

Introduction

American Amnesia

The public debate about asylum seekers in 2018 and 2019 was raw. Members of the Trump administration and its supporters considered the asylum process a farce, a ruse that allowed people who transparently had no right to be in the United States to enter. Trump's people regarded them as illegal immigrants who were trying to manipulate the law by calling themselves refugees, and they complained that special rules on the treatment of children made bringing a child with you basically a get-out-of-jail-free card. They celebrated their strategy of deterring "illegals" by taking squalling children from their parents and caregivers, calling it "zero tolerance." "Womp, womp," said former Trump campaign manager Corey Lewandowski, mocking in high frat boy form the story of a child with Down's syndrome separated from her mother.¹ Administration officials made no effort to relieve overcrowding and squalid conditions in Border Patrol shelters that continued to house thousands of children even after a court order demanded the end of the child separation policy. When influenza and mumps ripped through shelters, killing three children, they announced that they would not offer vaccinations.²

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Activists and journalists who opposed the policy protested in ways that were no less emotional. Protestors held up photos of children and parents separated from each other, downloaded pirated audio of children crying in shelters as Border Patrol officers laughed at them, and carried their own babies to demonstrations. The sounds and images of sobbing mothers and babies torn from their arms were everywhere.

In all this emotion, opponents of the policy in particular were repeating a very old move, reaching directly for historical parallels. Consciously and not, they borrowed one of the most successful tactics from the movement to abolish slavery. They tried to compel any audience they could get to imagine the fear and grief that stalked children and parents at the moment they were separated from each other and for the rest of their lives. They put that vulnerability and terror alongside the ugliness of the political ends of those who took babies and children.

In fact, some critics deliberately pointed out relationships between taking children of asylum seekers at the southwest border and the histories of slavery, Indian boarding schools, Japanese internment, mass incarceration, and anti-Communist wars against civilian populations in Latin America. Lance Cooper, a Flint water activist, tweeted what became a viral image of an enslaved mother reaching for a child being carried away by a white slave trader, writing, “Don’t act like America just started separating children from their loving parents.” DeNeen Brown wrote in the *Washington Post* about the parallels: “A mother unleashed a piercing scream as her baby was ripped from her arms during a slave auction,” she said, reviewing an exhibit that the Smithsonian had pointedly put up on the history of child taking. “Even as a lash cut her back, she refused to put her baby down and climb atop an auction block.” Catholic clergy and laity holding a

mass protest in a US Senate office building carried large images of children who died in immigration detention in 2018 and 2019, a deliberate echo of the protests in the 1970s and '80s by mothers of the disappeared in Latin America. In Oklahoma, Japanese American, Black, and Native activists protested the opening of a detention camp for immigrant children on the site of a former World War II Japanese internment camp and, before that, an Indian boarding school.³

These kinds of activism sought to fill a void in public memory about the history of separating children from parents. One of the refrains that too often punctuated the liberal response to the policy was “This isn’t America. We don’t separate parents and children.” (“There’s nothing American about tearing families apart,” Hillary Clinton tweeted.⁴) This kind of exceptionalist claim for an American moral high ground was as unhelpful as it was untrue.

On the other side, the supporters of the Trump-era border policy, including the president himself, also gave the policy a false history. Trump insisted dozens of times that the Obama administration had also separated children from parents at the border. Except that it had not. Obama’s administration took pride in the fact that it detained parents and children together. It also deployed other harsh tactics against immigrants and asylum seekers; there was a reason La Raza head Janet Murguía called him the deporter-in-chief. His administration expelled record numbers of immigrants in each of the first five years of his presidency, numbers even the Trump administration did not match. It housed unaccompanied minors at military bases, detained small children and their mothers in camps, urged expedited removal for unaccompanied children without asylum hearings, and even attempted to put children in solitary confinement to punish their mothers for engaging in a hunger strike to protest their seemingly endless detention.⁵

Trump’s misstatement seemed designed to assail Democrats in order to defend his own party. What he was evading was that it was a Republican administration, George W. Bush’s, that had first separated asylum-seeking parents from their children. The Bush administration, as it securitized its immigration and refugee policies after September 11, 2001, also stepped up its punishment of children. It opened the notoriously abusive T. Don Hutto Center in Texas, where children were allegedly beaten by guards, separated from their parents, and held indefinitely until the administration was forced to stop by an ACLU lawsuit.⁶ Bush’s predecessors—Reagan, the first Bush, and Clinton—vanished into the haze beyond the horizon of the conversation, although they, too, had put immigrant and refugee children in detention camps.

