

# Trump orders indefinite jailing of detained immigrant families, attacks birthright citizenship

By Eric London  
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Donald Trump opened a major political offensive against democratic rights yesterday, declaring the government will keep thousands of immigrant families in indefinite detention, the children along with their parents. He also lashed out at birthright citizenship, declaring that his administration was “looking very seriously” into putting an end to a right guaranteed by the 14th Amendment to the US Constitution.

Faced with mounting political difficulties—a slowing economy, plunging poll numbers, and growing opposition among workers—Trump is seeking to whip up xenophobia and racism to block the development of a unified movement of the working class against his government and against the profit system as a whole.

While immigrant workers are immediate targets, his police-state measures are directed at the democratic rights of all working people.

The change in Department of Homeland Security procedures on family detentions—long advocated by Trump’s fascist aide Stephen Miller—is the most sweeping of all of Trump’s anti-immigrant measures to date.

It will be challenged in court immediately, because it blatantly violates a standing federal court order known as the “*Flores* settlement,” which bars the government from detaining children for longer than 20 days and mandates minimum standards of care for immigrant youth. It would be folly to rely on the federal courts—packed with Trump nominees and headed by the right-wing majority in the Supreme Court—to overturn the new DHS rules.

Under *Flores*, immigrant families were not subject to lengthy detention on the grounds that such detention would violate the US Constitution and international law. Trump tried an end run around *Flores* in 2018, ordering parents to be held indefinitely even when the children were released after 20 days, effectively forcing the separation of parents and children in order to terrorize immigrant families.

The administration retreated briefly after family separations provoked widespread popular outrage and mass protests. The new rule takes a different approach, effectively defying *Flores* entirely. Parents will be jailed indefinitely, as provided under

the 2018 “zero tolerance” policy. But this time their children will join them, “preserving” the family unit, but only inside federal detention facilities, where children, no matter how young and vulnerable, are to be incarcerated alongside their parents.

As the existing family concentration camps fill to capacity, new camps will be built. So far in fiscal year 2019, over 430,000 members of families have been detained crossing the southern border. Under the new rule, all will be locked up indefinitely without the right to a bond hearing. They will have no way to challenge their detention, because under draconian US immigration law, immigrants do not have the right to file *habeas corpus* petitions.

Trump’s fascist allies gushed with praise for the rule change. Jessica Vaughan, director of policy studies for the extreme right-wing Center for Immigration Studies, said: “This fix is arguably the single most important of the series of interlocking actions the Trump administration has taken to address the border influx.” *Breitbart News* ran the headline, “DHS Issues Regulation Closing the Flores Catch-and-Release Loophole.”

Hours later, Trump made clear the indefinite detention rule change was part of a broader attack on constitutional guarantees. Referring to birthright citizenship, Trump said, “We’re looking at that very seriously. Birthright citizenship, where you have a baby on our land—walk over the border, have a baby, congratulations, the baby’s now a U.S. citizen. We are looking at birthright citizenship very seriously. It’s, frankly, ridiculous.”

If birthright citizenship is “ridiculous” to Trump and the billionaires who back him, then so are the Bill of Rights and the 13th, 14th, and 15th amendments. The birthright citizenship clause of the 14th Amendment rejected the conception that rights and citizenship derive from blood, race or privileged social status. It was a response to the 1857 Supreme Court decision *Dred Scott v. Sandford*, which ruled that persons of African descent were not citizens and had no claim to democratic rights, no matter how long they and their ancestors had lived in the United States.

The Trump administration has transformed US immigration

procedures in a matter of weeks. In the last 30 days, the government has:

- Implemented a rule barring citizenship and permanent residency to immigrants who have used social programs or who have insufficient income.
- Begun enforcing Trump's blanket ban on asylum for Central Americans in the states of Texas and New Mexico—the busiest border crossing states—after a favorable ruling from the nominally liberal Ninth Circuit Court of Appeals.
- Refused to vaccinate immigrants in detention.
- Denied the right to asylum to immigrants fleeing persecution based on their family status, such as women fleeing domestic violence—a significant section of all asylum seekers.
- Conducted the largest immigration raids in a decade at meatpacking plants in Mississippi.
- Continued to separate parents and children in violation of a federal court order.
- Received the green light from the Supreme Court to begin construction of a wall along the US-Mexico border.

The attack on immigrants is the backbone of Trump's overarching political strategy. Trump is appealing to a fascistic base—much of it within the state apparatus itself, as in the ranks of ICE and the Border Patrol—on the basis of racism, hatred of socialism and an effort to demonize all opposition to the administration as “anti-American.”

Trump has whipped-up a violent mood, effectively appealing to his supporters to harm his opponents and thereby sharing responsibility for the mass shootings earlier this month in Gilroy, California and El Paso, Texas, where shooters sought to kill immigrants.

The Democratic Party and the Democratic-linked corporate media have collaborated with Trump's attacks on immigrants—most recently in providing full funding for ICE, Trump's detention camps, and the DHS as a whole—and facilitated his fascist strategy at every step.

In an interview published Tuesday with Vice.com, former Democratic Senate Majority Leader Harry Reid denounced Democrats for being insufficiently tough on immigrants.

“There are so many more important things to do. Decriminalizing border crossings is not something that should be at the top of the list. It should be way, way down at the bottom of the list,” he said. “People want a fair immigration system. They don't want an open-door invitation for everybody to come at once.”

The *New York Times*, as always, plays a particularly filthy role. In its news article announcing the latest crackdown yesterday, the *Times* referred to immigrant concentration camps as “family residential centers,” a truly Orwellian description.

On August 15, the *Times* published an opinion piece by Peter Schuck, a Yale Law Professor and former Democratic official in the Carter administration, titled “On Immigration, the Democrats Are Playing Into Trump's Hands.”

Democrats, the op-ed states, must “make the hard choices

that a difficult situation like the one along the border demands. For example, facilities on the American side are inadequate to house all the people seeking asylum; it makes sense, then, to house them on the Mexican side.”

Meanwhile, the American population is growing increasingly supportive of the rights of immigrant workers. An August poll by the Pew Research Center found that 82 percent of Americans support better conditions for detained asylum seekers, while 72 percent support giving undocumented people the right to become citizens. Seventy three percent say immigrants are “as honest and hardworking as American citizens.”

Reuters summarized the results of a July poll in an article titled, “For Trump, appeals to white fears about race may be a tougher sell in 2020.” The article explains that among all Americans, support for immigrants is increasing.

This shift is especially pronounced among whites. Whites are “19 percentage points more supportive of a path to citizenship for illegal immigrants and 4 points less supportive of increased deportations, when their responses from the July poll were compared with a Reuters/Ipsos poll in January 2015,” Reuters explains.

The results explode the racial narrative advanced by Trump, who claims immigrants are to blame for social ills, as well as by the Democratic Party, which blames “white people” and “white workers” for Trump's policies.

Both narratives are entirely false. They are aimed at dividing workers along racial and ethnic lines and pitting native-born against immigrants, in order to prevent workers from uniting in defense of democratic rights and in a common fight to seize the wealth of the rich and redistribute it to meet urgent human needs.

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