

Introduction

On January 27, 2017, seven days after being sworn in as president, Donald Trump signed a brief executive order: “Protecting the Nation from Foreign Terrorist Entry into the United States.” Almost immediately, it became known as the “Muslim Ban,” a reference to one of Trump’s signature campaign promises. It barred the entry of all Syrian refugees and all travelers from seven Muslim-majority countries: Iraq, Syria, Iran, Libya, Somalia, Sudan, and Yemen. The ban extended even to green-card-holding permanent residents from these blacklisted countries.

The “Muslim Ban” followed two other executive orders targeting noncitizens, both signed just two days prior. One focused on border security, ordering the construction of a wall along the U.S.-Mexico border and the deportation of migrants who tried to enter the country without inspection. The other order ramped up immigration enforcement within U.S. territory, giving Immigration and Customs Enforcement (ICE) a broad mandate to remove all unauthorized immigrants through raids on homes and businesses, among other tactics. The president justified these

measures as defending the very existence of the United States. “Otherwise,” he claimed, “we don’t have a country.”¹ Together, these three executive orders—which came without consulting Congress or seeking permission from the courts—set the tone for the president’s approach towards the broad swath of humanity he deemed didn’t “belong” here. Ever since, his policies, personnel, and potentially unlawful, even treasonous, conflicts of interest have led to an erratic administration. But his approach towards noncitizens has remained consistent. It is justified by demonizing them as threats that must be expelled for our safety. It is defined by bans, walls, and raids.

But this is not the whole story.

On January 28, 2017, within hours of learning that Customs and Border Protection (CBP) was detaining people targeted by the “Muslim Ban,” thousands of ordinary people gathered at airports nationwide to stand up for their banned neighbors. People scribbled protest signs with markers. They chanted “no ban, no wall, sanctuary for all!” They refused to allow these racist expulsions to go unnoticed. They protested this policy in particular and the new executive branch in general. Immigration lawyers showed up to file petitions for individual clients; the New York Taxi Workers Alliance mobilized its drivers to stop pick-ups at John F. Kennedy airport; more than a thousand bodegas, the corner stores so integral to the urban fabric of New York City, closed shop in solidarity.

This book examines our current precarious moment. It unearths the deep histories that have led to the emphatic embrace of xenophobia, white supremacy, and patriarchy. It also examines the movements that are gaining strength amidst the hate, that seek to dismantle these intersecting bigotries and build the just world that so many hunger for. Its analysis begins

with the executive orders authorizing the ban, wall, and raids, because they clearly articulate the administration's assaults on foreign-born people. These assaults have become a central part of the administration's efforts to "make America great again," supported by Trump's enablers in Congress, business and community leaders, and even from fervent supporters who suffer under these policies. From this starting point, I examine each executive order historically to understand its deep roots. We must not mistake the Trump administration for a novelty. Rather, this historical analysis demands that we grapple with how the United States has been defined by exclusion and exploitation based, among other things, on race, gender, citizenship status, and labor. Bans, walls, and raids stand in for the vast, long-developing panoply of attacks on foreign-born people, and the deep antipathy that has driven them. Together, they enact an escalation of state power. The ban declares a threat: you will be excluded and kicked out if you try to enter. The wall backs up this threat with its physical barriers and accompanying border guards. The raid reinforces the threat with the physical action of forced removal. These attacks have always been connected to the targeting of others. Indeed, bans, walls, and raids represent the instinct to exclude and remove people who are deemed outside the United States' desired, idealized society.

Even as Trump seeks to fulfill his promises to crack down on the foreign-born, his anti-immigrant measures do not stand alone. The same week that the White House authorized these three executive orders, it issued a host of others targeting a range of people and the planet, while promoting corporate capital, military investment, and policing powers. These orders sought to dismantle the Affordable Care Act; defund global health programs that offer access to safe abortions; support the

Keystone and Dakota Access Pipelines that threaten Indigenous communities and the environment; strengthen policing and multiply what counts as criminal activity; reinforce military capacities, including nuclear armaments; and slash federal regulations on everything from the environment to infrastructure to worker safety. The administration further scorns democratic institutions and principles designed to check executive power, including the Constitution, the judiciary, and the news media (see the endless allegations of “fake news” and embrace of “alternative facts”), as well as dissenting publics. Since seizing office, the administration has taken aim at seemingly everyone except for white, cis-gendered, heterosexual men of the 1%, all while condoning the lethal violence of neo-Nazis as committed by “very fine people.”

