

## BUILDING JUSTICE PODCAST



### CRISJ Building Justice Podcast

**Season 2, Episode 29:** Challenging immigration detention: academic research and community organizing

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**Guest:** Tristan Josephson, Associate Professor of Women's & Gender Studies

**Please note:** This transcript may be imperfect. Please contact Tristan Josephson ([tristan.josephson@csus.edu](mailto:tristan.josephson@csus.edu)) directly should you have questions.

**Music lyrics:** Company under construction, the function, justice for the human family we demand it. Justice, true freedom, equality is a must. Thus, decolonization of the planet. So bust this. People be the power now we're Building Justice. Pulling out divinations, now we're Building Justice. Welcome the planet to the Podcast, "Building Justice," "Building Justice," "Building Justice." Building is to add on, or to do away with.

**Tristan Josephson:** Welcome to Building Justice, a podcast by Sacramento State's Center on Race, Immigration and Social Justice (CRISJ). We explore critical issues affecting our communities with the hopes of creating a healthier and more just world.

I'm Tristan Josephson, an associate professor of Women's & Gender Studies at Sac State and I'm excited to be here with Wendi Yamashita, an assistant professor of Ethnic Studies at Sac State. I recently published a book on trans migrants and U.S. immigration law and policy, titled *On Transits and Transitions*. Our conversation today will use my book as a jumping off point into a larger discussion about immigration detention in the United States and the relationships between academic research on immigration detention and community organizing within immigrant communities.

Thank you Wendi for joining me today!

**Wendi Yamashita:** Happy to be here. I think I'm gonna start with the book specific questions. So, Tristan, do you mind sharing what inspired this book?

**Tristan:** This research started a long time ago, or, what feels like a long time ago now, in the early 2000s when I was a graduate student. And there are two ways I can answer this question. One is through the personal origins. At this time, of me starting the research, I was also in the early stages of starting my own gender transition, and I was reflecting on my position as a white, trans masculine immigrant who is a green card holder, and how that made possible my access to transition-related health care and eased the process of changing my name and gender on my immigration documents. At the time I was thinking a lot about how my racial, class, and language privileges facilitated that process for me. Because a few years prior to that moment, I had been introduced to the asylum system while I was supporting a former partner and close friend who was applying for asylum in the United States on basis of sexuality. Seeing their experience navigating the asylum system and then reflecting on my own experiences made very clear how hierarchies of race, gender, and socioeconomic class structures the U.S. asylum and the U.S. immigration system more generally. That's how I got interested in thinking about how questions of the intersections between trans and immigration.

The second way I can answer this question is through its political origins. I was writing early drafts of this book during the Obama Administration. And at that time, there was a lot of attention to advances in trans rights and recognitions, as well as LGBT rights more generally. So celebrations of federal hate crime legislation being passed, the repeal of "Don't Ask, Don't Tell," the elimination of the Defense of Marriage Act – all those things were being widely discussed on the national level. At the same time of these advances in rights and recognitions for LGBT folks, the Obama Administration was also expanding the U.S. immigration enforcement & deportation regime, which actually earned Obama the title of "deporter-in-chief" from immigrant justice activists. So there was less attention, less national attention to how these immigration policies were impacting LGBTQ migrants, and there was a general disconnect on the national level between LGBT rights and immigrant rights. So given this, I was interested in thinking about what the increasing visibility of trans people in the public sphere in the first decades of the twenty-first century meant for trans migrants in particular.

**Wendi:** I was wondering if you could talk about how your book does engage with the question of legal recognition and the limitations of, you know, such a narrow, narrow political projects that are focused on the recognition of trans people.

**Tristan:** So over the past two decades, the most visible mainstream transgender movement in the United States has tended to focus on increasing the visibility, rights, and legal recognition for trans people. So my book is really trying to push against that, and work to kind of problematize that approach to thinking about trans justice. I build on the work of other scholars in queer and trans studies who critique liberal trans politics that are more invested in obtaining rights and recognitions than in obtaining transformative justice. So these scholars point out the ways that seeking inclusion in state institutions and in legal frameworks is a pretty limited political goal.