As a historian, I found the deliberate attempt to sow confusion and the failure of most people to be able to fill in the blanks or correct the misinformation in the public conversation extraordinarily frustrating—and surprising. For decades, I have been writing about events that were not exactly obscure: the taking of children under slavery, in Indian boarding schools, in to the foster care system as a punishment visited upon “welfare mothers,” in anti-Communist civil wars in Latin America, in the moral panic about “crack babies,” and in the context of mass incarceration. In 2012, in a book entitled *Somebody’s Children*, I even wrote that taking the children of immigrants was the next crisis on the horizon, in the vain hope that a history book could somehow stop it.⁷ Gore Vidal once called out the “United States of Amnesia,” complaining about our collective inability to remember even recent history. “We learn nothing because we remember nothing,” he said. But this was something more even than that. The national debate was clogged with both forgetting and deliberate disinformation.⁸

Meanwhile, Central America—the original home of nearly all of the asylum seekers targeted by the Trump administration to lose their children—was astonishingly missing almost entirely from the public conversation. A few remembered that the United States had been involved in fighting civil wars in the region for four decades in the middle of the twentieth century. But the wars’ aftermath—the fact that criminal organizations, including Mexican drug cartels and Los Angeles gangs, had spent a decade taking over civic spaces in Guatemala, Honduras, and El Salvador, sowing violence in small towns and big cities alike—was nowhere to be heard in the US conversation. Neither was the role of US military aid in Plan Colombia in pushing the multibillion dollar drug industry from Colombia and the Caribbean to far more lucrative routes through Central America and Mexico, all culminating in the massive US market.⁹

Decades of intervention by international financial institutions, the World Bank, the InterAmerican Development Bank, donor nations, and nongovernmental organizations (NGOs) to shrink and replace the functions of federal states in Central America had, by design, dramatically weakened Central American governments in order to promote free markets. Power abhors a vacuum, and the cartels rushed in. In many places, local officials, the police, gangs, and international crime syndicates increasingly blurred into one. Murder rates skyrocketed for impoverished people at the hands of all these groups, as punishment for failing to pay “la renta”—extortion money—for the privilege of, say, driving a taxi or running a store, or for real or imagined loyalty to rivals. People of humble means—particularly women, queer and trans folk, youth, and children—fled in droves, seeking asylum in the United States and Mexico.¹⁰

We need a different conversation about the separation of children from their kin and caretakers. This conversation needs to be

grounded in the histories of how we got to camps on the southwest border. These places—sometimes the literal land on which tent cities were erected—have a history of detaining other children. There is in this hemisphere a powerful racialized haunting: generation upon generation of children who have lost parents, and parents, children. Sometimes this has looked like preventing even the existence of children, as in the nineteenth century, when Asian American “bachelor societies” came to be the form of immigrant communities in the United States as US policies deliberately created an extreme gender imbalance to prevent the creation of the only kind of families that officials could imagine: heterosexual, married, nuclear. They wanted sojourners who returned home, not babies, not elders.¹¹

More often, missing and disappeared children were the direct product of state repression. Separating children from parents is more than just another version of a larger mistreatment of immigrants and asylum seekers or enslaved and indigenous people. Taking people’s children participates in a very brutal kind of political punishment, a symbolism—and reality—that is meant to be starkly tangible, crude, and cruel. By its own account, the Trump administration took the children of Central American asylum seekers in an effort to terrorize them into staying in Guatemala, Honduras, and El Salvador or withdrawing their petitions for asylum. The international asylum system functions only to the extent people are able to petition for refugee status.

