

Joan: Hello, This is WorldCanvass from International Programs at the University of Iowa, and tonight our topic is the politics and impact of immigration. I'm Joan Kjaer and we're happy to have you with us with at Merge in downtown Iowa City. For those of you watching our livestream on Facebook or listening to the podcast, thanks for joining us.

Joan: Hopeful people have come to the United States intent on making a better life for themselves and their families. They come from every part of the globe and they come in different ways. Some enter through the legal immigration process, some approach the border with the claim of asylum, escaping the threat of violence or even death in their home countries, and some, overstay their visas or enter the country illegally to look for work and an improvement in their economic and social circumstances. There are also people with less honorable motives crossing our borders.

Joan: So in order to manage immigration, our country has passed laws and created agencies with the power to enforce them. Our elected leaders and policy makers make choices, and those choices affect not only the lives of the immigrants who wish to live and work here, but also us, American citizens. Those policy choices impact the available workforce, the productivity of our farms and industries, the diversity and vibrance of our communities, and perhaps most importantly, the way we look at ourselves as Americans.

Joan: Generations have grown up believing that America's character and strength derives from its uniqueness as a melting pot. The question facing us today is this. Is this no longer who we are and no longer what we aspire to?

Joan: Our goal with tonight's WorldCanvass is to move beyond the heightened rhetoric and try to understand the complexities that make the immigration discussion so nuanced and difficult. As one of my colleagues here in the room said, "We need to talk."

Joan: In that light, I'm very pleased to have an exceptional group of guests tonight to discuss from different points of view, the thorny subject of immigration as a matter of national policy and community concern. We are also joined by two Iowans from two different countries of origin who have not just assimilated into American culture, but thrived.

Joan: So we'll begin the discussion by focusing on the history of immigration nationally, the impact of immigration in Iowa, and if our additional guests arrives, we'll talk a little bit about the federal Department of Homeland Security and some of the administration's current policies. Let me first introduce the two guests who are here with us.

Joan: Bram Elias is a clinical professor in the College of Law, thank you for joining us Bram.

Bram Elias: Thank you.

Joan: And Robin Clark-Bennett is a labor educator in the UI Labor Center, thanks Robin.

R Clark-Bennett: Thank you.

Joan: So, Bram. I'd like to go to you first if you don't mind, so we can start the conversation with a common understanding of the origins and the sources of American immigration law. How has the US historically approached immigration?

Bram Elias: So, I love talking about this. There are two big points I often try and bring up when talking about the history of immigration law. One is the immigration apparatus, the system we have today is a very modern creation in American law. And for most of the nation's history, immigration was largely unregulated and the presumption was that just about anybody in the world who wanted to come to the United States could, with a few notable exceptions. But the notion of regulating immigration and making it hard to enter the United States really didn't start until 1952. And the current apparatus we have for deciding who can enter and who can't and the process for getting here in it's modern version didn't really exist until 2003. And I can talk about that in a little bit.

Bram Elias: The other thing, on the flip side, there are some things about American immigration politics which are long standing that I think a lot of people now feel like are just of the moment occurrences and one is the deep role that race has played in who is allowed to enter the United States and who's not. In fact, the history of using race as a way of deciding who should come and who should go, who gets regulated, predates the actual immigration law system by over a hundred years.

Bram Elias: So, to the first point, how new things are. For the first hundred years or so of the country there was no concept of deciding that people couldn't enter the United States. All of the early immigration cases in the United States start showing up at the Supreme Court in the mid to late 1800s. There is a case called the Passenger Case in 1849, Henderson vs. Mayor of New York in 1876, the Head Money Case in 1884. We're nearly 100 years into the country at that point. And the issue in those cases was not who got to come to the United States and who didn't, it was given the fact that anybody who wants to come here, can come here, if there is going to be a tax charged on people as they arrive in the United States, who gets to collect it? Is it the state government? Or is it the federal government?

Bram Elias: And to give you a sense of the scope we're talking about, the last of those cases, called the Head Money Case, called the Head Money Case because it was how much money per head a boat captain had to pay when they docked at a United States harbor. The issue was, each person who was on the boat who was not a

citizen, the captain would have to pay 50 cents and who got to keep that money, the federal government or state governments? And that was fought over for about 50 years and eventually settled by the late 1800s that would be the federal government. But at the time, the 1700s early 1800s, late 1800s, there was no concept of denying people entry to the United States. And certainly no process of what application do you have to make, what forms do you have to fill out, what offices do you have to go to.

