DHS
15 officials to allow the parents to communicate with
16 their children. In some cases, that communication was
17 denied but even when it was approved, there were no
18 systems in place to ensure regular contact between
19 children and parents.

20 Worse yet, many parents were deported
21 without knowing where their children were before we
22 were appointed to them. Parents told us they
23 abandoned valid asylum claims because they were told
24 it would either help their children or allow them to
25 be reunified. In some cases, children believed their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 parents willingly abandoned them.

2 Although the Young Center successfully
3 reunified many children with parents here in the U.S.
4 and in home country, the damage to these children and
5 families is extraordinary.

6 Though a court order halted the Government
7 from separating families as a matter of policy, for
8 the last ten months, the Young Center has received
9 increasing referrals for newly separated children. In
10 most cases, we have been told that the parents have
11 alleged criminal histories that require separation
12 from their children. However, in many of these cases,
13 the Government separates families based on unverified
14 arrests or suspicions.

15 Even if there is an actual criminal
16 history, it is usually unrelated to the child's safety
17 or the parents' ability to care for the child, such as
18 reentering the United States after deportation or a
19 DUI from before the child was born. We have even seen
20 separations for no reason at all.

21 DHS officials with no child welfare
22 expertise are making split-second decisions and these
23 decisions have traumatic lifelong consequences that
24 take months to undo. We are deeply concerned that
25 family separation continues to be used solely to deter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 families from exercising their legal right to seek
2 protection.

3 Family separation has impacted the entire
4 infrastructure of care for children in federal
5 custody. It has increased the number of children in
6 the Office of Refugee Resettlement's custody,
7 increased the need for intensive services for those
8 traumatized by separation, and increased the risks of
9 parents or their children will abandon valid asylum
10 claims to be reunified.

11 Any discussion of renewing family
12 separation or giving families the false choice between
13 being separated or indefinitely detained together
14 should be recognized for what it is, a clear policy to
15 inflict harm on families and deter them from seeking
16 protection in the United States.

17 The Young Center thanks the Commission for
18 investigating this important issue. We urge you to
19 also closely consider other comments related to the
20 Government's compliance with the Flores Settlement
21 Agreement and the vital protections for immigrant
22 children under the Trafficking Victims Protection
23 Reauthorization Act.

24 Thank you.

25 COMMISSIONER YAKI: Thank you. And if you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have a report based on the work that you have done
2 with HHS, if you would forward that to us, we would
3 really appreciate it.

4 Next speaker.

5 ROBIN A.: Good morning. My name is
6 Robin. I thank the Commission for the opportunity to
7 share my experiences in immigration detention.

8 In 2015, I fled my country of El Salvador
9 because my life was in danger. I didn't know how to
10 apply for asylum. I didn't know what would happen to
11 me here but I came to the United States with the hope
12 of being safe.

13 After crossing the border, Immigration put
14 me in the (foreign language spoken), a small cold room
15 with 40 other people. We had to sit on the floor
16 because they did not have beds or chairs. They only
17 gave us aluminum blankets. The border patrol agents
18 shouted at us. They accused us being smugglers.

19 The Immigration officers sent me to a
20 detention center in Pearsall, Texas. The guards
21 humiliated us. We had to strip in front of one
22 another and put prison clothes on. The officers
23 laughed and made fun of us.

24 The officer who took my information could
25 not speak Spanish. I tried to answer his questions in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 English but he just laughed at me.

2 The Immigration officers pressured me to
3 accept deportation but I told them again and again
4 that I could not return to my country.

5 After a week, the Immigration officers
6 took me, with other detainees, to an airport. They
7 chained us by the hand, feet, and waist. Even on the
8 plane, we were chained. I felt ashamed of being
9 treated like a criminal. They didn't even tell us
10 where they were taking us.

11 When I arrived at Delaney Hall in New
12 Jersey, the guards laughed and insulted me, thinking
13 that I could not understand English. A guard called
14 me faggot. I tried to explain to the guards that they
15 should be taking care of us and not insulting us but
16 that only made them angry.

17 The conditions were terrible. They gave
18 us used underwear. The meals were very small portions
19 and sometimes we were hungry. Many people got sick
20 from the food they gave us. I remember well the meat
21 was like cardboard.

22 In the detention center, a detainee hurt
23 and threatened me. I tried to speak to a supervisor
24 but she shouted speak English and she didn't even try
25 to call an interpreter. I had to wait two days for an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 official who spoke Spanish to accept my complaint.
2 They took me to a hospital in handcuffs and put me in
3 solitary confinement in the detention center, as if I
4 had done something wrong. I felt very bad. I could
5 not eat and I was shaking with fear.

6 They moved me to Essex, another detention
7 center in New Jersey. There, I got very sick one
8 night. My body was swollen. I told the guards that I
9 needed to go to the clinic but they did not take me.
10 They told me that the clinic was closed. When the
11 guards took me to the clinic the next day, I stayed
12 there for a week but the staff only gave me
13 tranquilizers to sleep. They did not diagnose me or
14 treat me.

15 Shortly after being released, I got sick
16 again and fainted. The doctors at the hospital
17 examined me and found I had an infection.

18 I spent three months before receiving a
19 fear interview. I had to make a complaint before an
20 asylum officer came to interview me. I spent ten
21 months in total in detention. I could not pay the
22 \$7,500 bond. I had to represent myself in court
23 almost the entire time I was detained because I could
24 not afford a private lawyer.

25 Some lawyers gave us a legal orientation

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in the detention center. I learned of my rights in
2 court, how to apply for asylum and free legal
3 services. I tried to call the numbers of pro bono
4 lawyers but no one answered my calls. I don't know if
5 the numbers worked but very few detainees could get
6 pro bono lawyers.

7 But just before my final hearing, a lawyer
8 from the organization Human Rights First visited me in
9 Delaney Hall. She helped me prepare for the hearing
10 and get asylum. I do not know if I would have won my
11 case without a lawyer.

12 While I was in detention, I met many
13 migrants from other countries and learned about their
14 different cultures but the officers in Immigration
15 detention did not respect us.

16 I know how to advocate for my rights but
17 many Immigration officers and guards insulted me and
18 did not listen to me when I had problems in detention
19 because I could not speak English fluently. The lack
20 of effective communication was a major problem.

21 In El Salvador, I worked for the town hall
22 and, therefore, I understand that the Government pays
23 these detention centers to offer a service to care for
24 detainees but Immigration officers and guards do not
25 respect the rights of detainees. They treat detainees

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 not as if are protected but as if we were criminals.

2 Asylum seekers like me, we are not a
3 threat. We are asking for protection. I hope the
4 Commission can change the detention system to protect
5 people in detention.

6 Thank you.

7 COMMISSIONER YAKI: Thank you very much.
8 Thank you for your testimony and thank you for your
9 courage today.

10 MS. MABSON: Good morning. My name is
11 Michelle Mabson and I am a staff scientist at
12 Earthjustice, the largest non-profit environmental law
13 organization in the country.

14 I am here today because the Trump
15 Administration's plans to detain immigrant children
16 threatens to expose thousands of children to toxic
17 chemicals that can severely compromise their health.

18 Starting in July 2018, Earthjustice became
19 aware of the Trump Administration's plans to create
20 detention centers for thousands of unaccompanied
21 minors on military bases in Texas. Earthjustice has
22 long been aware of the toxic hazards present on
23 military bases, which include unexploded munitions,
24 hazardous chemical spills, contaminated water and
25 soil, and vapor intrusion from underground pollution.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Earthjustice also knows that, despite hundreds of
2 superfund cleanups, significant hazards to human
3 health still exist due to the widespread contamination
4 resulting from munitions development and deployment,
5 the poor waste disposal practices, and firefighting
6 training.

