

TRUTH, JUSTICE AND THE AMERICAN WAY IN LUMPKIN, GEORGIA

Introduction

My daughter Alyssa and I are driving on a lonely stretch of highway one rainy late fall morning in 2019, heading south from Columbus to Lumpkin, patches of Georgia red clay peeking out through the pines. We are in Stewart County, population 5,900, which holds the dubious distinction of having the highest poverty rate in Georgia, with nearly 40% of all families living below the poverty line, and a median family income of \$20,882, according to the most recent census figures. We work our way into Lumpkin, the County seat, population 2,000 with one four-way stop, one restaurant that closes at 4 PM, a Post Office and a whole lot of vacant boarded-up storefronts. We learn that Lumpkin peaked in the mid-1800's.



*Dave and Alyssa at Lumpkin, GA
restaurant*

Turning down a side road through a lovely mature pine forest, we encounter a four-layered, double barbed wire fence, with multiple security cameras recording our every move. Parking in a Wal-Mart sized lot, with every paved space occupied, we lock our cellphones, laptops, and belts in the car, as required, taking with us only our client files, a pen and our Maryland and Colorado lawyer cards, respectively.

Welcome to the Stewart Immigration Detention Facility, home for 1,900 men and transgender women.

After passing through the dual barbed wire gates, sequenced such that one has to fully close before the other one opens, we sit in a small reception area, introduce ourselves to the guards, and sit interminably for the right to enter one of the three designated cubicles that are open for family visitors, clergy and lawyers.

At last we enter into our assigned cubicle, a concrete fortification appropriate for a maximum security prison (which it in fact is), separated in half by a concrete/Plexiglas wall, with the only means of communication being a 1950's era phone sitting on the wall. After another interminable wait, our client, a young Cuban detainee arrives, dressed in an orange jumpsuit. His handcuffs are removed, and we are ready to start our interview with him. His reason for being in Stewart is that he has been charged with a civil misdemeanor, equivalent to a moving traffic violation. Alyssa is the Spanish speaker, and I merely occupy space.

At this point, the question pops into my mind, "What the heck is going on here?" One thought is that Georgia is really tough on folks found guilty of moving traffic violations, and we should all be doubly careful when driving through the State. Upon further reflection, I remind myself that the purpose of the trip is to find out for myself what this whole immigration business is about, on the street level. My normal approach of reading *Fox News* and the *Washington Post* and splitting the difference just isn't going to cut it this time.

Fast forwarding, after several months of reflection on my one week experience at Stewart as a volunteer attorney with my daughter, a Baltimore attorney, the best I can figure is that this is a horribly complicated, politicized mess. In an attempt to be a bit more analytical on the subject, I boil the current state of affairs down to four factors:

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- The folks who are making a ton of money off the current system
- The laws of the United States that enable the current system
- The folks who find themselves on the wrong side of the barbed wire
- The folks who are trying to change the current system, or at least make it more humane; as Mr. Rogers would say, the Helpers

The Immigration Industry

Stewart is a private facility operated by CoreCivic, a for-profit corporation based in Nashville, under contract with the U.S. Immigration and Customs Enforcement, which appropriately translates as an acronym to “ICE”. In 2016, CoreCivic’s revenue from Stewart was around \$38 million, at the rate of \$62 of taxpayer money, per detainee per day. The



incentive to keep the beds occupied are obvious. Stewart employs as many people as there are residents of Lumpkin and supplies about half of the town’s budget.

Beyond the faceless corporation, there are the people who make the facility run, such as it does, that being the many CoreCivic employees whose cars fill that big parking lot 24 hours a day, 7 days a week. This is a coveted job, offering a decent wage and benefits, particularly in an area so economically depressed. The next best job is in Columbus, 40 miles north, at the Fort Benning Army Base.

One might justifiably ask “What are the employees like?” Based on my limited experience, I believe they are nice people (just like you and me), with a bad habit of being a bit uncaring at times (just like you and me). Asking them about their opinion on the merits of the current immigration system would be like asking a McDonald’s employee as to his or her opinion on the nutritional value of a Big Mac. They probably have an opinion, but that’s not part of their job description. It’s just a job that pays the bills.

One anecdote... We were at Stewart in late October, and I happened to strike up a truly delightful conversation with a guard, the chief gatekeeper, on the subject of what her kids were wearing for Halloween that evening, what they do with their candy, etc. Whether there is a correlation or not, the next day, with her on duty, our wait time in the lobby was reduced from nearly 3 hours to 15 minutes.

Basic Immigration Law

I hesitate to delve into this area, as immigration law is so complex, and the laws and directives seem to change nearly every day. Nevertheless, here is what is important for the poor souls who are locked up at Stewart.

Foreign citizens who are seeking asylum generally come into the U.S. one of two ways. They can either present themselves at an official port of entry (El Paso is a popular border crossing) and declare their intention to seek asylum in the U.S., or they can cross at a non-port of entry, which in ICE lingo is called “Entry Without Inspection” (or “illegal entry” in modern parlance). In the latter case, the U.S. government understandably frowns on such conduct, and it is a criminal misdemeanor subject to a

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whopping maximum fine of \$250 and imprisonment of up to 6 months. That's it. If one crosses the border without being apprehended and takes up residence in the U.S. (a somewhat unlikely scenario, as people who cross the border at non-ports of entry are generally picked up within minutes of crossing), he or she has committed a civil misdemeanor, i.e. a traffic ticket. To make it even more confounding, a person apprehended for crossing "illegally" generally has better legal rights in seeking asylum, from a legal procedure perspective, than the person who lawfully presents themselves at a border crossing. These legal peculiarities are not lost on the detainees at Stewart, and they complain bitterly about being punished for following the rules.

