

## Friction of Freedom – Transcript

**Introduction** EPF Media presents Practical Reason, stories that are unfamiliar and worthy of examination. In this program, an exploration into US attitudes on refugees. Two parallel stories from the past and present to help us understand the other, The Friction of Freedom.

**Todd Miller:** I am Todd Miller. I'm a journalist and an author based in Tucson, Arizona. The focus of my journalism has been borders. My latest book is titled Build Bridges, Not Walls. It came out in April of 2021. A young woman who I interviewed, her name is Nieves from Honduras, near Copan, in what's known as a dry corridor of central America. The dry corridor is an ever increasing zone where it's raining less and less. It's becoming more and more arid.

The silver mining company had set up shop and was digging for metals on different various communities around where she lived. The company wanted to dig underneath the cemetery where her grandmother, where everyone's grandparents had been buried. So the community stood up. They blockaded the cemetery from the mining company. You have the mine, you have climate change. The mine is using a lot of water, including all the water sources all around that area, so the people in the community were protesting the mine even before the cemetery incident.

When Nieves and her family and other community members blockading the cemetery from the mine, not allowing the company to enter, that's when she began to get death threats. Those death threats became more and more serious. Nieves left. That began a journey to the United States. Nieves had to go through Guatemala and Mexico to get to the United States. Each of those places has been fortifying borders with a lot of assistance from the United States for the last five or six years. And Mexico, primarily for the last 10 years but even before then, has also been fortifying borders. So Nieves ended up getting caught by Mexican immigration, detained in Mexico, and then deported back to Honduras where she is facing the threats on her life. She left again and she got all the way across Guatemala, all the way across Mexico to the Arizona border. And that's where Nieves crossed.

Around Yuma, she was arrested by the US order Patrol. She was [inaudible] put into ICE, the Immigration and Customs Enforcement's custody. She is an asylum seeker. But it's really was difficult for her to prove. She ends up in detention. ICE likes to call it detention, that's the official word. I would use the word prison. There's coils and coils of razor wire. You cannot leave. You have a cell like you're in a prison. And that's exactly where Nieves stayed while she was filing her claim. She was awarded a stay in the United States after all that time.

**Dr. Art Shostak:** I'm Art Shostak, a sociologist. I work on issues of social policy, social reform. I'm particularly interested nowadays in what's known as Holocaust scholarship.

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On November 9 and 10, 1938, a 17-year old youngster in Paris, a Jewish youngster who had gone there, grieved over the hardship that his parents were suffering back in Germany. Shot a German embassy official. That official died of his bullet wound. Goebbels, who was the propaganda minister, told the fire departments to stand down. He told the police departments to take time off. And he told his Nazi party officers, which by '38, existed in every German city that they should rouse, mob and punish German jewelry for this single terrible assault that had occurred a thousand miles away in France. The punishment was two days worth of madness. 91 German Jews who were found on the street were murdered on the street. Close to 8,000 Jewish-owned stores in German cities had their windows smashed and their merchandise vandalized and stolen. The synagogues were very severely damaged.

November 10th, 1938, 30,000 German Jewish men, that's 10% of all the Jews in Germany at the time, were arrested. And they were with having formed this event known as Kristallnacht, the night of broken glass. They were held for weeks in brand new German concentration camps, Dachau, the most famous of them. Close to 2000 of them, of the 30,000, never returned from these camps, dying in the camps from abuse, from harassment. Jews left Germany, all of them having to pay a steep penalty to the government to get visas to get out.

67% of all of Austria's Jews left that country. They packed up and left leaving behind a history of many centuries of coexistence prior to Nazism. 180,000 German Jews were able to cross the border and get out. The only place they could go were other European countries, adjacent countries. In Évian, France in 1938, Franklin Delano Roosevelt put together a conference of 42 nations, explicitly designed to get those nations to change their visa policy and to liberalize it and to appreciate that something terrible was visible on the horizon.

That conference was a total failure. Jews were between a rock and a hard place. Nazism was in Supreme power where they lived, and countries that might have accepted were unavailable to them. The story darkens because the vast numbers of German and Austrian Jews who fled as refugees were later captured by the Nazis as the Nazis succeeded in occupying 24 European countries. With the German invasion of Poland and the beginning of a second World War, all the gates came down.

By the early 1940s, before the United States entered World War II, the American Jewish community, a segment of it, tried to get Franklin Roosevelt to do more, to pay more attention to the horror dimension of what was happening. There wasn't much support until 1945. In 1945, American troops began liberating camps and they began writing home. And they brought home their full horror of a Holocaust. They were not very successful. In short, the picture of the American public is not the most flattering one.