7 We, therefore, initiated an investigation
8 into the specific toxic hazards at the two bases in
9 Texas identified as sites for the children's detention
10 centers, Goodfellow Air Force Base and Fort Bliss Army
11 Base.

12 In February 2019, Earthjustice published a
13 report entitled Toxic Cages, which details our
14 preliminary findings on the children's health risks
15 from exposure to toxic contaminants at Goodfellow Air
16 Force Base. Goodfellow Air Force Base has plans to
17 house up to 7,500 infants and children on a known
18 superfund site on the top of a former landfill and
19 will have glaring impacts on children's health. Kids
20 are not simply little adults. They breathe, and eat,
21 and drink more relative to their body weight compared
22 to adults, which both increases their exposure to
23 toxic chemicals but also amplifies the harmful effects
24 of those toxic chemicals.

25 Harmful contaminants like lead have been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 detected in both soil and groundwater and at levels
2 that are shockingly well above the EPA's threshold
3 that would trigger and require immediate remediation.

4 And lead is a powerful neurotoxicant and there is no
5 known safe level for exposure to lead, which is
6 recognized by the American Academy of Pediatrics.

7 There is a special concern for the infants
8 and young children who may be housed on the site, as
9 they may be harmed by both acute and chronic contact
10 with lead. Lead exposure is known to cause brain
11 damage, learning disabilities, stunted growth, and
12 behavior problems, among other seriously debilitating
13 health effects.

14 Additionally, polyfluoroalkyl substances,
15 or PFAS, which are a class of highly toxic and
16 currently unregulated chemicals, have been detected
17 on-site. And in addition to being linked to causing
18 cancer, these chemicals can cause both decreased
19 immune system function and reduced neurocognitive
20 abilities in children. And, moreover, a number of
21 other chemicals have been identified on-site,
22 including benzene, arsenic, and methylene chloride,
23 all of which increase a child's likelihood to develop
24 cancer and can cause long-lasting severe neurological,
25 immunological, and developmental impacts.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 In August 2018, Earthjustice, on behalf of
2 our clients, submitted Freedom of Information requests
3 to the Army and the Air Force seeking records
4 concerning known or suspected sites at Fort Bliss Army
5 Base and Goodfellow Air Force Base. And after both
6 agencies failed to respond within the current time
7 mandated by FOIA [Freedom of Information Act], we
8 filed two separate lawsuits for violations of the FOIA
9 statute to obtain records as expeditiously as
10 possible. And nearly eight months later, we are still
11 without significant records.

12 Although the Army has abided by the court-
13 approved scheduling order, the Army's productions of
14 records have failed to include critical documents
15 related to toxic sites and environmental hazards at
16 Fort Bliss. And additionally, the Air Force has yet
17 to produce a single record in response to our FOIA
18 requests.

19 Earthjustice has spent months now
20 litigating to obtain records related to toxic sites at
21 both military bases that should already be readily
22 available to the public.

23 Last year, this body submitted information
24 requests to the U.S. Department of Homeland Security
25 and the U.S. Department of Health and Human Services,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 respectively, and not once in either letter did the
2 USCCR [United States Commission on Civil Rights]
3 request information regarding the environmental
4 conditions under which infants and children may be
5 subjected.

6 In recent news, it was understood that the
7 Department of Defense confirmed that site surveys at
8 both Goodfellow Air Force and Fort Bliss have been
9 completed, though no request to begin housing migrants
10 has been made. They concluded that until the DoD
11 receives a notice of intent from either DHS or HHS,
12 they will not start construction. So the time for the
13 Commission to act to ensure protection for infants and
14 children is now. It is well within this authority and
15 the mission to dive deeper into this rapidly changing
16 issue, where information is scarce and voices are not
17 easily heard.

18 I would like to conclude to emphasize that
19 the infants and children who may be housed in these
20 detention centers are not in optimal health when they
21 arrive and they face immense challenges and trauma
22 from being separated from parents and guardians to
23 being malnourished and dehydrated. These compromised
24 physiological states will be coupled with mental
25 health stressors and only make the effect of the toxic

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 sites more vulnerable and more susceptible to the
2 children housed at these centers.

3 Lastly, I would like to request that you
4 all hold a day-long hearing in El Paso, Texas, to give
5 voices that are impacted an opportunity to testify.

6 Thank you.

7 COMMISSIONER YAKI: Thank you very much.

8 We are going to take a break until 11:45.

9 I would ask that the next set of panelists be back
10 by 11:40 to sit at the desk so we can start exactly on
11 time.

12 (Whereupon, the above-entitled matter went
13 off the record at 11:29 a.m. and resumed at 11:44
14 a.m.)

15 COMMISSIONER YAKI: Good afternoon. Well,
16 actually not quite, 11:44 a.m. Again, I want to send
17 a big thanks to our Staff Director, Pam Dunston, and
18 all the members of the staff for pulling this great
19 comment period together.

20 We will now resume our public comment.
21 And we will begin with this gentleman right here.

22 MR. JIMENEZ: Good morning, my name is
23 Eduardo Jimenez. I am from Mexico. First of all, I
24 want to thank you for giving me the opportunity to
25 speak to you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Today, I came here to ask you to help to
2 try to make a change of everything that is happening
3 in the prisons.

4 I came here to this country asking for
5 asylum because of the situation that happened to me.
6 I was kidnapped and tortured without knowing what is
7 the process of asking for asylum, without knowing
8 what's going to happen to me.

9 My experience in jail was that I was
10 detained in Orange County. My experience, what I saw
11 there, it was horrible, terrible. What I experienced
12 was the worst experience in my life. I was not
13 allowed to eat for weeks. And I was not allowed to
14 bathe. I lost my dignity as a human being there. I
15 was sexually abused and psychologically abused as
16 well.

17 I tried to ask, to talk the immigration
18 officers asking for help. I needed that someone
19 listen to me, to listen to what was happening to me at
20 that moment.

21 I talked to the officers. They didn't
22 listen to me. They make fun of me. They did whatever
23 they wanted with my dignity. They threw the food, my
24 food, to the floor. I had to pick it up.

25 That's why today I come here to ask for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 help to stop this. There are many people in the
2 detention center that are suffering. The time that I
3 spent in the immigration system lasted for two months.

4 When I appeared in front of an immigration
5 judge, I was handcuffed, I had chains on my waist and
6 on my feet. I was treated as a criminal. When I
7 testified, when I said what happened to me, ICE
8 punished me. They put me in solitary confinement with
9 people who don't even have good mental health.

10 They tortured people in front of me. They
11 broke their arms, and they threatened me, telling me
12 that if I said something they were going to do the
13 same thing to me.

14 I told the judge everything that had
15 happened to me in my first hearing. The judge told me
16 to calm down. I was crying. I couldn't bear what
17 would happen to me. My life was at risk at every
18 minute that I was at the detention center.

19 At that moment, I was very confused. I
20 didn't know when I was going to be really safe, back
21 in my country where that was waiting for me or in a
22 detention center.

23 At that moment, I felt that everything was
24 coming to an end. Because I appear at the immigration
25 court asking to be deported. Knowing everything that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 had happened to me, I couldn't bear the situation any
2 longer. I talked to my lawyer asking her for help.