Bram Elias: I know it's silly to use visual aides on the radio, but I actually got copies of my great-grandfather's and my grandfather's naturalization certificates from when they became citizens. And my great-grandfather naturalized in New York City in 1903 and his naturalization certificate was signed by the state court of New York, trial court. In Iowa city it'd be like going down the Johnson County court and telling the judge, "Hey, I've been here a few years can I become a citizen?" And the local judge said "yes." And that's how my great-grandfather became a citizen. My grandfather on another side of the family naturalized in 1933, he was in Detroit, so here's his, that was at least a federal court, but it was still a court, it wasn't an immigration apparatus and it says on his naturalization form, here's his naturalization, with identification color "white" complexion "dark" race "Hebrew."

Bram Elias: Now, this is before there is an immigration apparatus, the notion of classifying folks and thinking about their ability to enter the United States andinaudible... The United States is being done by race runs pretty deep. And that's sort of the second point I would make, if that's alright. Which is the idea of regulating by race even before there were formal government rules on who came and who went, it runs very deep. So, the first time the federal Congress, the United States Congress, says, "We're going to keep people from, like a certain class of people, out of the United States is in 1882." Before 1882 there was no blanket policy denying people's entry to the United States. And in 1882 Congress passed something called the Chinese Exclusion Act. This is not a subtle title for a bill coming through Congress, designed to exclude from the United States, Chinese laborers arriving largely at the West Coast.

Bram Elias: People who were present in the United States, Chinese folks who were in the United States could leave and return, but there was no new admission of Chinese laborers. In 1888 Congress said for the first time, you couldn't leave and return anymore, so once you were in the United States you could stay, but anyone who left couldn't get back in. And that was the first ever sort of, like, large policy of denying people entry to the United States at all. At that point, there was no concept of deportation. If you were in the United States, the idea that you could be removed, there was no agency that did that, not a policy of anything like that.

Bram Elias: The concept of deportation arose for the first time in 1891 in something called the Immigration Act of 1891 and then another bill called the Geary Act of 1892. The Geary Act said, "Anyone who is Chinese, who had not lived in the United States since before the Chinese exclusion Act, couldn't prove they had lived

there since then, had to be deported." And the test for whether you had lived in the United States before the Chinese Exclusion Act was either you had a certificate from the government saying "I lived here" or you had a white witness who would testify and say "I promise this person had lived here in the United States before that." And there was a case brought to the Supreme Court in what became that Fong Yue Ting Case in 1893 where someone said "I have a witness, I have proof that I lived here before this Act, it's just that my witness is also Chinese." And the Supreme Court said, there's a division between the Supreme Court justices who thought because Chinese people were understood to be untruthful, this was an acceptable rule, and on the other hand justices who said "Well don't get me wrong, I also dislike Chinese people, but I worry if we give the federal government the power to deport people at all, they might some day deport white people."

Bram Elias:

I mean it's in the opinion, and so the opposition was to the idea of deportation at all. And it was controversial, although eventually upheld in 1893. That's around that same time, 1891, was the first time there was a policy-based approach to not letting people into the United States. So it wasn't just countries, the original issue was Chinese exclusion, in 1891, in the Immigration Act of 1891 it's the first time we see what is now known as Public Charge Doctrine introduced, where if someone was unable to prove when they arrived in the United States, usually in a port, that they would not require charity, usually they had to have money on hand, they could be excluded. Most of the cases that came up under the public Charge Doctrine at the time were usually leveled at Asian-American or Asian women, largely Japanese and Chinese on the concern that they would be prostitutes. If you didn't have enough money on hand to prove you could work, the assumption was foreign women were showing up in the United States to be prostitutes.

Bram Elias:

There was a case in 1903 called Yamataya, the plaintiff's name was Yamataya, but because of the immigration and racial politics of the time, it is known in legal literature as "The Japanese Immigrant Case." And in the Japanese Immigrant Case there was an investigation into a Japanese woman who had showed up at a port in Seattle, and they did an investigation into whether or not she was a prostitute. And the result of the investigation was that she was unable to prove that she was not. Part of the reason that she was unable to prove that she was not, was that the investigation was done entirely in English, which she did not speak, and her non-response to questions like "Are you a prostitute?" was used to show that she could not meet the legal test that she was not going to be a prostitute or a public charge. And she was one of like a very early deportation. Large policy based deportation ... barring beyond just individual countries, in 1917 there was something called the Immigration Act of 1917, which barred immigration from the Asiatic zone, which was most Asian countries except for Japan and the Philippines. 1924 was the first time there was a blanket policy about who could enter the country, something called the Immigration Act of 1924 introduced national origins quotas which said that a certain percentage of people from each country were limited. The only countries that hit that limit tended to be southern Europe, Italy, and Greece.