We cannot understand child separation and detention without paying attention to what art historians call *pentimento*. Sometimes old paint on canvas becomes transparent, allowing a glimpse of another sketch or image underneath. A prone body becomes upright; a woman is revealed to have been taller and looking boldly

forward instead of demurely down at the floor. It is called *pentimento* because the artist “repented” and changed his or her mind. History can be *pentimento*, something beneath the surface but giving shading and form to things happening decades, even centuries later. The fight over the Trump administration’s child separation policy was haunted in this way. When journalists captured photos of children reaching for their parents to put a face to the Trump administration’s child separation policy and Twitter users published abolitionists’ images of enslaved mothers’ babies being torn from their arms, it is not too much to say that the past was being activated—beyond living memory, yet vividly alive.

The past stalks the present, the ghost in the machine of memory. This is why history writing matters; it gives us ways to understand the specters already among us and to assemble tools to transform our situation. Things change; the epidemic of child taking in the context of mass incarceration is quite different from separating refugees from their children at the border, but you cannot track the differences without a map of what happened. Writing histories is also a defense against the efforts to implant false memories, the insistence that things happened that did not. The Obama administration did not have a policy of separating children from their parents. Telling history’s story is a way to define it, to put limits on the infinite range of things that might have happened.

Taking children has been a strategy for terrorizing people for centuries. There is a reason why “forcibly transferring children of the group to another group” is part of international law’s definition of genocide.¹² It participates in the same sadistic political grammar as the torture and murder that separated French Jewish children from their parents under the Nazis and sought to keep enslaved people from rebelling or to keep Native people from retaliating

against the Anglos who violated treaties to encroach on their land. Stripping people of their children attempts to deny them the opportunity to participate in the progression of generations into the future—to interrupt the passing down of languages, ways of being, forms of knowledge, foods, cultures. Like enslavement and the Indian Wars, the current efforts by the Trump administration to terrorize asylum seekers is white nationalist in ideology. It is an attempt to secure a white or Anglo future for a nation, a community, a place.

Part of the reason this theater of cruelty at the border worked was precisely because of its history. But that is also why it faltered, in the sense that it generated passionate and angry denunciations of, for example, immigrant child detention centers as “concentration camps.”¹³ We are primed by memory—by bits of stories handed down across generations, conversations, things read and half-remembered, formal histories, activists’ words and actions, and lies and distortions—to react in certain ways to events in the present. It is not that the histories of child taking repeat or that one set of events parallels another; it is that the past is brought to life in the present. William Faulkner famously evoked this sense of history when he wrote, “The past is never dead. It’s not even past.”¹⁴

Yet for all the anger the policy engendered, the demand for it to end also failed. The administration found a work-around that continued to separate children from their kin and caregivers. Instead of saying that children were being taken because parents were applying for asylum, the Trump administration began saying that it was because they were “neglectful” or dangerous to their children, often with the flimsiest of evidence—a diaper not changed quickly enough, a past criminalized disruption that caused \$5 in damage. This, too, was about a failure of historical memory, as opponents failed to mobilize sufficient opposition to the ugly his-

tory of the use of “child neglect” to take the children of insurgent communities of color. The administration was reprising a tactic used against welfare mothers, who faced a definition of “child neglect” in the 1950s and ’60s that included having a common-law marriage, a boyfriend sleep over, or an “illegitimate” child. The Trump administration also used the Obama-era tactic of detaining immigrant children with their parents. It called parents criminal—either through a (failed) strategy of naming crossing outside regular border checkpoints to apply for asylum a crime, which courts repeatedly said it was not, or through the more successful efforts to call acts felonies that would be trivial administrative matters if people weren’t migrants, like giving a wrong name to the police. Other immigrants and asylum seekers in fact had criminal records. In the absence of a strong movement to protect the parental rights of those who are or were incarcerated in the United States—immigrants or not—the administration’s work-around, too, served to demobilize the movement to reunite refugee and immigrant children with those who cared for them. Opponents of the policy failed to understand the deep history of the criminalization of parents of color, the way foster care had become a state program of child-taking, and to realize how easily refugee parents could be transformed from harmed innocents to dangerous criminals.