3 When I told the judge everything had
4 happened, he felt sorry for me. He felt sorry for the
5 situation and granted me asylum.

6 At this moment, I don't have more words to
7 express everything that happened to me while I was in
8 prison. But I want to thank you for listening to me
9 and ask you for help to make a change. Because there
10 are a lot of people who are having a really hard time
11 doing detention. Thank you.

12 (Applause.)

13 COMMISSIONER YAKI: Next speaker.

14 MS. SANCHEZ: Good morning, members of the
15 Commission. My name is Isabel Sanchez, and I serve as
16 the national policy advocate for the Coalition for
17 Humane Immigrant Rights, also known as CHIRLA.

18 We are one of the largest immigrant rights
19 organizations out in California. And the organization
20 was founded in 1986 in response to the Immigration
21 Reform and Control Act to assist immigrants in
22 applying for legal status and to protect their civil
23 rights.

24 Since its establishment, CHIRLA has
25 expanded its work from organizing to then establishing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a policy and advocacy department to focus on pushing
2 forward pro-immigrant policies at all levels of
3 government.

4 We've also established a legal department
5 to provide legal representation to immigrants at every
6 stage of their process. And most recently, our legal
7 department has established a legal defense unit to
8 provide detained and non-detained individuals in
9 removal proceedings with legal representation.

10 We convene a Raids Rapid Response Network
11 which is a coalition of advocates to coordinate and
12 support individuals detained by ICE and sent to
13 detention centers. In response to the zero tolerance
14 policy, our staff attorney was then designated to
15 carry out our work at the border.

16 And so he was responsible for overseeing
17 the asylum seekers process, what conditions they were
18 subject to, and then to educate them and conduct
19 migrant rights presentations to then inform them that
20 they did, in fact, have rights.

21 What he gathered was that, with the many
22 folks that he met at the border, many of them did not
23 know that there was an asylum process in place. And
24 so they were dumbfounded to know that there was a way
25 by which to seek relief.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Because of his organizing, we have also
2 then partnered with various organizations to then
3 gather toiletries, clothes, food, and deliver them to
4 the border. Our members have also visited the centers
5 to provide some type of community support for those
6 that are detained and without family members around
7 them to provide them with that support.

8 Our legal department has conducted various
9 legal clinics where they assess the asylum seeker's
10 case. We have also then visited Mexico City to then
11 assess and also provide migrant rights presentations
12 to this community as well.

13 In various reports, many of the folks who
14 we have come in contact with contend that, similar to
15 what the gentleman before me shared with us, is that
16 they also faced the same conditions.

17 Many of our clients are in facilities that
18 are housed in rural areas far away from any type of
19 support, legal advocacy organizations, or removal
20 defense immigration attorneys. Much less are they
21 then given any information in their native language,
22 or are provided with inadequate medical care.

23 And there is a case that I also do want to
24 bring forth to you just because this speaks to the
25 conditions that folks are subject to when they are in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 detention. We most recently learned that there was a
2 gentleman by the name of Jose who was detained by ICE
3 earlier in January of this year. And he was placed at
4 the Adelanto Detention Center to await his deportation
5 proceedings.

6 He was not allocated the right to an
7 attorney, nor was he really given any rights or
8 presented any rights to him. And he and his wife at
9 this time were enthusiastically awaiting the birth of
10 their first child. The baby was born on February 4th,
11 but Jose wasn't able to see the birth of his child as
12 he was detained.

13 Three days later, his wife found out that
14 he had been placed in a medical facility, and she
15 didn't understand why. No explanation was provided by
16 the officials at ICE nor the GEO Group at the Adelanto
17 facility.

18 It then turns out that he suffered a
19 hemorrhage and entered a coma. Days after, he
20 actually had to be pulled out of life support and he
21 passed away.

22 Within those days, ICE agents then
23 delivered a letter and walked away without an
24 explanation. The letter then stated that he was now
25 released from the custody. Because he was released

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 from custody, no report has been found on what really
2 caused his death.

3 But it's a case that I present to you,
4 because I just want to highlight the negligence that
5 continues in these detention facilities. And this is
6 another death that has occurred because of the
7 horrible conditions that immigrants are subject to.
8 Thank you for your time.

9 COMMISSIONER YAKI: Thank you. Next
10 speaker.

11 MR. GOVINDAIA: Good morning. My name is
12 Manoj Govindaia. I'm the director of litigation at
13 the Refugee and Immigrant Center for Education and
14 Legal Services, RAICES, based in San Antonio, Texas.
15 Each year we provide legal services to thousands of
16 detained adults, unaccompanied minors, and families
17 throughout Texas, giving us a unique vantage point
18 from which we can see the everyday impact of
19 immigration detention policies.

20 I'm here today to urge the Commission to
21 take action on conditions in ICE family detention
22 centers. There's three family detention centers in
23 the United States, one in Berks, Pennsylvania, and two
24 in Texas, in Dilley and Karnes.

25 As the Commission may know, less than one

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 week ago Karnes stopped housing families and currently
2 houses adult women without children. We've been told
3 this change will be in effect for 90 days, at which
4 point Karnes will return to housing families.

5 The populations at family detention
6 centers are especially vulnerable. The vast majority
7 of the detainees are asylum seekers, meaning they've
8 experienced traumatic events in their home countries,
9 coupled with dangerous and arduous journeys.

10 At least half of the population includes
11 children, some of very young age that require
12 specialized services. The services at the family
13 detention centers do not reflect these specialized
14 needs.

15 I'd like to direct the Commission's
16 attention to the substandard medical care at the
17 family detention centers. The American Academy of
18 Pediatrics has noted inadequate or inappropriate
19 immunizations, delayed medical treatment, inadequate
20 educational services, and limited mental health
21 services at the family detention centers.

22 Human Rights First recently completed
23 visits to the family detention centers with
24 pediatricians and raised concerns about the number of
25 children under the age of one at Dilley who are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 especially susceptible to communicable disease.

2 The DHS OIG [Office of the Inspector
3 General] reported that, although contracts between ICE
4 and the private prison operators that run Karnes and
5 Dilley require a pediatrician on staff, no
6 pediatricians were actually employed, an issue that
7 remains to this day.

8 And the DHS Federal Advisory Committee on
9 Family Residential Centers recommended numerous
10 improvements in medical care, including something as
11 simple as a standard history and physical examination
12 for each child, as one did not exist.

13 One of our clients, Andrew and his son,
14 Jason, were detained at Karnes in February of this
15 year. Jason was one year old at the time that he
16 arrived. After arriving, Jason was diagnosed with
17 influenza and was given medication which stopped his
18 fever but caused diarrhea.

19 The staff at Karnes failed to provide any
20 special food accommodations for the child. Jason
21 stopped eating the food, his diarrhea continued for
22 over 14 days. As a one-year old baby, he lost weight,
23 he couldn't sleep, and he wasn't eating. Jason was
24 never taken to an outside medical provider and never
25 saw a pediatrician. The family eventually got

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 released, and the father reports that Jason is now
2 doing fine.

3 Similar problems exist with mental health
4 treatment at the family detention centers. The DHS
5 Federal Advisory Committee reported a lack of mental
6 health screening for children and adults at the family
7 detention centers. And Human Rights First reported
8 that any period of incarceration can cause significant
9 psychological harm and can exacerbate mental health
10 trauma in children.

11 Their report pointed to observations of
12 regressive behavior, including children wetting the
13 bed, clinginess of a child to a parent, children who
14 have stopped eating or playing with others, and self-
15 injurious behavior.