How did we get here?

These attacks—as far-ranging as they are vicious—can feel overwhelming. It is easy to feel incapacitated by anguish. But we must keep clear heads. We must understand, first, that these anti-immigrant attacks are not just about foreign-born people and, second, that they did not come out of nowhere. This administration’s punishing approach to the foreign-born is inextricably linked to its broader assaults: against women, people of color, workers, ill and disabled people, queer and gender non-conforming people, and more. These attacks emerge from a shared foundation, one that is integral to the United States. To understand how we got here, we need to grapple with the fact that these attacks on our neighbors and democracy are neither un-American nor unique. This particular presidency has dismissed even a façade of commitment to liberal democratic principles, like equality or fundamental rights. And yet, its actions are nothing new.

While the historical threads leading to this predicament reach back to the very origins of the United States, I focus on the past fifty years, what many scholars have called the era of neoliberalism. As I explain below, neoliberal policies have contributed to far-reaching structural shifts that have dislocated people around the world, forcing them to migrate across borders. They have simultaneously criminalized more and more already-marginalized people, leading to an increase in policing (from neighborhood streets to globe-trotting armies) and to wall-building (from national borders to prisons to detention centers).

These same structural shifts have incited resistance. U.S. sanctuary movements for migrants emerged in response to their escalating criminalization in the period of neoliberalism. Prison abolition movements have also gained ground in their mission to tear down the conditions that foster mass incarceration and to build a just, equitable world where prisons are neither necessary nor tolerated.

This book argues for the convergence of such struggles in what I call an abolitionist approach to sanctuary. An abolitionist sanctuary understands both the interlocking forces that criminalize differently marginalized people (via citizenship status, race, gender, etc.) and the interlocking need for a broad-based movement that empowers all targeted people. It seeks to amplify and merge such organizing efforts already in motion. The movements it draws on provide a wealth of resources for the struggles we face, from the sanctuary movement's millennia-long philosophical traditions, to the history of Indigenous resistance against colonization, to the abolitionist movement against slavery and beyond. While confronting the terrible pasts that have led us here, we should recognize that, as Roderick Ferguson says so beautifully, “‘the past’ isn't just the bad stuff that washes

onto the shore: historical and cultural riches also come in with the tide.”²

In what follows, I lay out the historical foundations that have led to the multi-pronged anti-immigrant vitriol we confront today. Rather than a comprehensive account, this succinct analysis seeks to clarify the deep roots of our current morass. In turn, we’ll see how these problems require deep-rooted solutions; the work cannot be confined to reacting to each new crisis, or even to focusing on immigration alone. Indeed, the past offers cautionary lessons of limited, “winnable” reforms that have actually exacerbated the conditions feeding the demands for bans, walls, and raids. I hope that articulating these deep-rooted problems, and deep-rooted solutions, can inform the work of organizers, students, faith leaders, and everyone else who opposes the forces that target vulnerable peoples, and link our struggles for a collective future.

ROOTS AND BRANCHES

Many of us are familiar with conventional stories of the United States’ founding: the “discovery” of the Americas by “explorers” like Christopher Columbus; the hardscrabble lives of European immigrants; the uprising of the colonies against the British empire; the founding of a new nation; and the pioneering, westward expansion of the country, all the way to the Pacific.