Bram Elias: The modern system we have today based on largely family-based immigration and employment-based immigration, came into effect in 1952. That was the first time it showed up. It is now seen as a move away from the explicitly race-based approach to immigration, unregulated approach to immigration we had before then. Although it is worth pointing out that at the time in 1952 when the Immigration and Naturalization Act was passed, it was vetoed by President Truman who said, "This is too much like our racist history which during the Cold War we're trying to get away from, we don't want to look like a racist country, so I veto the NIA" and that veto was overridden by Congress, and in one of the statements from the sponsors Senator McCarran said that, "Yeah, but we can't be overrun by southern European hordes, so to avoid that it's important that we have family-based immigration designed to tie future immigration to people who already live here." And that's really when the modern policy started, what we now think of as family-based immigration, which accounts for about two-thirds of legal immigration into the United States. That didn't show up until 1952.

Joan: So when we look at 1952 up to ... let's just take 9/11. You look at a period there, there were ebbs and flows weren't there in sort of public concern about immigration and immigration policy?

Bram Elias: Yeah, there were. Although, there've been tweaks to the law since 1952, the main drivers in ebbs and flows in terms of population, was usually conditions in the sending countries. And economic conditions in the United States. So there were economic pull factors here and economic and human rights push factors abroad. The only meaningful legal change that really dealt with ebb and flow was increased immigration enforcement after 2003. Which ended what had been called Circular Migration, when border crossing was not very heavily enforced there were lots of immigrants who would work in the United States and return to a home country and return to the United States, and return to a home country based on work season. When border enforcement went up and illegal reentry and unauthorized status in the United States started to carry immigration consequences, it made it unsafe, not to enter the United States, but to leave the United States for people who were working here and sending money home. And so it wasn't until the late 90s and 2000s that you start to see an end to circular migration and immigrants who were coming here not necessarily with the intent to remain, suddenly found it unsafe to leave for fear that they could never reenter.

Joan: And those people would not have documents?

Bram Elias: Yeah, this is just in the undocumented population. The lawfully documented path goes towards green cards and citizenship status, it was all push and pull factors, that's right.

Joan: Good, well thank you for starting us off. I appreciate it. And Robin, I would like to go to you know if you don't mind. Give us a picture of immigration in Iowa. Going back as far as you like.

R Clark-Bennett: Sure, I mean it's actually interesting as we were talking about the mid 1800s there's a document that was distributed across Europe called "Iowa, the home for immigrants" and it was translated in multiple languages, I think six or seven languages, and distributed widely to try to attract people to Iowa.

R Clark-Bennett: Fast-forward years later, actually I was raised in small town Iowa, as the granddaughter of an immigrant from Colombia, South America. She was one of the few immigrants in our community, but like many immigrants before her and afterwards, despite barriers and despite some discrimination that she experienced, she became a leader in the community and embraced her role in our community with passion and I think, you know I've watched the population of small towns across our state age and diminish and it's been exciting to watch young immigrant families breathe new life and energy and leadership into our state. So, I want to talk about this issue, I work at the labor center, and I want to talk about this issue from a labor lens. Because I am particularly concerned that often anti-immigrant policies are framed as if they are in support of US born workers, and I find that to entirely not be true and in fact quite the opposite.

R Clark-Bennett: I mean sort of the quick way to say this is, it's not the presence of people, but it's the absence of rights that poses a risk for workers. Whether we're talking about immigrant workers or US born workers. Immigrant workers themselves throughout our country's history have come with, sort of with new energy and determination to build the kind of community their families want. The kinds of societies and workplaces their families need and today is no exception. Immigrant workers across the country, and in Iowa, have led some of the most important organizing efforts to raise standards in industries, often industries that had been entirely excluded from the protection of labor laws. And so they're really blazing ... trailblazing in industries that had been left out and had been sort of the wild west. So if you look at the domestic workers alliance, it was founded in recent years in New York City and became first a national network and then a global network that's begun to really shift the conversation in terms of the rights of domestic workers and begin to establish domestic worker's bills of rights in States and countries across the world.