16 We see the impact of the substandard
17 medical and mental health care when we visit our
18 clients on a daily basis. We see sick children every
19 day. Our staff visits the Karnes Detention Center
20 five days per week and routinely gets sick after days
21 at Karnes.

22 We also see unrecognized and untreated
23 trauma and mental illness affect our clients. We
24 watch children who are angry and aggressive with their
25 parents and witness the breakdown of a parent's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 authority to parent their child.

2 We urge the Commission to act to protect
3 these children and families. I have a couple of very
4 basic, simple recommendations that could make an
5 impact.

6 We recommend the Commission examine
7 medical and mental health staffing levels at the
8 detention centers and training requirements. It's our
9 understanding that most, if not all, of the medical
10 and mental health staff lacks specialized pediatric
11 training. But for these populations, such training is
12 vital.

13 We recommend the Commission investigate
14 why pediatricians are not on staff despite contractual
15 requirements. And we ask the Commission to examine
16 medical and mental health policies and record keeping
17 at all three family detention centers to ensure that
18 they comply with ICE's family residential standards
19 and relevant state child welfare standards. Thank
20 you.

21 COMMISSIONER YAKI: Thank you very much.
22 Next speaker?

23 MS. KRISHNASWAMI: Hello, my name is
24 Charanya Krishnaswami. I'm the America's Advocacy
25 Director at Amnesty International USA. On behalf of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Amnesty International USA and our two million members
2 and supporters in the United States, thank you so much
3 for the opportunity to speak today.

4 For the past several years, the rights of
5 asylum seekers and refugees have been a top priority
6 for Amnesty. We've been gravely concerned about the
7 growing use of immigration detention to punish asylum
8 seekers for the simple act of seeking safety.

9 Today, more people than ever before
10 arriving at our southern border are asylum seekers.
11 Just in the last fiscal year, over 93,000 individuals
12 attempting to cross the southern border expressed a
13 fear of return.

14 And today, we are also detaining in record
15 numbers. Nearly 50,000 people are detained every
16 single day, a 40 percent increase from the previous
17 administration. Thus, more asylum seekers are subject
18 to arbitrary and indefinite confinement than ever
19 before, often in conditions worse than prison.

20 But rather than simply discussing numbers,
21 as stark as they are, instead I'd like to share with
22 you the stories of just two of these detained asylum
23 seekers.

24 First, there is Valkeria (phonetic), a
25 Brazilian mother who fled her country fearing for her

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 life with her then seven year old child in March 2018.

2 After a night spent together in the Elador ice box
3 (phonetic), Valkeria and her child were ripped apart,
4 and Valkeria was sent to an adult detention facility
5 in El Paso.

6 Over one year later, she remains there.
7 She has not seen her son, who was released into the
8 United States with his father, in a year. And when
9 speaking to Amnesty researchers, she wept
10 uncontrollably when she spoke of him.

11 Then there's Alejandra, a transgender
12 woman who fought for the rights of people like her in
13 El Salvador and who suffered brutal beatings for her
14 work.

15 She fled to the United States in November
16 2017 only to be locked up at the Cibola County
17 Correctional Facility in New Mexico. At the time, the
18 only specialized facility for trans-women in the
19 country.

20 She now has the tragic honor of being the
21 person longest ever detained there. In detention, she
22 suffered significant physical illness yet, despite
23 requesting medical attention six times, was unable to
24 see a doctor until her lawyer intervened.

25 Now, despite asylum officers' conclusions

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that Valkeria and Alejandra's fear of return was
2 credible, they were still not released from detention,
3 even though they should have been.

4 At the time of their detentions, ICE was
5 detaining nearly 100 percent of all parole requests
6 for asylum seekers with credible claims across five of
7 its busiest field offices. Just five years ago
8 though, these same offices were granting upwards of 90
9 percent of these parole requests in accordance with a
10 2009 policy.

11 The report concluded in June 2018 that
12 these blanket parole denials violated ICE's own
13 policies. ICE reportedly continues to engage in
14 boiler plate denials in these offices. The only
15 conclusion to be drawn from this is that the
16 government is punishing people for the act of seeking
17 safety.

18 The growing number of asylum seekers in
19 detention also means that growing numbers of people
20 are detained whose special needs are exacerbated by
21 the environment of detention.

22 Valkeria is a survivor of trauma, not just
23 the trauma suffered in her home country but the trauma
24 that our government visited upon her when it ripped
25 her apart from her child. Yet to this day, as she

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 remains detained, she is unable to seek psychiatric
2 counseling in a language she understands.

3 Meanwhile, Alejandra's difficulties
4 accessing medical treatment are emblematic of those
5 faced by the many Trans women detained in Cibola who
6 have reported to Amnesty the utter inadequacy of the
7 medical care they receive there.

8 Now, though Valkeria and Alejandra are the
9 rare asylum seekers lucky enough to be represented by
10 attorneys, the vast majority of detained asylum
11 seekers proceed without legal assistance.

12 That we routinely require survivors of
13 trauma to navigate a bureaucratic maze of proceedings,
14 daunting for most licensed attorneys, all while behind
15 bars, proceedings that could culminate in their return
16 to countries where they fear grave harm, even death,
17 is a travesty.

18 But there are some changes we can make to
19 ensure that asylum seekers do not suffer the fates
20 suffered by Valkeria and Alejandra. As this panel
21 considers recommendations it can make, Amnesty
22 politely requests that the Commission first denounce
23 the use of detention to deter and punish asylum
24 seekers.

25 Second, examine services available in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 these facilities in recognition that more and more
2 people detained have specific vulnerabilities and
3 needs.

4 And third, recommend measures to ensure
5 that access to counsel in detention for all asylum
6 seekers is realized, taking into account the high
7 stakes and the complexity in their cases. Thank you
8 so much.

9 COMMISSIONER YAKI: Next speaker.

10 MS. HUERTA: My name is Olivia Huerta.
11 And I founded the Facebook group called Witnesses of
12 Texas Detention, because I had a unique opportunity to
13 embed myself amongst a church group of complicit
14 women. So we go and we pray, we hold Bible studies
15 and church services with detained women at the T. Don
16 Hutto Detention Center in Taylor, Texas.

17 Now, they spend most of their time
18 chatting it up with the guards and getting to know
19 them, treating them like family. If you do have the
20 privilege of touring a facility, it is very simple to
21 look around and to be fooled that the conditions are
22 well and that everything is all good.

23 But it just takes a moment of closer
24 observation to see the lifeless faces of the women
25 walking the halls. You can see the door where the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 immigration port is. It's a prison. It was built to
2 be a prison in 1997. And you can see the remnants of
3 children's art on the wall. This facility used to be
4 a family detention center.

5 And when you speak to the women, they
6 speak so quietly, all of them, as if they are afraid
7 to be heard. I have spoken to several of the women
8 while they are detained as, again, I have the
9 opportunity to go beyond the visitor corridors, and
10 I'm not being on tour. I'm just simply masking myself
11 amongst a group of other church women.

12 They have told me that there is a very
13 strict policy for no touching, and if they do touch
14 each other, even if it's just a hug, they're put in
15 solitary confinement where, in solitary confinement,
16 some of these women have claimed that they have been
17 raped which is very disturbing.

18 So I am a military veteran and current
19 college student. And I want to know what kind of
20 message are we sending to the world where we ask that
21 people legally present themselves at the border,
22 retell the worst moments of their life, and then ask
23 them to wait outside for weeks or even months, sleep
24 on cement, because they cannot risk missing their
25 number being called to be interviewed, and then throw

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 them in a place so cold, the ice box, with not even a
2 proper blanket to comfort, and then later to a place
3 that is nothing less than a prison, all for the sake
4 of doing it legally?