If viewed through different eyes, less driven by European perspectives, the United States’ origin story looks less celebratory. When the original peoples of this place appear in the narrative, it is often as tragic figures or uncivilized brutes to be conquered, moved, or otherwise eliminated. From this perspective, the origin story is defined instead by settler colonialism. This is

what occurs when settlers from elsewhere seek out and stay on a new land and when, to take possession of that land, they replace the Indigenous people who already live there. They seek to establish “a new, permanent, reproductive, and racially exclusive society,” as Kelly Lytle Hernández argues, one predicated on the removal of the original people. This logic of “destroy to replace” becomes the fundamental organizing principle of the settler society.³

These settlers strive to exclude not only Indigenous people, but other peoples that are different from them, whether by race, religion, or any other marker. Settler society prevents the full participation of these “others” in social and political life by “deporting, hiding, or criminalizing them or otherwise revoking the right of the racialized outsiders to be within the invaded territory.”⁴ A contradiction inevitably emerges, as settlers exclude these racial others but simultaneously rely on them for their exploitable labor to “build and sustain” an idealized settler community. In a clear example, enslaved African-descended peoples built the economic foundations of the United States. But their treatment as property, not people, ensured their continued subjugation.

In the United States, this ideal settler community has always been predicated on a white racial identity, as seen in the nation’s first naturalization laws limiting citizenship solely to free white people. It is also predicated on other ideals, like health and ability. And because it seeks to be permanent and reproductive, it values heterosexual families that reproduce idealized (white, healthy) citizens and thus weaves gender and sexuality norms into its logic. Anyone who doesn’t “fit” is excluded from this ideal. This theory of settler colonialism, of course, simplifies the enormous complexity of lived experience. Yet its simplicity is clarifying: it reveals elements of U.S. culture that are often

unspoken and thus possible to ignore, as well as problems so accepted that we don't even see them. It makes visible an essential impulse of this country: to exclude and remove the other. The U.S. settler state controls who is allowed into the country, and who is allowed to stay and fully participate in it. The United States has numerous ways to shape the populace, but they can all be summarized as "exclude and remove."

Alongside this concept of settler colonialism exists another story: one of the United States as a nation of immigrants, where people from around the world can come, contribute to the country, and fulfill U.S. democratic values. The "nation of immigrants" has long been a compelling narrative to millions of people, including my family members, who leave their original homes, families, and communities to build new lives. And yet, this narrative also works to obscure the country's more troubling settler colonial foundations. Furthermore, the nation of immigrants does not embrace all immigrants. Indeed, the immigrant "merely possesses a revocable license." If not admitted according to rules set by the government, the immigrant is a "trespasser." As Leti Volpp argues, the person foundational to the nation of immigrants transforms into "the illegal, the unworthy, the ungrateful, the threatening."⁵

The violence of settler colonialism becomes clear when we think about the generations-long attempts to vanquish Indigenous peoples. Settler colonialism may seem harder to envision today, when nearly anyone can become a member of this nation. Yet the impulse to exclude and remove is as ferocious as ever. The difference now is that the attack comes from more subtle, yet no less powerful, forces. This is where neoliberalism comes in. The term sounds like jargon spoken by professors and policy wonks, but it provides a useful framework for understanding

how we got here: it connects the seemingly disparate forces that have led to increased global migrations, wall-building, and criminalization, as well as the enrichment of the already wealthy.

Neoliberalism is a shorthand term encompassing a broad set of economic policies, an ideology, and a cultural project, all of which emerged under the historical conditions of the last fifty years, and all of which serve to enhance the power of capitalism. Neoliberal *policies* facilitate the operation of capitalism by minimizing state regulation over the economy, freeing up international trade, and privatizing or downsizing government services. These policies are driven by an *ideology* that valorizes the free market. This ideology claims that free market principles—like individualism, entrepreneurship, and competition—lead to the most efficient and effective means towards economic growth, good governance, and a smoothly functioning social order. Neoliberalism also requires a pervasive *cultural project* in order to garner consent for the policies and ideology that, in reality, harm most people. This cultural project not only encourages people to adopt market values as their social values (for example, efficiency or productivity), but also depends on intensifying social differences in race, gender, citizenship status, class, and so on. Neoliberalism's multifaceted projects of consolidating wealth towards the 1% and of affirming social hierarchies support each other.