While international and US law make much of the difference between immigrants and refugees, the Trump administration sought to collapse that distinction. Asylum for refugees was a product of the post-World War II response to German concentration camps, and states don’t like it much. Unlike regular immigration, which can to some degree be metered according to the labor needs of a nation or an economy—changing laws to allow more immigrants when more workers are needed, fewer when they

aren't—asylum is understood in international law as a right that follows from being persecuted for one's ethnicity, race, or political view. The model is Jews under the Nazis, and it was extended to groups like the Hmong in Laos, who were forced to flee because of their aid to the Americans in the war in Southeast Asia. The international asylum system, however, has never worked well in the United States (or a great many other places), and Cold War refugees from politically unpopular left-wing governments, like those from Castro's Cuba, have been massively favored over refugees from right-wing governments, like those who fled El Salvador in the 1980s. In the eighties and nineties, activists argued that race was a factor as well, with Reagan and the first Bush administration refusing Haitian refugees while accepting largely white Cubans. (Ironically, by 2019, many of the refugees sitting in Mexican shelters awaiting asylum hearings were Cuban. The favoritism did not last.¹⁵) Bill Clinton campaigned against the distinction that allowed Cubans but not Haitians to petition for asylum in US courts, arguing that everyone had a right to go before a judge to make their case. As soon as he was elected, however, he too began to insist that Haitians couldn't apply for asylum because they had not reached the land border of the United States, sending them instead to Guantánamo Bay, the US naval base in Cuba. Indeed, Clinton made a mockery of the entire notion of asylum, signing legislation that allowed "expedited" review of such claims, which ensured that people did not set foot in front of a judge but, rather, made their case to an INS (Immigration and Naturalization Service, later ICE) official whose expertise was enforcement, not the finer points of the law.¹⁶ George W. Bush and Obama steadily expanded the use of expedited removal, to the point where, by 2013, it accounted for 44 percent of all deportations, compared with only 17 percent that went before a judge.¹⁷

Taking Children is a book about how we got here. It tells the stories of the detention of children at the US-Mexico border since the presidency of Ronald Reagan, and it also explores four other contexts in the past four centuries where the US state has either taken children as a tactic of terror or tacitly encouraged it. The first is the taking of Black children, beginning with the centuries of racial chattel slavery. Chapter 1 examines slavery and its aftermath through the decades after World War II, when white supremacists sought to dull the moral force of demands for the end of segregation by drawing attention to families and households they tried to paint as pathological: single mothers and their so-called illegitimate children relying on welfare. With the cooperation of the federal government, Southern cities and states put Black children in foster care as punishment for Black adults' activism against segregation. Chapter 2 investigates the taking of Native children, beginning in the closing decade of the Indian Wars, designed to quiet further revolt. Child taking continued through the emergence of movements for sovereignty and against tribal termination in the middle of the twentieth century. Again, states responded with an aggressive discourse about welfare and illegitimacy, resulting in removal of one in three Native kids from their homes. In response, from 1969 to 1978, tribal councils, the Association on American Indian Affairs, and Native newspapers, newsletters, and radio shows began a campaign for an Indian Child Welfare Act, calling the taking of children the latest episode in centuries of settler colonialism—and they won.

The third episode of children being ripped from their parents and communities I examine in the pages ahead unfolded in the anti-Communist wars in Latin America and their aftershocks. After reprising the better-known cases of disappeared children in

Argentina and the Southern Cone, chapter 3 tells the story of Central America: how governments in Guatemala and El Salvador took the children of suspected Communists and placed them for adoption or in institutions to an extent that is still being unearthed. In Honduras, the Reagan administration backed the Contras, a mercenary force seeking to overthrow the government of Nicaragua that happened also to be working with cocaine and marijuana traffickers from Colombia and Mexico, which set in motion much that followed. Within the United States, it sparked the “crack” epidemic, the subject of chapter 4. Crack cocaine justified the launching of a new campaign of harassment of drug *users*, not just dealers, including massive testing of Black pregnant women and taking their children into foster care in the name of protecting “crack babies.” Native women were caught in a parallel “crisis” that sent them to jail for drinking during pregnancy and sent their children to foster care.