5 When I was in the military, they did many
6 things to me to break me down and to mold me into what
7 they wanted. What are we trying to mold these
8 immigrants into? And why are we trying to break them
9 down? I don't understand.

10 So from all the material presented today,
11 I hope that some changes will come about. Because
12 this is life and death. These people are crying and
13 begging in prayer, shaking, they want to get out. But
14 they don't want to be deported. And there are guards
15 threatening them, people who have been shot and still
16 have visible gun wounds.

17 I volunteered to parole one of those
18 women, because she was being threatened with
19 deportation. Granted, a lawyer confirmed to me that
20 that's not allowed to do that, it's still happening.
21 And she cries every day. I have to sit up with her at
22 night. She has very severe PTSD. I can only imagine
23 what would have happened to her had I not volunteered
24 to parole her.

25 But at the same time, there are many other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 women with stories just like this. And it's a matter
2 of life or death. And if they can't be strong enough
3 to hang on, to go past the threats, the insults, the
4 coercions, then it's game over for them. And very
5 likely, when they return, they will be killed. And
6 that is often the case.

7 So we really need to be considering how we
8 do things. And I hope that this testimony guides you
9 today. If you want more information about my cause,
10 Witnesses of Texas detention, you can see me after.
11 But again, it's a unique opportunity and one I will
12 continue to utilize.

13 And for anybody wondering, the United
14 States Health Public Service goes to that detention
15 center, and they examine detainees. This is, again,
16 things that I just watch.

17 So I was wondering if it were possible for
18 there to be --- to have them questioned as to how they
19 are instructed to handle the detainees and other such
20 runnings in the facility. Because, again, we are
21 still hearing of substandard medical care at this
22 facility.

23 And these are my own people. We don't get
24 to pick where we go, where we're stationed. But
25 sometimes we can choose to make a difference. And I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 just hope that, again, you all will use this
2 opportunity to improve the system for the better
3 because, again, this is a matter of life or death.
4 Thank you for listening.

5 COMMISSIONER YAKI: Thank you very much.
6 Next speaker.

7 MS. OBSER: Good morning. My name is
8 Katharina Obser, and I work with the Migrant Rights
9 and Justice Program at the Women's Refugee Commission.
10 For 30 years, WRC has worked to improve the lives and
11 protect the rights of displaced women and children
12 around the world. And my program in particular
13 focuses on access to protection here in the United
14 States.

15 As part of my work, I have visited over 20
16 Immigration and Customs Enforcement detention centers
17 in the United States, speaking to officials as well as
18 detained women, men, and families. WRC is profoundly
19 concerned at the unprecedented and unchecked expansion
20 of DHS's immigration detention system.

21 To be clear, the government has the tools
22 and resources to treat asylum seeking women, men, and
23 families in a way that respects their rights and
24 dignity, complies with our domestic and international
25 legal obligations, and could set a model for the rest

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of the world.

2 But as WRC found in our 2017 report,
3 Prison for Survivors, the government's detention
4 practices, policies, and expansion reflect a political
5 and profit-motivated choice, a choice that is not
6 grounded in proven or needed policy.

7 I want to focus my remarks today on three
8 areas that, while certainly not our only areas of
9 concern, particularly impact women and families.

10 First, WRC is deeply concerned at current
11 practices of the detention of pregnant women. Whereas
12 the 2016 ICE policy presumed release for most pregnant
13 women, the Agency superseded that policy with a March
14 2018 directive ending all presumption of their release
15 and eliminating stricter oversight of their care and
16 regular review of their custody.

17 The policy is opposed by three major
18 medical organizations, and it came after and despite a
19 complaint filed by WRC and others on behalf of ten
20 women who were detained by ICE while pregnant,
21 suffered inadequate medical care, poor nutrition, in
22 some cases miscarriages, and yet remained detained for
23 no reason other than that ICE chose not to release
24 them.

25 A recent snapshot indicates that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 number of pregnant women in ICE detention on a given
2 day has increased. And ICE data also revealed that
3 the number of women who experience miscarriage in ICE
4 custody or just before has nearly doubled from ten in
5 FY '17 to 18 in FY 2018.

6 While some pregnant women may continue to
7 be released, any pregnant woman's detention for any
8 length of time is simply unnecessary and
9 inappropriate.

10 Next, I want to turn to family separation.

11 We now know not only of the staggering numbers of
12 parents who are separated from their children prior to
13 and during the implementation of the zero tolerance
14 policy, but also that family separations at the border
15 continue to this day without the involvement of child
16 welfare specialists at the border or clear
17 justifications and processes that ensure the best
18 interest of the child or due process to the parent or
19 legal guardian.

20 Many of these findings have been
21 extensively supported by both DHS's and HHS's own
22 Offices of Inspector General. Just recently, I asked
23 officials at one ICE detention facility whether there
24 is a process to affirmatively screen a parent in ICE
25 custody for separation and how ICE would facilitate

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 communication with their child if so.

2 I was told that parents are not routinely
3 asked about separation and only identified if they
4 voluntarily inform an official. And it was also
5 suggested that parents' phone calls with their
6 children, if they were identified as separated, would
7 be at their own expense.

8 While it's possible that these kinds of
9 practices may vary, it is unconscionable that, more
10 than a year after zero tolerance began and nearly two
11 years after a pilot program testing this horrific
12 policy, ICE and DHS still have no standard procedures
13 or policies in place to prevent family separation in
14 the first place, to identify separated parents or
15 close relatives, to facilitate regular and free
16 communication.

17 Similarly, the Departments still have no
18 meaningful mechanisms to track and document
19 separations or allow a decision with life-long
20 consequences to be appealed.

21 To be clear, WRC does not believe that
22 detaining families together is the answer to
23 separation, indeed, at one time ICE actually had
24 invested in a more appropriate, and cost efficient,
25 and humane program for asylum seeking families called

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the Family Case Management Program.

2 Modeled on internationally proven best
3 practices, FCMP matched families seeking protection
4 with case managers who ensured they had access to
5 social, medical, and legal services while also helping
6 them to understand their immigration and court
7 requirements.

8 It met the government's purposes of
9 compliance with rates of over 99 percent, and it cost
10 a fraction of the cost of detaining families together
11 or separately. Yet rather than scaling up and
12 improving this program, and decreasing the use of
13 detention, the government made yet another political
14 choice to end that program in 2017 in favor of
15 separation and detention policies.

16 We urge the Commission to further
17 investigate the detention of pregnant women and to
18 press ICE to presume release for pregnant women. We
19 also urge you to investigate the government's family
20 separation policies and practices that continue and to
21 once and for all ensure that families at the border
22 are not forcibly and needlessly separated, that all
23 separated relatives are systematically identified, and
24 able to communicate, and reunited as soon as feasible.

25 Finally, we urge the Commission to call on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the government to ensure fair custody determinations
2 favoring release and, if needed, placement into case
3 management programs administered by experienced non-
4 profit organizations. It is these types of programs
5 that should be expanded, not detention. Thank you so
6 much.

7 COMMISSIONER YAKI: Thank you very much.
8 Next speaker?

9 MS. SMALL: Thank you so much for the
10 opportunity to speak with you today. My name is Mary
11 Small, and I'm the policy director at Detention Watch
12 Network which is a national network of organizations
13 and individuals fighting against the injustices of the
14 immigration detention system and with a particular
15 focus on ICE custody.