Neoliberalism emerged in the late 1960s and 1970s, a period marked not only by revolution and counterrevolution, which I'll return to below, but also by a dire economic recession. The United States and much of the world were mired in sinking corporate profits, massive inflation, and spiking unemployment. The combination of this social upheaval and economic crisis paved the way for a radical transformation of the state and its

relationship to capital. Many countries moved away from welfare states and towards neoliberal states. Neoliberal advocates like Milton Friedman blamed the recession on the state's interventions into the economy and argued that the state's proper role is to get out of the way of the free market. Neoliberal economic policies thus sought to loosen rules on businesses, including those preventing environmental destruction or ensuring worker protections. These policies also opened up international trade, for example by removing import taxes on foreign goods that protected domestic markets. They have worked to privatize public services, from garbage collection to education (consider charter schools); dismantle social safety nets like welfare; decimate organized labor; and maximize worker productivity and corporate profits, both of which have increased steadily since the 1970s, even as wages for most workers have stagnated or fallen.

As neoliberal policies and ideology have become pervasively adopted, they have dislocated regular people, both in the United States and around the world. One primary goal of neoliberal economic policy is to establish an integrated global market through increased globalization and international economic interdependence. However, this interdependence requires and creates "uneven development," a pockmarked economic landscape where some places see huge investment and others suffer huge disinvestment. The global economy produces more losers than it does winners.⁶ For individuals, the effects of neoliberalism are even more stark: a very small group of people—namely, the 1%—has reaped unfathomable profits, while many working people grapple with job loss or are just scraping by. U.S. corporations have moved production overseas to locations with cheaper labor costs and fewer regulations, shutting down whole

factories and decimating economies in places like Detroit.⁷ And yet, once these factories move—abroad to countries like Mexico or to more loosely regulated states—new workers have not reaped the benefits of this employment.

The North American Free Trade Agreement (NAFTA) reveals how neoliberal policy and its vast consequences have fostered our supposed immigration “crisis” today. Effective since 1994, NAFTA tied the U.S., Mexican, and Canadian economies together by eliminating tariffs, quantitative limits on many imports, and capital controls on finance capital among the three countries. Just as formal empires extracted resources from their colonies, NAFTA has siphoned wealth from the working classes, particularly in Mexico, to benefit the wealthiest sectors of the North American economy. Under NAFTA, Mexico lifted the regulations on imported goods that protected its domestic markets for products like corn, thereby allowing U.S. producers to flood Mexico with their products, often heavily subsidized by the U.S. government. Mexican farmers became priced out of their own market, unable to compete with U.S. products sold more cheaply than they cost to produce. NAFTA led to the loss of 1.3 million jobs in Mexico’s agricultural industry, which employs one-fifth of the country’s workforce.⁸ Employment in other economic sectors, like manufacturing, has not made up for these losses. Further, workers across the board earn less after NAFTA’s passage, even though they produce more than ever. Indeed, the per-capita gross domestic product of all three member-nations has grown with NAFTA.

So, where does the money go? The wealthiest 10 percent of Mexicans has increased its share of national earnings, leaving everyone else behind. A 2005 World Bank report showed that extreme rural poverty spiked from 35 percent in 1992–94 to

55 percent in 1996–98. Many of those displaced from their jobs and unable to make ends meet turned to migration to survive, leaving for the United States at a record rate of 500,000 persons per year since NAFTA's implementation.

Leading up to and following NAFTA's passage, the United States escalated its border security and immigration restrictions. The result has been an amped-up approach to immigration, based on restriction and security, rather than the social, economic, and cultural strengths that immigrants bring. Indeed, neoliberal policies exacerbate a paradoxical relationship created by the free movement of capital and the restricted movement of people. The demands of capital—which seeks maximum profits and access to an abundant, tractable labor force provided by people compelled to migrate for economic survival—pull against the demands of the nation-state—which seeks to exercise its sovereign power to control who and what enters its territory. Foreign-born people have become increasingly criminalized, cast as outlaws for merely crossing borders or existing in U.S. territory. This criminalization then serves to discipline their labor, since the threat of deportation makes undocumented people less likely to protest for higher wages or better working conditions. People already in and people moving to the United States were subject to the same structural conditions. Displaced by capitalist forces from their jobs and economic security, they have also become subject to the state's increasing law-and-order regimes that criminalize their formerly non-criminal activity, like using false papers.

