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threat of incarceration has acted as a deterrent to illegal immigration. This is because economic circumstances and family responsibilities are the drivers of improper migration, the report found.

"Nothing has worked to stem the tide," said Felix Recio, retired federal magistrate judge, during a conference call arranged to correspond with the report's release.

Before retiring three years ago, he presided over courtrooms in the southern Texas border town of Brownsville, where he handled more than 17,000 illegal-immigration cases. He was interviewed about his experiences for the report.

"The only thing we have done is affected the lives of many people whose only crime is a desire to exercise their human rights to feed and care for themselves and their families," Recio said.

He does not, however, discount the United States' sovereignty and duty to protect its borders.

"The challenge is to find a way of respecting individual rights, and the rights of government," he said. "The problem is that those governmental rights and programs are too often used as justification for violating individual rights in a dehumanizing way."

Report author Bethany Carson at Grassroots Leadership said at the report's release that during the course of her research, she heard heartbreaking stories from families who had been negatively affected by the prosecution of improper entry.

"I saw the prosecution of men who fled their countries after losing fathers, brothers and cousins who were murdered by gangs," she said. "In our research we found that the majority of judges and attorneys we spoke with, who hear these cases on a daily basis, do not believe that prosecutions are an effective deterrent to unauthorized migration.

"For a decade, we have wasted billions of taxpayer dollars on a policy that lines the coffers of for-profit prison corporations and feeds mass incarceration," she said.

Policy through the years

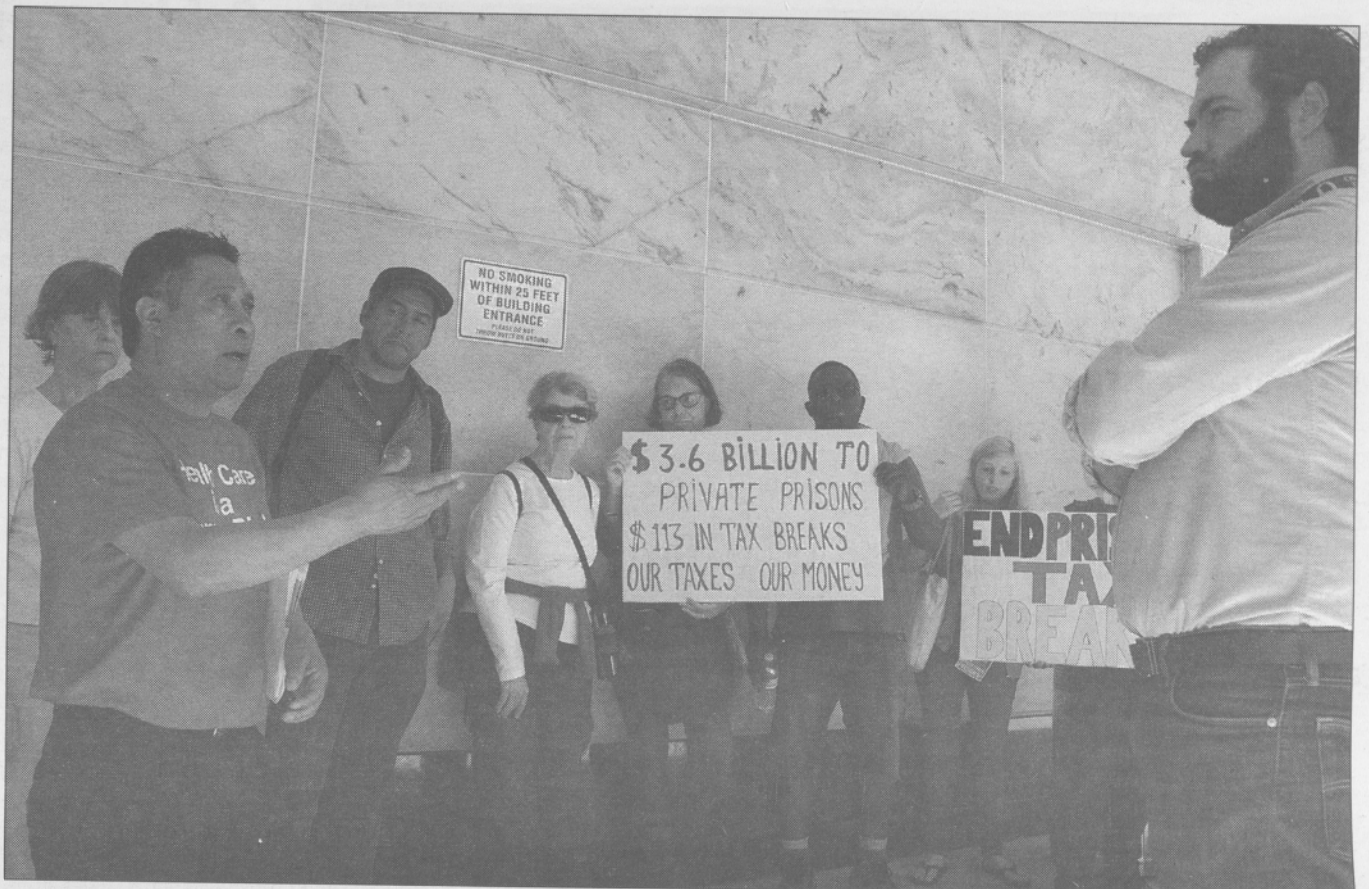
In earlier decades, migration from Mexico to the U.S. for seasonal work was largely legal. "Indefensible" chronicles how larger numbers of Latinos began visiting the U.S. during World War II legally to fill a manual labor shortage under a government program, a practice that was expanded over time.