16 Our members are inside detention
17 facilities providing legal services, visiting people
18 every day. They're in touch with folks inside and
19 their families as people struggle to access urgently
20 needed medical care, sufficient food, and basic
21 rights. And they're confronting the seemingly
22 impenetrable system through advocacy, organizing,
23 research, and litigation, and more.

24 And I share this because I want you to
25 know where I'm coming from with this testimony which

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 is with the privilege of a clear-eyed systemic view
2 but that's grounded in a lived experience of
3 individual people who've been swallowed whole by the
4 system.

5 I'm so grateful that so many other
6 colleagues today have talked about other aspects of
7 this system. And so I'm going to focus my time on why
8 your oversight and investigation is so critically
9 needed.

10 While being brief, I'll cover two main
11 points. One, that the existing, quote, quality
12 control mechanisms in the system are woefully
13 inadequate and, in many cases, intentionally so. And,
14 two, that the situation is worsening as detention
15 rapidly and recklessly expands.

16 First, on existing quality control
17 mechanisms, I'll just direct you to the great work
18 already done by the Department of Homeland Security
19 Office of Inspector General which found that ICE's
20 inspections processes are basically a sham.

21 And I'm happy to answer questions about
22 this, because their investigation echoed the findings
23 of an in-depth report that Detention Watch Network did
24 with the National Immigrant Justice Center just a few
25 years prior.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Basically, and this is the summary, their
2 inspections are not independent, they're announced
3 ahead of time. They're based on an inadequate
4 checklist, they're often based on conversations with
5 staff but not people who are detained. And they
6 consistently fail to identify even well documented
7 deficiencies.

8 And so, the OIG began conducting their own
9 investigations, this time unannounced. And in most
10 facilities they went to they found issues, not small
11 ones but issues that threatened the health, safety,
12 and well-being of detained people.

13 Then, the OIG looked into ICE's
14 contracting and specifically whether or not ICE was
15 using available contracting mechanisms to ensure that
16 basic standards were being met. Again, the answer was
17 clearly no.

18 Over a three-year period, even ICE's own
19 sub-par inspections found 14,003 deficiencies. ICE
20 imposed financial penalties on its contractor in two
21 instances. But even worse, ICE consistently abuses a
22 waiver process to waive the failed standard rather
23 than address the underlying problem.

24 According to the OIG, there is almost no
25 protocol for these waivers, 96 percent of which are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 granted, many of them indefinitely. While we still
2 don't have nearly enough information about these
3 waivers, we do know that they're routinely issued for
4 such fundamental standards related to overcrowding
5 which, of course, exacerbates all of the other pre-
6 existing conditions that you've heard about today.

7 At a high level, rather than acting with
8 urgency to address life and rights threatening
9 violations within the system, the Agency consistently
10 contorts the paperwork instead. And I want to carry
11 that thread of fixing the paperwork rather than the
12 problem into the season of rapid expansion that we're
13 in.

14 As you've already heard today, there are
15 currently almost 50,000 people in immigration
16 detention. Said differently, over the course of this
17 year, our government will detain the equivalent of the
18 entire population of New Orleans. And new detention
19 contracts are being signed on a nearly weekly basis.

20 In the last two administration budget
21 requests, the Agency has been clear about a desire to
22 lower detention standards even further in order to
23 facilitate entering into contracts with facilities
24 that even they acknowledge can't meet current
25 standards.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And while the details of ICE's contracting
2 and inspections process may not seem directly
3 connected to the jurisdiction of this Commission, I
4 offer this overview to show that the very basics of
5 safeguarding basic civil and human rights are
6 systematically de-prioritized and even disregarded
7 inside of the system, and with that understanding ask
8 that you assign increased urgency to the grave rights
9 abuses raised by other commenters today. Thank you.

10 COMMISSIONER YAKI: Thank you very much.
11 Just one quick announcement. This is, as of now, the
12 last panel, just based on how quickly we've been
13 going. I thank all of you for being quick. We should
14 be finished by about quarter 'til. And the hearing
15 goes until 1:15.

16 If there's anyone else in the audience who
17 has not signed up and wishes to do so, this is your
18 last call to testify. If not, this will be it. But
19 if you do want to, let us know. Thank you.

20 MS. HALLOCK: Good afternoon. My name is
21 Sara Hallock, and I'm from California where I'm a
22 senior student at UCLA. I'm currently in DC interning
23 with the League of United Latin American Citizens.

24 In 2015, ICE released the Transgender Care
25 Memorandum which provided a guideline for ICE

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 officials to adhere to when detaining and processing
2 transgender immigrants. A close reading of this memo
3 reveals troubling policies and procedures around
4 protective custody and administrative segregation
5 which is solitary confinement.

6 The memo states in the beginning that
7 detainees should not be housed in solitary confinement
8 for more than 72 hours but contradicts itself later on
9 to say that transgender detainees may be housed ---
10 have four options for housing, in general housing with
11 their biological sex, in general housing consistent
12 with their gender identity, in protective custody,
13 solitary confinement, or medical or administrative
14 segregation, also forms of solitary confinement.

15 These four options make it clear that a
16 transgender detainee can essentially be assigned
17 housing anywhere in the facility, despite the
18 provisions that the memorandum states in the
19 beginning. ICE officials are instructed in this memo
20 to assess the detainee's safety, and even the personal
21 request, but are under no obligation to assign them to
22 any one type of housing.

23 Additionally, this memorandum is not
24 required to be followed by any facility. They may
25 adopt this memorandum and the policies within it, but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 they are not required in any way to do so. It can be
2 thought of as merely a suggestion that, at this point,
3 is not being followed.

4 According to the information obtained by
5 Representative Rice of New York, and published by the
6 Center for American Progress, the Department, ICE, no
7 longer will exempt classes or categories of aliens
8 from potential enforcement.

9 This change comes under the direction of
10 Executive Order 13,768, Enhancing the Public Safety in
11 the Interior of the United States, which was signed by
12 President Trump in January of 2017.

13 This order outlines that ICE is no longer
14 supposed to be giving any special protections to
15 vulnerable populations that are being detained in
16 their facilities.

17 It is fair to assume that even the most
18 limited protections outlined in the Transgender Care
19 Memorandum are no longer being practiced by ICE
20 officials in an effort to discontinue the wasting of
21 resources.

22 This has many consequences. The Center
23 for American Progress found that transgender
24 individuals are detained by ICE for periods twice the
25 average of the general population. The average time

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of detention for transgender detainees is 99 days as
2 opposed to 43.7 for the general population.

3 ICE also reported to Representative Rice
4 that transgender individuals account for as little as
5 0.1 percent of ICE's detained population but account
6 for 12 percent of sexual assaults reported to ICE
7 officials in those detention centers.

8 The Center for American Progress also
9 found that one in eight transgender ICE detainees are
10 placed in solitary confinement. And LGBT individuals
11 who are detained for a period longer than 15 days
12 spend an average of 52 days in solitary confinement.

13 Alejandra Barrera is a 44-year old
14 transgender woman from El Salvador who recently
15 requested asylum at the US-Mexico border in November
16 2017. She has been housed and detained by ICE ever
17 since. She is incarcerated now. She is the longest
18 detained Trans woman in the Cibola Detention Facility.

19 Roxana Hernandez died last year in May
20 2018 when she attempted to gain asylum in the United
21 States. Roxana was a transgender woman from Honduras
22 who had described extreme violence to officials at the
23 border.