R Clark-Bennett: Or if you look at NDLON, which is a leader both in the area of immigrant rights and worker's rights, and civil rights, this is an organization of day laborers who had virtually no meaningful protections and certainly enforcement of labor standards under the law. But they found a way to overcome barriers to come together, educate each other, begin to implement labor standards in the construction industry, in areas of the construction industry that had really been unregulated. And play a national role in establishing workplace protections and immigrant's rights. We can go on and on and one of the biggest organizing victories last year was berry worker's in Washington state, who came together and organized in a time in which that's really difficult for any workers to organize in this current climate.

R Clark-Bennett: What really threatens the standards of US born workers has been the systematic dismantling of worker's rights. And in that context the anti-

immigrant policies that our country has been pursuing and that our state has been pursuing, especially jeopardize all workers and immigrant workers in particular, so if we take the reality that wage theft has been on the rise, for example, in industries across our economy. Employers who just don't pay, even the minimum wage or overtime that's required by law, and so part of that is about diminishing, sort of rolling back worker's rights standards themselves. Is it about the fact in Iowa we have one enforcement officer to investigate all the cases of wage theft at a state level. And if you combine that with anti-immigrant sentiment and targeting and terrorizing, really, immigrant families the likelihood that people will be able to speak up and confront those abuses really diminishes.

R Clark-Bennett: When we terrorize millions of workers added to an ill-equipped enforcement mechanism. What that means is that unscrupulous employers who want to take advantage of workers have much more ability to do so.

Joan: Before we go to Mary, I wanted to ask you, maybe both of you, if you have comments to make about a recent raid that happened, an immigration raid, that happened in Mount Pleasant some months ago, I think in May. And for the families involved and for the community it was very traumatic. Immigration and Customs Enforcement officers went to a cement factory and asked for papers and those who didn't have documents were detained and I imagine most of them were deported, I don't know what followed with all of those people. What is being done to help vulnerable immigrants? People who either have been taken into custody, or who fear the threat of detention. With the labor center... Or what you would know, Bram?

Bram Elias: I am happy to talk a little bit about some of what is publicly known about the raid, the raid itself. The university and the legal clinic I work at along with the labor center and some other immigration and criminal defense lawyers were all involved in sort of the immediate legal response to the raid. The raid was in May, it is still not clear whether the raid was primarily a criminal law enforcement activity, or an immigration enforcement-led activity. My understanding is that ICE, in its public statements, and Mary might know more about this, has talked about this as a criminal law enforcement activity. Where it was not primarily an immigration raid, it was mostly looking into criminal investigation either of individuals working at the plant or the individuals that ran the plant.

Bram Elias: But, the local law enforcement themselves, the police chief in Mount Pleasant, gave a public presentation the day after the raid where he said that this was an immigration activity and we've been asked to send all requests for information to ICE and Homeland Security. So it's not publicly clear at least whether it was an immigration enforcement activity or a criminal justice activity, which are two totally separate tracks. There were, I think, if I have the numbers right, either 30 or 31 people detained. Lots of people interviewed on the site during the raid, almost all of whom were released. Either the government was not seeking to hold them, or they had lawful status to be here. Of the smaller number of

people that were detained and placed in immigration proceedings, I think of the 30 or 31, five were moved from immigration proceedings to criminal proceedings. Some of which are still going on at the federal level down in Davenport.

Bram Elias: Over 20, 25 of whom, although placed in immigration proceedings, were subsequently bonded out of detention. And although they are going through very long, very slow deportation proceedings that will involve many years in front of the immigration court, our closest one is in Omaha, for the next three, four, five years. Almost everyone who was picked up in the raid is back home in Mount Pleasant. They're working with their families trying to figure out whether they have a case to remain or not. So the perception, which I think a lot of people had, on the first couple of days of the raid I think many people thought, "Oh, there's a raid, people have been seized, everyone must be deported." The immigration system actually often does not work like that. There is, although not all immigrants have access to it, there is a court system, and immigration court system that has some basic due process protections, and for immigrants who are able to access that system, and if they're able to get legal representation, and if they're able to get out of detention, and handle their case by agreeing to show up in court, those proceedings take quite some time, years usually.