My analysis of U.S. immigration law and policy in the book highlights how the legibility and legal recognition that's granted to trans migrants is premised on pretty normative binary

understandings of sex and gender. As a result, these legal frameworks fail to protect those gender-variant subjects who are often the most vulnerable as a result of white supremacy, racial capitalism, and heteropatriarchy. So, you know, focusing on the inclusion and recognition of “transgender” as a category in immigration law does not transform the material conditions that produce the poverty, criminalization, violence, and incarceration that’s experienced by many trans people, particularly trans migrants, in the United States. As trans legal scholar Dean Spade says very concisely, our goal should not be to get the law to say nice things about us. Getting recognized in the law doesn’t necessary change the forms of marginalization and violence that trans people experience in their everyday lives.

Let me explain this with a concrete example from the book. So my analysis of U.S. immigration detention policies focuses on how the category of transgender was incorporated into federal standards for immigration detention facilities. In 2012, Immigration and Customs Enforcement (ICE) released updated standards that mentioned transgender migrants and contained trans-specific provisions for the treatment of trans migrants who are incarcerated in immigration detention facilities while they fight their deportation cases. So there had been previous edition of these performance-based national detention standards, but 2012 was the first time where transgender and “transgender detainees,” as they’re known by ICE, were mentioned for the first time. And the inclusion of these provisions and the recognition of trans migrants in these standards is largely due to the work of several national LGBT immigration advocacy organizations like the National Center for Transgender Equality and Immigration Equality.

By recognizing trans migrants in their detention standards, ICE is then able to argue that they are better able to care for trans migrants, even as their abuse and neglect of detained trans migrants continues. So since 2012, the treatment of trans migrants in immigration detention has not improved substantially. Human rights organizations continue to document the violence and abuse that many trans migrants experience in immigration detention. But because there’s this, because there’s these updated standards, ICE is able to say, look, we have provisions about housing, about medical care, about how to assess risk for those migrants who are trans, even as the inclusion of these provisions in the standards hasn’t actually changed the treatment of detained trans migrants. It allows ICE to claim that they’re recognizing trans folks, trans migrants, and that they understand the vulnerability of trans migrants in detention. But it’s not actually resulted in any material change.

So my argument in the book is that this is a kind of reformist reform that does very little to challenge the larger system of immigration detention in the United States, and actually really dangerously functions to naturalize the existence of immigration detention as a quote-unquote “necessary” administrative response to unauthorized immigration.

So this is one of the ways that I’m trying to kind of complicate the emphasis on visibility and legal recognition. And I hope that my arguments in my book contribute to these larger conversations by queer and trans scholars and activists who are theorizing the limits of visibility and identity politics, and who are arguing – and I make this argument as well – that rather than focusing on legal recognition, we should be grounding trans politics and trans political movements in economic and racial justice. And that kind of trans politics will have a much more transformative impact on trans migrants and on all trans folks in the United States.

**Wendi:** I really appreciate that because I think, you know, your book's intervention in sort of cautioning, right, about the sort of liberal project of legal recognition and the limits of inclusion in regards to the trans subjectivities in terms of both law and policy, but also with, you know, thinking about what you just said about ICE and being able to better care for trans migrants, right, and how that only ends up sustaining the very sort of system we're hoping to end, right. And so I think, you know, I really appreciated this this argument, and I think it really links to some of the work that I have done. And my work is located in Japanese American organizing, and in particular, I look at different organizations that remember their World War II incarceration, and how that links to other marginalized communities of color who experience detention and incarceration, right, and these other forms of containment. And so I really appreciated how there is, throughout the book, the way that there is a critique of these symbolic gestures of inclusion, which are often, you know, read and celebrated as progressive. But you are sort of articulating and showing very clearly how they're actually reinforcing and expanding state violence that produces the inequity in the first place. And that, you know, that there are limits to state and government recognition that marginalized groups often strive for.