24 She told reporters at the border that she
25 was gang-raped by MS-13 gang members, saying four of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 them raped me, and as a result I got HIV and that
2 Trans people in my neighborhood are killed and chopped
3 into pieces and dumped inside potato bags.

4 I ask you and all of America, who are we?

5 Are we a people that can stand for this type of
6 injustice? You've heard the suffering today. You've
7 heard the testimony of all these stories, of all the
8 ways that people are being broken, traumatized, by our
9 immigration detention system and our policies.

10 I urge this Committee to use your
11 influence to end the suffering. And if you don't, you
12 are complicit. Thank you.

13 COMMISSIONER YAKI: Thank you very much.
14 Next speaker.

15 MS. OLIVARES: Good afternoon, thank you
16 very much for this opportunity and for your service.
17 My name is Mariela Olivares. I'm a law professor at
18 Howard University School of Law. I am here in my
19 individual capacity as a scholar expert.

20 I have been teaching for 11 years,
21 focusing primarily on subjects of immigration law,
22 family law, and domestic violence. Within these
23 disciplines, I study the Constitutional protections
24 held by non-citizens in our country, including parents
25 and children.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I come here today as a scholar expert on
2 the issues of immigrant detention and family
3 detention. I write, teach, and present on immigrant
4 detention and, more recently, family detention, the
5 family separation policy, and the detention of
6 children.

7 There is indeed a crisis at the border,
8 one that has entrapped thousands of migrants, many of
9 whom have arrived intending to ask for asylum.
10 Instead, they have endured unconstitutional, forced
11 separations from their children and detention of
12 children and family.

13 In 2017, and formally announced in 2018,
14 the Department of Homeland Security instituted the
15 zero tolerance prosecution policy against asylum
16 seekers and other entry migrants that led to CBP
17 officials tearing children away from their parents at
18 the border.

19 The purported argument they used to
20 justify these policies was that the parents were
21 committing the misdemeanor crime of illegal entry and
22 thus were being arrested and detained pending their
23 prosecution and/or expedited removal from the country.

24 Because they were arrested and detained, their
25 children who accompanied them were taken from them and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 put in children detention.

2 Recent reports indicate that during this
3 time at least 2,737 children were taken from their
4 presumably fit parents or guardians. As of the latest
5 publicly available information from the OIG report
6 that has been mentioned several times, including by
7 Commissioner Yaki, many have been reunited with
8 parents, some remain in the custody of Office of
9 Refugee Resettlement, others have been discharged to
10 suitable guardians or aged out of ORR custody and
11 presumably placed in adult detention.

12 The intersection of the family separation
13 policy and the zero tolerance prosecution policy were
14 part of a maneuver to magnify the crisis of the
15 entering migrants, stoke fear among the community in
16 an attempt to deter future migration.

17 Further, the policies were used to bolster
18 the continuation and expansion of family detention in
19 which immigrant families and unaccompanied minors are
20 held in government custody.

21 These efforts have promised a swift
22 response, including much of what you've heard today,
23 including advocacy in the courts. In one case,
24 plaintiff parents have obtained a successful order and
25 saved their substantive due process claim that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 separation policy unconstitutionally infringed upon
2 their rights to family integrity, a decision that
3 essentially stands for the proposition that non-
4 citizen parents have constitutional rights to family.

5 Moreover, the Court had enjoined the
6 government from deporting parents who were separated
7 from children. This was brought in part by the
8 incredible difficulties that advocates have had to
9 find and reunite some parents with the children who
10 were taken from them, especially after the parent was
11 deported.

12 Lawyers for such situated parents asserted
13 that the parents could not have and did not
14 meaningfully and voluntarily consent to their removal
15 without their children. It is of deep concern,
16 however, that the family separation may emerge yet
17 again.

18 In any remaining time I have available, I
19 want to emphasize that our government incarcerates
20 parents and children and that these parents and
21 children have rights. We continue to incarcerate
22 them, and hold in government custody children who have
23 the right to be with their parents.

24 I want to highlight that every credible
25 source and expert that has studied the effects of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 detention on children and families has vehemently
2 denied these efforts and proclaimed that locking up
3 children is never in their best interest.

4 It doesn't matter how our government does
5 it, or what pictures are put on the walls at these
6 centers, these experts include the 2015 report by this
7 Commission which states, quote, Congress should not
8 fund family detention and should reduce its funding
9 for immigration detention generally.

10 And a Department of Homeland Security
11 Committee, created in 2016, ultimately determined that
12 DHS's immigration enforcement practices should
13 operationalize the presumption that detention is
14 generally neither appropriate nor necessary for
15 families, and the detention or the separation of
16 families for purposes of immigration enforcement is
17 never in the best interest of children.

18 We know without a doubt that these
19 practices cause physical and emotional harm and that
20 this trauma may be long term. It is appalling that,
21 in a country that purports to protect children, that
22 we would, at the same time, victimize children seeking
23 our care and protection. Thank you for your time.

24 COMMISSIONER YAKI: Thank you very much.
25 Next speaker.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. TYLER: Good morning or afternoon now
2 maybe, yes. Thank you so much for your time and for
3 the opportunity to testify today. My name is Jasmine
4 Tyler, and when I was 20, actually 23 years ago this
5 month, my dad almost died in prison due to inadequate
6 medical care for diabetes and HIV/AIDS. And that will
7 inform my testimony today.

8 I also am the Advocacy Director for the US
9 program at Human Rights Watch, an international non-
10 profit organization dedicated to defending human
11 rights around the world. And Human Rights Watch has
12 long documented human rights abuses within the US
13 immigration system, in fact, we've covered it for 20
14 years.

15 Two of our most recent reports on U.S.
16 immigration, systemic indifference in Code Red, focus
17 specifically on immigration detention and the deadly
18 consequences of dangerously substandard medical care.

19 Since March 2010, ICE has reported a total
20 of 80 deaths in adult immigration detention. It's
21 important to note these numbers do not include the
22 recent deaths of two children and an adult in border
23 patrol custody.

24 In 52 of these deaths, ICE completed and
25 released death reviews which summarize ICE's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 investigation and analysis into how and why the person
2 died. Looking at 52 of the cases for which we have
3 independent medical analysis since 2010, experts found
4 that inadequate care contributed to 23 of the deaths.

5 Human Rights Watch, working with the
6 American Civil Liberties Union, Detention Watch
7 Network, and the National Immigrant Justice Center,
8 asked independent medical experts to review 15 cases
9 in which ICE had released death reviews. And these
10 experts found that in eight, or over half of those
11 cases, sub-par medical care contributed to the
12 fatalities.

13 Sub-par medical care is a persistent
14 problem in the U.S. immigration detention system. And
15 people are dying as a result. The indifference to
16 human suffering throughout the detention center
17 revealed in these deaths, which are likely
18 preventable, is staggering.

19 On the morning that Jose Azurdia died in
20 2015, an officer at the Adelanto Detention Facility in
21 California told a nurse Mr. Azurdia was ill and
22 vomiting. The nurse told him that she did not want to
23 see Mr. Azurdia because she did not want to get sick.

24 This began a series of unconscionable delays for what
25 turned out to be a fatal heart attack for him.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Thongchay Saengsiri suffered from the
2 symptoms of congestive heart failure for most of the
3 15 months he was detained at the LaSalle Detention
4 Facility in Louisiana. Those symptoms included
5 fainting, swelling, anemia, coughing and shortness of
6 breath.