The expansion of cocaine consumption also vastly empowered and armed drug cartels, launching the events that would end in the waves of refugees and asylum seekers that arrived at the borders of the United States in significant numbers beginning in 2013, as we will see in chapter 5. Central America’s Northern Triangle—Honduras, Guatemala, and El Salvador—had become increasingly unlivable for impoverished people, particularly youth, as the cartels and gangs claimed their neighbors in an ever-accelerating spiral of extortion, kidnapping, violence, and murder.

Taking Children is about a long history in the Americas of interrupting relations of care, kinship, and intimacy, and about how disrupted reproduction produces new regimes of racialized rightlessness. Child taking is, I am arguing, a counterinsurgency tactic has been used to respond to demands for rights, refuge, and

respect by communities of color and impoverished communities, an effort to induce hopelessness, despair, grief, and shame.

This is not the whole story, however. There is also a fierce tradition of protesting this practice by the targeted communities and by those who acted in solidarity with them. Many people have found these policies repulsive and abhorrent, and activists, lawyers, and policy makers have sought to reform them. When we forget about the ways that governments have taken children, we also lose a powerful history of communities standing up against that practice, one that has often been quite successful, and provides resources for how to imagine doing it even now. Walter Benjamin wrote urgently about understanding the power of history in this way: “To articulate the past historically does not mean to recognize it ‘the way it really was.’ It means to seize hold of a memory as it flashes up at a moment of danger.”¹⁸ Benjamin’s point was that we will never see the past as those who lived it saw it, never grasp it whole, but we don’t have to be troubled by this partial vision. In his view, we need memory—history—for something else, for the way it is useful in the present, in a crisis (he was thinking of fascism).

This work is inspired by social movements’ responses to crisis, including one that Black feminists in the United States have started calling reproductive justice. In recent years, we have seen new protest movements coalesce around missing children—sparked by the mothers (especially, but also fathers and grandparents) of unarmed Black and Latinx youth shot by police or vigilantes—Trayvon Martin, Michael Brown, Freddie Gray, Aiyana Stanley-Jones, Jessie Hernández, Tamir Rice, Rekia Boyd, Antwon Rose, and so many others.¹⁹ In Mexico, a nationwide movement to end state- and police-sanctioned killing by criminal organizations coalesced

around the demand by the parents of the young adults disappeared from the Ayotzinapa teacher-training school that they be returned alive. For forty years, some of the most effective opposition to the political right in Latin America has come from family members of the “disappeared,” those arrested or kidnapped by police and paramilitary forces. While most opposition to right-wing governments was dismissed as the work of Communists and “terrorists,” groups like the Comité de Madres Monsignor Romero (Comadres; Committee of Mothers) in El Salvador claimed moral authority by speaking on behalf of disappeared sons and daughters literally in the name of Archbishop (now Saint) Óscar Romero, who was killed by the military while celebrating mass in 1980. In the 1990s, despite Central America’s truth commissions initially refusing to believe that disappeared children and infants were not dead, parents’ groups like Pro Búsqueda began searching for, and sometimes finding, children who had been taken to orphanages and boarding schools—and sometimes adopted abroad. These parents, kin, and caregivers cast the war and the taking of children in a new light, while continuing to fight for a full reckoning for the crimes committed in the name of anti-Communism.

This is the legacy that we carried into the twenty-first century. In the United States, both Democratic and Republican administrations have sought to deter those who lawfully sought asylum by punishing parents *as parents* and their children. The US government sought to terrify people into not asking for a review of their asylum cases by putting their children in camps, even as it enacted policies that ensured they would come in ever greater numbers. In the pages that follow, this book builds out these stories about how taking children came to seem reasonable, a kind of pain that kept the peace or maintained the status quo, and how people again and

again stood up to that violence. Taking children may be as American as a Constitution founded in slavery and the denial of basic citizenship rights to Native people, African Americans, and all women, but activists in every generation have also stood up and said it did not have to be.