Broadly speaking, in regards to my own work is, and this is sort of my dissertation project and book manuscript project, I am specifically looking at how Japanese American World War II experiences were redressed by the state. I think that's becoming also really important in regards to larger reparations projects. And so, I think through like how this struggle, the testimonies and the way that we had to speak to the state in terms to gain recognition, that incarceration did happen to us, that it was wrong, and all of these sorts of things. It taught us particular ways of narrating our story and narrating who we are. With the passage of the Civil Liberties Act of 1988, which gave Japanese Americans an official apology, \$10,000 to former living inmates as reparations and a \$5 million dollar educational fund, so that something like this will never happen again, even though it happens over and over and over. The way it's celebrated and remembered, is this kind of official recognition that's celebrated as a victory, right, and seen as a progressive win.

But my research instead argues that it is this very cautionary moment, and it's a very conflicted and complicated kind of victory. And part of the narration that happens like you're talking a little bit about – and of course these are very different sort of subjects, and different historical moments and things like that – but, you know, the ways in which folks have to narrate themselves in asylum cases, right, or having to narrate themselves in these marriage and immigration marriage cases. It taught Japanese Americans how to narrate themselves as these kind of exceptional victims who are wrongfully incarcerated, that they were innocent, and sort of that guilty-innocent binary dynamic plays into carceral logics that end up sustaining the current prison industrial complex to this day. And so I think there are so many limitations that were placed on us by this supposed victory, so that's something that really resonated with me in terms of the work that you're doing, and that kind of intervention, and something that I really appreciated.

The other thing that I was really sort of interested in by your book, that I think you do such a good job of narrating, of arguing throughout the three areas is where you were writing, and the time that you were writing, during the Obama administration and talking through these kinds of contradictions. And I think that's what your book is so great at doing, is laying out these

contradictions that exist at the same moment. You're talking about how the sort of progressive LGBTQ advances were being made right alongside Obama's deporter-in-chief, the ways in which immigrant rights were becoming tighter and tighter under ICE. And so this is where I'm moving towards in my new project, is really sort of thinking about these new organizations that developed interestingly during Trump's presidential campaign, his election, and throughout his presidency. And this is this particular historical moment where Japanese Americans really push their relational organizing to think about immigration detention. But they weren't in this previous era of Obama, and that's something I'm still trying to think through. Why, why does that happen? And I think it part of it has to do with some of the contradictions that you lay out in the book. And so that's really sort of helpful to me. And I'm gonna be, you know, turning to that a lot. But that's something I'm trying to think through. How do these organizations that had to be birthed in this particular moment?

And there's a couple, there's two that I look specifically at: Tsuru For Solidarity, which is a national organization. It thinks about how does Japanese American World War II incarceration relate to things that are happening at the border, and how does it relate to African American reparations. They have these different projects that work through, and they're on a national level. And then Nikkei Progressives, which is a local organization, so I'm thinking about the connections between the national level versus the local. They're out of Los Angeles. They're located in downtown Los Angeles in little Tokyo. And in particular, these organizations are obviously abolitionist organizations. You know, that's actually a new word for Japanese Americans and the organizational sphere and community sphere. But it's something they're actively working with other organizations like Detention Watch Network. And they are really trying to sort of shut down detention sites, right, but I think for them it's less about the law and policy per se, and more about the actual place and the sites of detention which are very much connected to, are often connected to Japanese American sites of incarceration themselves.