7 Instead of properly diagnosing and
8 treating these classic symptoms, a nurse recommended
9 that he increase his fluid intake which likely
10 increased his risk for heart failure.

11 Many of the cases we examined indicate a
12 particularly troubling failure to provide adequate
13 mental health care, as well as the over use of
14 solitary confinement, for people with serious mental
15 health conditions. Jeancarlo Alfonso Jimenez-Joseph,
16 27, died by suicide at Stewart Detention Center in
17 Georgia in May of 2017.

18 ICE still has not released a death report
19 for him, but the Georgia Bureau of Investigations
20 found that he had been in solitary confinement for 19
21 days as punishment for an act he described as an
22 attempt to harm himself. He was identified as a
23 suicide risk early on, but he was never put on suicide
24 watch nor was he provided with the upward adjustment
25 of his anti-psychotic medication that he begged for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 four days before his death.

2 In response to these documented failures,
3 ICE has not only failed to remedy them but has also
4 dramatically expanded the number of people subject to
5 the detention system's dangers. The Trump
6 Administration has pushed this expansion even further
7 and is detaining more vulnerable people, including
8 pregnant women, children, and families.

9 At the same time, the Trump Administration
10 has requested less money for Department of Homeland
11 Security oversight of detention to assure the
12 conditions of confinement are safe. ICE has proven
13 unable and unwilling to provide adequately for the
14 health and safety of the people it detains.

15 Early in 2018, Congress required that ICE
16 publicly release all reporting on each in custody
17 death within 90 days. But ICE has failed to meet this
18 reporting requirement for 2018. Once they finally
19 began to release detainee death reports, these reports
20 were nothing like they had been. They were merely
21 notifications rather than summaries of investigations.

22 We at Human Rights Watch encourage this
23 Commission to both visit immigration detention centers
24 and seek detailed information from DHS on its
25 detention system and its enforcement policies in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 general. But in particular, in particular, I'm
2 sorry, we request this Commission press ICE to provide
3 full investigations into the deaths in detention and
4 to explain its failures to meet Congressional
5 reporting requirements in a timely manner. Thank you.

6 COMMISSIONER YAKI: Thank you very much.
7 This is the last call before our last speaker. If
8 anyone who has not spoken but wished to and was maybe
9 shy, this is your last opportunity to come forward and
10 sit in the front row. Otherwise, this will be the
11 last speaker. So, anyone?

12 Okay, this will be our last speaker.
13 Thank you very much.

14 MS. TATU: Good afternoon. I'm a little
15 nervous. Good afternoon, and thank you to each of
16 you, thank you to each of you for your time, and your
17 concern, and your consideration today. I have great
18 respect for you.

19 My name is Francine Tatu Slaton, I go by
20 Fran Tatu. My mother is Japanese American, and she
21 was interned, actually, at Poston during the war. So
22 naturally, I have a personal issue in this.

23 I've just driven up from Homestead,
24 Florida, where I spent three days on a ladder waving
25 to immigrant children as young as 12, possibly. It's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 unbelievable to explain to all of you the feeling of
2 seeing the kids waving and looking for you. They
3 shuffle along, they're depressed, but when they see us
4 standing on the ladders they throw up their arms, they
5 do this. The other day they got very creative and two
6 of them stood together and did this.

7 We had three Congresswomen come down and
8 were denied access on Monday. But the children were
9 given crafts that day in case they came in, so we saw
10 them with a lot of crafts. And the following day, one
11 of the boys held up a white heart with silver on it
12 that said I love you. The following day, day three,
13 there was a little boy who had a yellow heart for me.

14 Homestead concerns us because it is the
15 largest unaccompanied youth detention center in the
16 country. While there are 27 that we know of run by
17 Southwest Key, this is privatized, this is run by ex-
18 CIA military men, something called, I believe, DC
19 Capitol. Forbes has an excellent article on this.

20 It also has no jurisdiction. While it's
21 called Homestead, it's in a no man's land. It's not
22 actually in Homestead. So even the workers are not
23 being held accountable. They're not screened
24 properly. They're ramping up from 2,000 kids to, we
25 hear, 3,200. As I left, they were putting up new

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 tents, and there was a big job fair going on.

2 And in the description, they may have
3 changed it, but in the original description, the job
4 description, it actually says you must have the
5 ability to be able to restrain youth and infants.
6 Imagine this.

7 So we ask that you please, please continue
8 oversight and demand accountability from these people
9 down there. I have one recommendation with the time I
10 have for the Commission. I spent three months in El
11 Paso at Tornillo, and also in the refugee shelters
12 working with newly released ICE detainees, a
13 heartbreaking experience.

14 As a folklorist, as a trained folklorist,
15 and as a daughter of a U.S. diplomat, career diplomat,
16 growing up overseas, I understand the importance of
17 language to culture. Many of the refugees that I met
18 spoke no Spanish when I tried to speak Spanish with
19 them. They were indigenous. This is an invisible and
20 lost population among our immigrant and refugee
21 population.

22 I demand that they be given proper
23 representation. I work with the Indigenous Youth
24 Council in Austin, Texas. They and their peers would
25 be delighted to be allowed to enter the detention

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 centers and consult with the indigenous folks there.

2 And I also demand that they be given
3 immunity, whether they're documented or not. Please,
4 let's make this a reality. The indigenous need to
5 have some representation. Imagine the PTSD of a young
6 child, totally bewildered, more than bewildering, it's
7 dangerous. Oftentimes, people are asked to sign
8 documents. They have no idea what they're signing.
9 Let's not forget our indigenous population.

10 And I wish I could remember the name of
11 the indigenous people of whose land we're on. I think
12 it starts with a P. I was born here, I should know
13 that. I'm nervous, and I'm tired, and I can't
14 remember. Thank you so much. Thank you.

15 COMMISSIONER YAKI: Thank you. Once
16 again, thank you all for being here. I want to again,
17 please give a round of applause for the great staff
18 who did a wonderful job of doing this together.

19 (Applause.)

20 COMMISSIONER YAKI: This brings us to the
21 end of our public comment session. And on behalf of
22 the entire Commission, thank you all for being here
23 today and sharing your stories and your testimony.

24 The record for this briefing shall remain
25 open until Monday, May 13th, 2019. If you'd like to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 submit materials, especially those people who I
2 ruthlessly cut off in the beginning, please mail them
3 or email them to the U.S. Commission on Civil Rights,
4 Office of Civil Rights Evaluation, 1331 Pennsylvania
5 Avenue, NW, Suite 1150, Washington, D.C. 20425. Or
6 email them to immigration@usccr.gov.

7 Again thank you all very much, we will be
8 doing some more business here, so if you can take
9 conversations outside, that would be great. But
10 again, thank you very much, and thank you very much,
11 my fellow Commissioners, for being here. And this
12 public comment session is adjourned.

13 PARTICIPANT: Mr. Yaki, would you answer
14 any questions, since there's a little bit of time,
15 from the public? Any questions, please, from any of
16 the other people who may be shy?

17 (Off the record comments.)

18 COMMISSIONER YAKI: No, I mean this was
19 noticed, and this was done as a public comment
20 session. If you have questions that you'd like to
21 direct at us, I mean, I'll be glad to talk to you
22 after meeting right now. Okay, thank you.

23 **X. ADJOURN MEETING**

24 We are now adjourned.

25

1 VICE-CHAIR TIMMONS-GOODSON: Commissioner
2 Yaki, thank you very much for your leadership of this
3 session.

4 Whereupon, the above-entitled matter went
5 off the record at 12:45 p.m.)

6

7

8

9

10

11