This free flow of migrant workers became embedded in the agriculture and unskilled labor markets. It also enabled workers to provide their families back home in Mexico with financial support.

In the 1960s, Congress ended the legal flow of seasonal migrant labor between the U.S. and Mexico after labor unions and their allies cried foul. Workers continued to migrate, and employers continued to give them work – all without authorization.

In the 1980s, politicians began to exploit the issue for political gain, the report states, with candidates and lawmakers demonizing migrant workers by calling them "illegal aliens."

President Ronald Reagan reframed the



Wyden staffer Ree Armitage, pictured at right, listens to advocates plead their case. In April, The Portland Prison Divestment Coalition, headed by immigrant advocacy group Enlace, delivered more than 750 signatures to U.S. Sen. Ron Wyden's Portland office, encouraging him to introduce legislation that would stop private prisons from qualifying for Real Estate Investment Trust status, which allows them to bring in billions in tax-free revenue.

PHOTO BY DOUG YARROW

BY THE NUMBERS

62% Immigration detention facilities operated by private prison companies

\$1 billion-plus 2012-15 profits of Corrections Corporation of America, the largest private prison company

\$3.38 million Corrections Corporation of America's spending on lobbying in 2005, the year Operation Streamline went into effect

SOURCES: "Indefensible" report; Center for Responsive Politics

CCA
CORRECTIONS CORPORATION OF AMERICA



problem as a national security issue, and the ensuing enforcement crackdown on improper border crossings made it increasingly difficult for laborers to move between the two countries, leading many workers to settle and start families in the U.S.

In December 2005, the U.S. Department of Homeland Security began to implement Operation Streamline as part of its zero-tolerance initiative.

According to the Center for Responsive Politics, 2005 was also the year Corrections Corporation of America spent more on lobbying than it has any other year between 1998 and 2016, the time frame for which data were provided. It spent \$3.38 million on lobbying that year, and with good results – it reported that its profits increased 46 percent between 2005 and 2011, and today it houses more illegal immigrants than any other private prison company.

Like other private prison companies, CCA includes a lock-up quota in its contracts. This clause requires state and federal governments to keep a certain number of beds filled, or otherwise pay for unused beds at the expense of the taxpayer.

The authors of "Indefensible" suggest Operation Streamline was a way to placate Congress into passing some kind of immigration reform package. It just didn't work.

Now, thousands of these workers are sitting behind bars for what, the report's authors say, amounts to simply trying to provide for their families.

While the U.S. has seen bipartisan support for reducing the nation's prison populations and ramping down the war on drugs, there has been little effort to address the growing problem of migrant incarceration, the report's authors argued.

But advocacy groups are finding they have some allies in Congress, including Wyden, who on July 14 followed through on Enlace's request and introduced legislation that would exempt private prisons from claiming Real Estate Investment Trust status.

Private prisons have avoided paying more than \$113 million in taxes by using this tax law since 2013, according to Enlace.

"As part of rethinking our criminal justice system, particularly as it results in the mass

incarceration of low-income and minority individuals, the tax rules for (Real Estate Investment Trust status) must be changed so that we are not encouraging companies to unjustly profit from prison detention services," Wyden said at the announcement of his bill.

"This legislation would significantly weaken the for-profit prison industry," Enlace's Shank said.

After Enlace decided to target for-profit prisons, it founded the National Prison Divestment Campaign, which now includes black, Latino and immigrant groups working together, to "end private prisons as one part of a larger push to end the era of mass criminalization of communities of color," Shank said.

In addition to eliminating private prisons' ability to claim tax-exempt status, the coalition is pushing for divestment in Corrections Corporation of America and GEO Group, as well as banks that financially back them.

According to the coalition, universities, churches and local and state governments invest in private prisons through management companies such as Blackrock, Lazard and Vanguard without even knowing it.

In February, Portland's Socially Responsible Investments Committee voted unanimously to recommend the city of Portland divest from Wells Fargo & Co. due to its financial backing of for-profit prisons. As of March 31, Portland had a market value of \$62 million in Wells Fargo holdings.

According to Enlace, this was the first time a public body voted to divest from Wells Fargo based on its involvement with the prison industry.