So I'm thinking of Fort Sill in Oklahoma, which was a site that housed, that detained, Apache and Native Americans right. It was also a site where Japanese American men were detained, and was also a proposed site during the Trump presidency to detain migrant children. And one of the ways in which Japanese Americans are really able to, you know, find connections is that they were children themselves when they were incarcerated. So they're very focused on family separation which they feel like, you know, we definitely experienced that during World War II. As well as what does it mean to be a child and seen as an enemy of the United States, in that sense of detention and incarceration. And so they're really looking at family and children, like that is sort of the nexus, right. And so that's something else I'm working through too, because I believe there's another sort of contradiction there that I need to piece through. But I'm sort of trying to figure out, how does that play into problematic discourses of proper gender subjects and heteronormativity, and reproduce that. How do we not replicate the very institutions we're seeking to tear down, right? And so that's kind of where my work is now, and kind of where it was, and where it's going. And so that's kind of how I appreciate getting to read your book and sort of see some of the similar, you know, connections in terms of the interrogation, but also the parsing through the contradiction of the time period.

**Tristan:** Wendi, the points that you're making about how your research is going and the kind of new directions you're moving in, I think offers us an opportunity to talk about this question of

how our work as academics, how academic scholarship on immigration detention should or could exist in relation to activist work on immigration detention.

So I can say a few things about that in terms of my work, but I also want to hear how you're thinking about this question, because I think it's very important for academics who are doing research on forms of state violence that have, that impact different communities, to have a clear sense of the ethical and political responsibilities that we have to the communities that we are writing about.

In my case, like I said, I reflected on my own positionality as a trans migrant but one who is afforded a lot of racial and class privilege and who is in a very different situation than many of trans migrants and refugees that are at the center of the legal cases that I look at. My book is not an ethnographic book. It is a cultural studies analysis of legal cases, court decisions, and government policy. And in that analysis, I push against the ways that the law presents itself as race-neutral, yet has racialized impacts on different populations. So one of the ways I was thinking about this question of my responsibility and the ethics of writing about trans migration is through my thinking about immigration detention, which was informed by me already being politicized around issues of abolition, which you mentioned, and abolitionist trans and queer activist organizations that have been organizing for decades against the carceral state.

So my politics about how to think about immigration detention in the book, in an academic sense, was guided by my politicization around abolition. We need to critique and understand the immigration detention system as a form of state violence against immigrant communities that is naturalized but is not necessary. That is, immigration detention has been naturalized, but it's not necessary. And that we can make a decision as a country to not have that system and to create and develop a more humane immigration system. So that was one way of thinking about what my obligation as an academic who is removed from these immigrant justice struggles, by virtue of my own positionality and the type of research I was doing, but to have my theoretical analysis be informed by those struggles, that I'm working to think about what my analysis of immigration policy could offer in terms of that larger political project that's been outlined by immigrant justice activists.

Another way that I have been thinking about how academic research on immigration detention and how that should exist in relation to activist work is that, for someone like myself who is not also engaged in those grassroots organizations that I was writing about, I could see that I could offer potentially a documentation of that activist work and its impacts, to contribute towards the archiving of the work as it's happening.

So I'm interested in hearing about how you, particularly in terms of your newer work, are thinking about your positionality and the responsibility of academics to the activist communities that they are writing about, participating in, and so on.

**Wendi:** Also, I wanted to point out one of the things I did appreciate, especially in that introduction, is the kind of self-reflection, right, which I think as academics is so important. But I often don't actually see that in books and manuscripts, and I think that's really important to me as a researcher. And I think, also because I do ethnographic research, or, you know, do interviews

and things like that, that is sort of central, the ethics and the self-reflection. But also I'm thinking through what is my actual responsibility?

One of the things for me is that I am, in conjunction with my research, pretty involved with the Japanese American community. I am a member of the Manzanar Committee. I put on the annual pilgrimages every year. I'm part of the Florin JACL [Florin Chapter, Japanese American Citizens League] here, and also the on the board of the Nichi Bei Foundation, which is located out of San Francisco. I've done some work with Nikkei Progressives, but because they're local in LA it's a little bit harder for me, and they sort of developed, were sort of beginning as I was transitioning out and leaving the area, which is very sad for me. And Tsuru, I've done some stuff with. I know one of the paid organizers, which is really nice; they have a couple of paid positions which I think are so important in in these kind of organizations where burn out and exhaustion are just a part of this. But it's really interesting in these organizations, because it's multigenerational, which is something that's pretty new for Japanese Americans. It's mostly been like Sansei-based, which is third generation, and now we have our fourth and fifth generation being very involved. And they're actually a mix of different groups, so like lawyers, teachers, and folks actually in academia. So there's a lot of folks who operate in both spheres, which I think is really interesting.