Bram Elias: And many of the immigrants have asserted that the folks that were picked up in the raid have asserted that they have some form of relief, whether its asylum, or family members here that might entitle them to stay in the United States permanently. So, we won't know the full outcome of the raid, until years from now. When it first happened it felt like a huge attack that was going to lead to lots of people being removed. It is possible that by the end of all these proceedings, years from now, many of the people who were detained in the raid might wind up with better, and more secure immigration status at the end of the process, things like green cards and a path to citizenship, than they had at the beginning, depending on how the court processes play out. These raids have a very big impact when they first happen, then a long tail, both in terms of how the immigration cases get resolved, and then the impact it has on the community that's first hit by the raid and then the roll the folks having reorganizing their lives in the community, that lasts quite some time and it's still ongoing.

Joan: Okay. Thankfully Mary Hogan has been able to join us, and I'm so glad you were able to make it.

Mary Hogan: Foiled by construction, I do apologize.

Joan: No, it's a difficult time, we understand. So, Mary Hogan is a community relations officer in the Department of Homeland Security and Immigration and Customs Enforcement, I'm so happy you could join us because as you know from our prior communication we're all just trying to understand our system, and some of the complexities of immigration and what's happening now in our country.

So, I wonder if you can just start a little bit by telling us about the beginnings of Homeland Security and what your charge is in relation to immigration.

Mary Hogan: Sure, Department of Homeland Security was formed in 2002 as a direct response to 9/11. It was created by taking several agencies and putting them under one department or one umbrella, whose purpose was protecting the homeland. Immigration customs was formed, it's one of the agencies under the DHS umbrella, by taking components from previous immigration enforcement agency and previous customs, and putting them into one organization, one agency.

Mary Hogan: With respect to what ICE is charged with, we have three main components. We have Homeland Security Investigations or HSI, we are awash in acronyms like any government, and academic, agency, and I still will write the acronyms on the back of my notebook and look them up later sometimes. We have HSI, which is Homeland Security Investigations, they handle criminal investigations. Things like cyber crimes, trafficking, smuggling, work site enforcement. We have Enforcement Removal Operations, ERO, they are responsible for immigration enforcement. They enforce the laws that were passed by Congress. By extension, the orders that come from the judges in EOIR, which is the Executive Office for Immigration Review, that's the fancy name for immigration court. Those judges don't work for our agency, they're a part of them Department of Justice.

Mary Hogan: Our third main component is the attorneys, 'cause you can't have a government agency without lawyers. They handle the legal work for our agency. That's the Office of Principal Legal Advisor, or OPLA, and the office of chief counsel, they do the legal work for the agency and then they appear in immigration court as well.

Joan: Well, to sort of cut to the chase, many of us feel that we're living in times that feel a lot different from prior years. I'm old enough to have lived through lots of debates about immigration and back and forth in the Senate, and the gang of eight, and all these things where everyone is working really hard to figure out something that works for the country in terms of the control of borders, but also a reasonable kind of immigration policy. This administration is handling things somewhat differently than prior administrations, as I see it anyway as a citizen, the zero tolerance policy at the southern border has obviously created some sort of shocking visions of kids in cages, parents separated from children, and I know that you don't set the policy, I'm not asking you to do that, to explain perhaps the policy itself, but how does the agency explain the fact that they now can't put together some of the children and parents who were separated at the border because of a lack of preparedness as indicated by the recent Inspector General report.

Mary Hogan: So, I have a couple of things to say before that. Obviously the title of this program dealt with politics involved with immigration. I'm not a politician, I'm a civil servant. I work for Immigration Customs Enforcement, our immigration

enforcement is primarily interior. It's primarily the interior of the nation, not southern border.

Mary Hogan: We don't, and I think one of the most difficult things, and if you walk away with nothing tonight, my hope is that we all walk away tonight with at least an appreciation of how incredibly complex these matters are, there is a conflation of responsibilities and agencies and activities and tasks. My agency does not have responsibility for unaccompanied children. We do our best, our level best, to follow every court order with respect to what you were talking about, but this is something that might be a little beyond what I can talk about. Again, with respect to immigration enforcement, we're primarily interior.

Joan: Sure.

Mary Hogan: So, that's not necessarily something that we'd be dealing with here in Iowa.

Joan: Yeah. What would be your main activities here in Iowa?