The right to seek asylum in the U.S. is protected by an International Treaty, of which the U.S. is a signatory. Simply put, to be granted asylum, one must establish that one has a legitimate fear of persecution, and that such persecution is a result of one's race, religion, nationality, political opinion, or participation in a particular social group. While this sounds simple, this is in fact extremely difficult to prove, particularly for a person held in a maximum security prison without a lawyer. The odds of success can be daunting, as the success rate for asylum seekers whose cases are heard at an immigration court located on the premises at Stewart are about 7%, while the national average success rate in regular federal immigration courts is about 43%. Being represented by a lawyer increases the odds of success about tenfold, as the success rate of non-represented detainees at Stewart are between slim and none.

Because the success rate is so low in hearings held in courts located at detention sites, lawyers generally concentrate their efforts in helping their clients try to secure bond, such that they can be released from the detention facility and have their cases transferred to much more favorable immigration courts in cities such as Chicago, Raleigh and the like. This was the specific legal purpose for our work at Stewart last fall.

The Detainees

Much like trying to categorize the prison guards, it is difficult to categorize the detainees. Based on my limited experience of interviewing about a dozen detainees, here is a generalized picture. They are:

- Young
- Mainly from Central America and Cuba
- Separated from spouse and children in their home country
- Alleged victims of physical and/or mental harassment by state sponsored groups
- Connected to someone in the U.S., usually a distant relative
- Frustrated by the delays in the system
- Frustrated by what they see as poor medical conditions, particularly those with chronic conditions

About a month prior to our arrival at Stewart, several Cuban detainees staged a sit-down strike protesting the lack of medical treatment. This event caught the attention of, and was reported on, by local and statewide media. The strike ended in a non-violent manner after ICE rescinded all rights to outside activities for all detainees for a period of several weeks.

Alyssa and I interviewed one detainee whose story was particularly chilling. He ran afoul of his Central American government and was the victim of an assassination attempt by a government-sponsored hit

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squad. He took three bullets to the torso. Needless to say, he is not thrilled about the possibility of losing his asylum case and being deported. We are unsure of the status of his case.

The Helpers

There are several groups actively working to alleviate some of the harsh conditions at Stewart. We met an elderly couple who were part of a church ministry who provide clothing and backpacks for detainees who are released from Stewart (often late at night), either for deportation or on bond.

Alyssa and I volunteered to work at Stewart on behalf of the Southern Poverty Law Center, a highly respected national civil rights organization based in Montgomery, Alabama. Specifically, we worked for SPLC's Southeastern Immigration Freedom Initiative. When we were not visiting clients in Stewart, we worked out of a non-descript and unmarked (for security reasons) rental home in Lumpkin. I cannot overstate how impressed we are with the passion and commitment of Monica, Erin, Matt and the other the SPLC attorneys and staff, who are paid very poorly, even by local standards, and work under extremely trying conditions. I recently received a call from Monica, who serves as an SPLC paralegal, thanking Lord of The Mountains Church for their financial support, a \$2,000 grant from LOTM's Charitable Endowment Fund. Monica excitedly reported that the office was celebrating a success...one of the detainees we interviewed last fall had just been granted parole. Successes don't come easy or often.



Dave and Alyssa with SPLC staff

In August 2019 SPLC filed suit against ICE, alleging that ICE has systematically failed to provide adequate medical and mental health care, as well as disability accommodations, for tens of thousands of immigrants held in 158 detention facilities located throughout the U.S., including Stewart. More recently SPLC filed a motion in the same case seeking to require ICE to protect detainees from COVID-19.

SPLC works in other areas besides immigration, including children's rights, economic justice and criminal justice reform, but SPLC is particularly well known nationally and internationally for its documentation of the identities and activities of hate groups in the U.S, through publication of its annual "Year in Hate and Extremism". Such documentation is shared with federal, state, and local law enforcement agencies. SPLC's [website](#) contains more detailed information on their activities. I highly encourage contributions to SPLC.

Conclusion

Whether deliberately or not, the U.S. has created a system where individuals lawfully seeking to exercise their rights under U.S. and international law are incarcerated as hardened criminals. This system is expensive to U.S. taxpayers, and lucrative to several private companies. SPLC takes the firm position that incarceration of people seeking asylum who are awaiting their constitutionally protected right to a

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hearing is not only unconstitutional, but also a waste of taxpayer money and contrary to our core beliefs as a society. Whether you agree with such a position or not, you should remember that behind all these statistics are people wearing orange jumpsuits at Stewart who are no different from you and me, wanting their children to be able to live happy and productive lives.

On our last day at Stewart, we spoke to a detainee whom Alyssa had interviewed in another Georgia detention center a year prior. He commented that "I heard you were coming, but I didn't want to get my hopes up too high...you really made my day". That certainly made my day.