I think one of the things that I look at when I am working with organizations in general is that, um, and I think what you said about documenting right, the importance of documenting the kind of work that they're doing, and the impact that they're actually having in these multiple spheres is really important. But I also have been trying to get more involved with the organizations and feel like, see how can I actually help out instead of, you know, because I'm doing a lot of interviewing and analysis of their material specifically, like, how can I get back to those organizations. I think that's something that's really, really important to me. Or showing up to their events, right, and helping advertise, and things like that have been really sort of central to how I relate to community organizations, especially as an academic and as a researcher. And that's actually how I got involved in the Manzanar Committee, and, you know, have been since my dissertation days, which feels like such a long time ago now.

And I think that's what I'm interested in looking at. How do these organizations activate memories of the past to relate to other communities of color which, I think, is something new. There's something new that's happening with that in terms of the way that Japanese Americans are organizing now, and so I'm interested in all of these shifts, and being able to document and think through that. And I'm actually really proud of the way that community has transformed since I started this research a long time ago. Because it was really, really impossible to say something like abolition before. And I think because of what was going on in 2020, all the things with Trump, I think it really pushed these organizations in new and interesting ways. And I'm very interested in how that came to be, and all the legwork that these organizations have done, to educate themselves in ways, on both their privilege but also how can they support other communities without burdening those communities at the same time. It's really been fascinating to see the trajectory over time. And so I think, like my larger sort of documentation of that hopefully is helpful to someone in the future. And it was definitely helpful for me on a personal level, as somebody who was, you know, trying to think about these things and talk about these things, but never sort of felt safe to do so until this particular moment. And now everyone is

talking about it. And so for me, I think what's been interesting as someone who is wrapped up in the community and the community spaces is to see those changes happen, and how they happen, and why they've been happening. And so that's kind of what I'm really interested in in terms of my work, and the breadth of my work that I see now, which I couldn't see before.

**Tristan:** Thank you. I think we can finish up our conversation here by talking a little more about this question of abolition and how you see those politics. I can say a little bit about how I think about, and then I'd love to hear more from you about how you see abolitionist politics emerging in the organizations that you're working with.

Because my book is focused on a legal studies analysis, and making sense of the ways in which state violence is perpetrated through the law, it was really important for me in the last few pages of my book to turn to some of those grassroots organizations that have helped to shape my politics around things like, around issues like immigration detention. I wanted to highlight the work that those organizations are doing, because I think that's where we see social change and political change happening, from the grassroots level up.

So in the last few pages of my book, I write briefly about work of organizations like Familia: Trans Queer Liberation Movement, the Black LGBTQIA+ Migrant Project, El/La Para TransLatinas, the Queer Detainee Empowerment Project, and Mariposas Sin Fronteras. So all of these organizations are doing really vital organizing and activist work at the intersections of LGBTQ justice and immigrant justice. These are organizations that center trans migrant issues and politics in radical abolitionist analyses of the immigration, deportation, and criminal legal systems in the United States. And they effectively combine advocacy and policy work with community organizing and empowerment. I wanted to name some of that at the end of the book, to highlight a different kind of perspective on how we can think about the law. Because I think those organizations expand our analysis and our understanding of what a trans migrant politics looks like beyond the law, beyond changing the law and just including trans people in the law.