Mary Hogan: Sure. So, in Iowa, you know I talk about immigration enforcement, we've heard a little bit about anti-immigrant policies, raids, that sort of thing. I work for a law enforcement agency, we enforce the laws. So, we don't deal with immigration as such, we deal with immigration enforcement. We don't get involved until somebody breaks the law, and that's important to remember.

Mary Hogan: We also, we don't conduct raids. Raid is kind of reminiscent of a free-for-all. When we target a business, when we target a person, we know who we're looking for. Beyond that, we also can't pretend that there are other people who might be breaking the law, we're not going to pretend that they don't, but we are interested in public safety, national safety, and community safety. So we are dealing with, obviously immigration enforcement in the interior of the country.

Mary Hogan: We're also dealing with, we have agents who are doing investigations into cyber crimes, into trafficking of people, into trafficking of drugs, keeping drugs from entering our community. Cyber crimes, people are getting scammed left and right, document fraud, any number of ... We have over 400 federal statutes that we're responsible for enforcing. So, obviously immigration enforcement is one, also criminal investigations are a huge part of what we're doing.

Joan: Yeah.

Bram Elias: And Joan, it might be worth pointing out, I mean Mary talked about the conflation of different agencies and responsibilities, that's a very real concern. I think it's a problem with public understanding of how things work too. So when Mary mentions that ICE doesn't get involved until someone's violated a law, there are also two totally separate legal structures at issue here, one is civil violations of immigration law, which is separate from violations of criminal law and parts of ICE work with both. Homeland Security Investigations does do a lot

of criminal investigation, ICE enforcement and Removal Operations does not, the RO just does immigration law issues. And the immigration law system, it has its entirely separate court system, the immigration court system, and the determinations made in that court are, "Which category of legal status do you fall into?"

Joan: Right.

Bram Elias: To say that someone who is in the immigration court system has violated a law, it's not wrong, 'cause someone might think they're in one box of status, say a temporary status when in fact they're permanent, or permanent when they're temporary, or some kind of documentation when, in fact, they're undocumented, or have some form of protection and they don't. But it's largely an administrative system for figuring out how to categorize individuals.

Bram Elias: It is completely separate from the criminal court system, which goes in front of either the State Criminal Court or the Federal Criminal Court, where people have legal protections, they're entitled to lawyers to defend them. There are burdens of proof that the prosecutors have to prove that are quite high, there are regulated highly by the Constitution, there's years of statutes, but also litigation, lawsuits, and constitutional decisions regulating the criminal system. And so, while Mary is right, immigration is not supposed to be involved if there's no question of someone being on the wrong side of a legal question. It would be a mistake to conflate someone, where the immigration court system has to adjudicate what kind of legal status applies to them, that's a very different question, and a very different legal system and a very different set of issues than "Has someone committed a crime."

Bram Elias: In immigration court, no body is being asked "Did you commit a crime?" And no one is being judged in terms of innocent or guilty, that's not an immigration court question at all, it's just a matter of which sort of status applies to you.

Mary Hogan: And it's also, excuse me, it is important to remember though that crossing the border illegally is a crime.

R Clark-Bennett: So I'd like to talk a little bit about laws and how we choose to enforce them. I think we have to decide what we believe in as a country and how we choose to enforce the laws on the books and how we choose to invest our resources, you know really should reflect our beliefs.

R Clark-Bennett: So, I've witnessed for years employers flagrantly violating basic workplace laws, whether it's not paying workers the wages they're owed, which has incredible consequences for their children, their health, their opportunities. For firing people for union activity, creating unsafe workplaces that lead to injury and death and when those things are reported, those laws are violated, and when those violations are reported, most often the response is a simple slap on the wrist. It might be a posting saying "I won't do it again," literally. It might be, in

the case of wage theft, that they simply have to repay the wages months later or years later that were not paid to workers. So that's the consequence of employers that violate those laws, which have detrimental effects across the community.

R Clark-Bennett: Meanwhile, Mount Pleasant is a good example, I think. There are 32 workers who are working peacefully in the community and have been there for years, contributing their labor, contributing their taxes, and the response to their existence and presence in this country is four layers of law enforcement who descend with helicopters, tasers, dogs, and federal, state, county, and municipal law enforcement in response. And I think those two responses to violations of laws are extraordinarily out of balance, and that in fact if we flipped the scales and thought really carefully about very serious enforcement of workers' rights, for workers of all backgrounds, that we might come closer to having the kind of country that many of us believe we should have.