Such amplified legal regimes are crucial in creating the conditions for neoliberal capitalism to thrive. Under neoliberalism, the state should regulate the economy as little as possible but intervene in social relations as much as necessary, even using

force, to keep capitalist relations—between employer/worker, producer/consumer, haves/have-nots—running smoothly. Put differently, the state deals with the fallout of its organized abandonment of the social good (like the dismantling of the welfare state) by deploying law-and-order tactics to discipline those left behind and suppress those who resist widening inequalities. This explains, in part, why the neoliberal state is “being built on prison foundations,” as Ruth Wilson Gilmore argues, marked in the United States by the explosive 500 percent growth in the prison population over the past forty years.⁹

How does this criminalization work? Crime is not a natural, pre-existing, or self-evident category of human life, though it is often treated as all of those things. Crime occurs when someone breaks the law. It is thus a product *of* the law, which means that it is a product of political choices made under specific historical conditions. Thus, what counts as a crime changes over time and differs from place to place. Consider, for example, how it is legal to consume marijuana for recreational or medicinal purposes in some states, while it is prohibited in others. Further, between 2001 and 2010, seven million people were arrested for marijuana possession, with Black people arrested at four times the rate of white people, who consume marijuana at higher rates. And yet, decriminalization has benefitted white people, who control 99 percent of growing licenses, and excluded Black people, since people with marijuana-related convictions are barred from this lucrative industry. In essence, Black people have been criminalized for engaging in activities that now reap huge financial rewards for white people. “Laws change, depending on what, in a social order, counts as stability, and who, in a social order, needs to be controlled,”¹⁰ Gilmore argues. Under neoliberalism, the state has increasingly identified those who resist and those

who are left behind as sources of social disorder. In turn, what counts as crime shifts in order to control those people.

This massive attempt at societal control started just as social movements like Black Power, resistance against the Vietnam War, and Third World movements were calling for justice, equity, and the opposite of neoliberal ideals. In the same period that social justice organizing was dismantling explicit discrimination, neoliberal policies have worked to manage increasing inequality. For example, the 1965 Immigration and Nationality Act, which roughly marks the neoliberal turn in immigration issues, overturned explicitly racist entry restrictions. As we will see, however, this formal equality was soon followed by increased policing and criminalization of foreign-born people. Fights for deep change were met with a counter-revolution that sought to entrench the existing state of affairs and dismantle progressive gains earned. Indeed, government initiatives we take for granted began as thinly veiled attempts to control those contesting state oppression and capitalist exploitation.

Richard Nixon's launch of the War on Drugs exemplifies such efforts to control those who don't fall in line under the guise of helping the country. The War on Drugs criminalized drug use and toughened punishments for drug violations, but it was not about protecting people from narcotics. Indeed, illicit drug use was already declining. "What this was really about," as Nixon's domestic policy chief John Ehrlichman reflected years later, was the administration's "two enemies: the antiwar left and black people." He continued:

We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily,

we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.¹¹

As Ehrlichman indicates, the War on Drugs has justified policing tactics that strip constitutional protections from the communities they target. Equipped with this “drug exception to the Bill of Rights,”¹² the Nixon administration, like others ever since, pursued people demanding social justice, as well as people increasingly impoverished by neoliberal capitalism and pushed into “crimes” of poverty from sleeping in public, to unauthorized street vending, to migrating across borders.

Criminalization is an especially effective strategy to enhance state control and enrich capital, because it displaces the source of disorder. The structural forces that dislocate people (job losses, withering social services, increased living costs, etc.) recede into the background, while we focus our ire on individuals who break the law. Criminals can be “vilified night after night,” cast as deserving of punishment, even if their activity was *made* into a crime by changes in the state’s law and policy. For example, as chapter 2 shows, crossing U.S. borders without permission was not a crime for most of the country’s history. The government criminalized the act in the 1920s and has ramped up enforcement in recent decades.¹³ With these shifts, a migrant becomes a criminal, and detention and deportation become legitimate consequences of their choice to break the law. In turn, each time the state punishes a noncitizen, the laws criminalizing their formerly noncriminal activity are affirmed as necessary. The laws so normalize the process of criminalization that it becomes difficult to see, thereby transforming the detention and deportation of