These organizations engage strategically with law and policy, but they refuse to legitimate the normative frameworks of the law and the underlying carceral logics of the immigration regime. So, like you said earlier about a Japanese American exceptionalism, about how many Japanese Americans understood themselves as sort of exceptional victims, you know, in the World War II period, and that falls in the logics of a binary of deserving vs undeserving immigrants and falls into discourses of national security. So the organizations that I just named, the trans and queer migrant justice organizations, are pushing against that binary of deserving vs undeserving. And they organize campaigns around the needs and priorities of trans migrants themselves. They're abolitionist in the sense that they're attending to the kinds of, the immediate needs of trans migrants while simultaneously working towards abolitionist futures, towards ending immigration detention as a larger system in the United States.

What I appreciate about these organizations is that they're highlighting the vulnerabilities of trans migrants in immigration detention, for example, but they don't just use that to argue, okay, we just need to free those trans migrants. These organizations highlight the vulnerabilities of detained trans migrants to show how immigration detention is a violent place for all migrants, and how we need to end the system in its entirety. And so the takeaway point for me, that I think



is really valuable, is that we need to not let our political imaginations be restricted by the existing frameworks and by the structures in which we're trying to survive. I really appreciate the amazing work that folks are doing on the ground to reimagine what other systems are possible.

**Wendi:** Yeah. No, I think I sort of posed that question because I just thought the way that you ended with so powerful, right. I think it was both like a nod to the organizations that sort of politicized you, but also it's a great way to show that there are people out there doing this work, right, and doing the work of abolition in terms of like, yes, let's meet the immediate needs of trans migrants and migrants in general. But like, how do we shut down cages? How do we destroy the system overall, because nobody should be detained, right. I think I appreciated that, too, because it also provides a way for people to get involved and to look up these organizations and to become, you know, community members in the places that they live.

I think for me, obviously, these sort of Japanese American abolition organizations are very new, so it's not something that had existed prior to 2020, but it was something that suddenly we could actually have a conversation about. And I think that these organizations are really important, because they are at the very moment trying to navigate what are the limits of recognition in terms of themselves as Japanese Americans, and how can they leverage some of their privilege, and the things that they have, knowledge that they have accumulated in regards to that, to support other communities of color. And so, you know, some of the things that I think Tsuru For Solidarity in particular is doing, is, you know, they go out to these places – and this is why the geography is really sort of important – they actually go to these places and connect with the community organizations in the area that are already doing that work and support them and try to gain some visibility. So they have led direct site fights at child and family detention centers. So like in the Dilly Family Residential Center in Texas, Fort Sill in Oklahoma, like I mentioned, Fort Bliss in El Paso, Texas, the Berks Family Residential Center in Pennsylvania, and the Greensboro Piedmont Academy in North Carolina. And I recently got an email from them that – and this is what I appreciate too – there's always these like marking of these kind of victories, right. So you know, another community win, like the closure of the Yuba County ICE detention through the Yuba Liberation Coalition.

And it is important, and I think this is something that I'm still trying to theorize through, right. What does a Japanese American abolitionist politic actually look like? And what does that actually mean? I don't really have fully formed thoughts on that right now, but it is the sort of question that I am pushing myself to think through as I'm looking through these organizations and seeing how they're growing and developing, and what kind of work that they're doing. And so that's something that I'm sort of theorizing, and you know like I was saying, I think these organizations are so important because they are doing this on-the-ground work every day, and I'm interested in the long trajectory of that, seeing where it's going. And I think because it is so new for the community, I'm thinking through like, you know, what may we have missed before in terms of some of the organizing, and where it's going to go, and what are the possibilities? And I'm really moved and fascinated by that. And so I'm interested to see where this keeps going. And so that's where it is really for me, in terms of this research and looking at these organizations.

**Tristan:** Well, thank you for talking with me today, Wendi. I really appreciate your engagement with my book, and it's been a pleasure to hear more about your own research and where that's going.

Thank you for listening. We hope our ongoing conversations spark understandings, empathies, and motivation to join the struggle for a better future for all.

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### **Outro Music Lyrics**

No more penalties and no more wars. Based on the actions. Now, time for "Building Justice," "Building Justice." Time for building justice, justice.