Bram Elias: And I think historically Robin is on to something very important, which is that now we conflate often the concept of criminal law and immigration law, and there is some overlap there, but historically the real larger overlap has been labor regulation and labor market regulation and immigration law.

Bram Elias: The issue with cases like the Chinese Exclusion Act, back when the modern concept of immigration regulation began, the power to regulate immigration at all, the big issue was what to do with Chinese laborers who had worked on the railroads and as the railroads were nearing completion, there was a workforce, what was going to be done with it. And immigration was used, much of the pressure that came on immigration politics was labor politics of the time. And I think that's not talked about as much now, but I think does still have a lot of resonance in the modern situation.

R Clark-Bennett: And it's important because, I think this is an example of sort of an extreme of what we're talking about today, removing Chinese workers from the equation, who supposedly were dragging down labor standards and their removal would somehow lift up standards for everyone did not create rights.

R Clark-Bennett: What created rights was when workers banded together across race and ethnicity in textiles, mills, and mines, including mines here in Iowa, and asserted, together asserted the importance of rights for workers across race, ethnicity, national origin. That's what created, one might call the middle class in our country, that's what created The New Deal ultimately, that's what established basic protections in our country.

Joan: And I'm sorry to say that our time is running short, but Mary, I want to make sure we have a chance to talk to you a little bit more about some of things that you might want us to know about the Department of Homeland Security, and ICE actions, and the work your agency does.

Mary Hogan: Sure, I think ... First off, I don't work for the Department of Labor, so I certainly don't dispute anything. I'm not in a position to do that. I'm here to represent the men and women who swore an oath to enforce the law as it's written, not as we might hope that it was written. We're a nation of laws, we are a nation of due process, and judges, and when judges issue an order of removal, we're not going to ignore it.

Mary Hogan: I have agents sitting outside my office door who are literally rescuing people from trafficking situations who are working everyday to make our communities safer, and I'm proud to represent them. I am here to, obviously, represent an agency that is in the news quite a bit, but this ... What I think is important to remember is the sort of, and you had asked me at one point my personal frustration, so here is where we go with Mary Hogan's frustrations.

Mary Hogan: It's the "La, la, la, not listening" method of communication. The "I don't need to listen to you, or talk to you, or have a conversation with you, 'cause I know everything that I need to know about the agency, about immigration enforcement, about what you do." And that's why nights like this are so important and why I so very much appreciate being invited, because we have to have the difficult conversations. We have to be able to speak civilly and be able to exchange ideas so that when we do vote, we're voting in a way that our leaders know, this is who we are, this is what we want, and this is the system we're looking for. Immigration enforcement has been a topic of conversation for many many years. But you can't create public policy through pretending people don't break the law.

Mary Hogan: I represent, proudly, the men and women. The moms and dads, the brothers and sisters, the parents, the people who are in the same communities, go to the same churches as everybody here, the same grocery stores, and they're trying to do a job that they swore an oath to do. And I think that they should be able to do it without abuse, without threats, without eye rolls, that sort of thing. But that doesn't mean that if you invite me again to come talk, to come listen, I'm going to do my best to be here. It was quite an effort to get this scheduled tonight. And then like I said I was puzzled by the construction, but I will come out anytime you ask, to have these conversations, because it is so crucial.

Joan: And I appreciate- [crosstalk 00:40:06]

Mary Hogan: Really complex.

R Clark-Bennett: I'd love to just pick up really briefly on this question of human trafficking because I hear this mentioned a lot in regard to immigration enforcement. And a number of comprehensive reports on the issue of human trafficking recently have expressed alarm that anti-immigrant sentiment, and sort of the context that's whipping up fear and isolation makes it far less likely that victims of human trafficking will come forward out of fear that they will be seen themselves as the perpetrators rather than as victims. And so, I think there are important ways in which our current policies are inadvertently promoting

human trafficking by making very difficult for people to reach their families, looking for alternative paths, and being very fearful and isolated about coming forward and exposing the abuse that they have suffered.

Mary Hogan: And with respect to my agency, as I said, it's anti-illegal immigration, not anti-immigrant.

Joan: Gosh, thank you all. This is a hard conversation to have. But I agree that it's one that we have to have and appreciate your coming, Mary, and Robin thank you so much and thank you Bram. I wish we had another hour to go on with this with you guys it was great.

Joan: So, we're going to break now and in a moment we'll have our next panel of guests. Thank you very, very much.

Bram Elias: Thank you.