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Carlos Spector: My name is Carlos Spector. I'm an immigration attorney, specializing in Mexican asylum along the US-Mexico border. I've been practicing immigration law for 33 years and born and raised here in El Paso, Texas. After the liberation of the camps and Jews were allowed to apply in different places to the world as a result of the 1948 Displacement Act, but that wasn't enough to take care of the needs of the victims of the Nazis in general.

But in 1952, the US began adopting the first human rights convention of asylum passed by the United Nations, and that's the current law that we are under. The convention for asylums for refugees was adopted by the US in '67, but it didn't become law. It wasn't recognized by Congress until 1980. Only at that point in time did the US adopt this new law which has failed to change age over the years. Specifically, the most openly denied group was the Jewish community. But it was really that anti-immigrant, anti-semitic aspect of American DNA which was triggered and activated back then by fear of the other.

There's an excuse to eliminate legal migration. They didn't need a wall. They could do it by executive action or just sealing the border. The reality of the development of US Asylum law is premised upon universal experiences and specifically the World War II, and more specifically the Holocaust. The current system of asylum predicated upon having to prove a well-founded fear of persecution on account of race, religion, national minority, or political beliefs is something that developed and came out of the practice of the Nazis in the camps.

The Asylum law has always been premised upon political foreign policy considerations. It used to be, if you were from Cuba, all you had to say Cuba and you got asylum, as opposed to not having to show any type of persecution on account of race, religion, or politics. But in terms of that type of application of the law where the judges are trained to determine where they're going with the case, depending upon what country they're from. If they're from Venezuela, at this point, you're more likely to get asylum. I think racism against Mexican and Latino immigrants in general. So it's this stew of racism coupled with the anti-immigrant hysteria that the immigrant community is being faced with prolonged incarceration or outright expulsion prior to entry.

The vast majority of Mexican asylum cases that I have seen have been victims of violence. But not all victims of horrendous violence qualify for asylum because of the way that the government, US government, is interpreting the law. Even if you're extorted at gunpoint, that's not a basis of an asylum claim because it doesn't constitute persecution, because it doesn't involve state action. But many of these distortions occur in small towns or in neighborhoods in big cities where they're extorting in conjunction with the state. And when the state is involved, it's governmental action, which then qualifies you for protection under the convention against torture.

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The US government has been able, for over 25 years, to deny Mexican asylum claims at the rate of 98%. And it doesn't matter who's in power, it doesn't matter how bad or how good the situation is, it doesn't matter if you get a right wing government or a left wing government. Since '96, the laws under all of the different administrations have been devolving into such a way where rights have been denied to the point where they're now putting kids in jail. They can't revoke asylum legislatively, so they revoke it defacto by not letting people into the country, arguing national security.

Todd Miller:

When you start to learn stories from people coming from various places in central America to the US border, there's a lot of issues that are raised. Often, issues that sometimes aren't even discussed by the press or the media too much. I honestly think that the border itself is a form of persecution. It's designed to persecute people just for simply crossing the border. And then on top of that, it's persecuting people who have been persecuted, or persecuting people who have been dispossessed, or persecuting people who have been displaced by the very place that's putting up the border to begin with. The desert's dangerous. You can't carry enough water. You can't carry enough food. There have been many people who have died crossing the border. Let alone, you get put into very vulnerable places where you could be robbed. People have to then on these long journeys, like the journey from Honduras which I believe is about 2000 miles, you're avoiding all kinds of dangers, all kinds of obstacles.

The border on the United States has a strategy that's been in place since the 1990s actually, called Prevention Through Deterrence. The United States has been supplying Mexico with money, with trainings, and Mexico has been fortifying it's borders. And the same in Guatemala. It used to be that you could get through Mexico fairly easily, and that's no longer the case. There's no wall between White Mexico and Guatemala, but there are a lot of checkpoints. People end up walking around them. Or you can get rides up to circumvent those areas. The problem is, is that other people know that's happening. So dangers get more and more and more and more. The deterrence strategy, then that forces people into these very, very dangerous situations.

The US Mexico border, there's 8,000 remains of people who have been found in the US borderlands since the 1990s. And most people think that's an under count due to thousands of families still in search of their lost loved ones. It's a policy of death really. The United States has been exporting its border. Mexico, as a direct result of this US extension of its borders, since 2015 has been deporting more people from central America than the United States. It is by far the most historic buildup that we've ever seen in US history. That's financing surveillance, technologies, walls and barriers, armed agents that are extending into the hemisphere.

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Carlos Spector: The problem with Mexico and other failing states or regional states with regional failure is that the cartels and the persecution is by and large in conjunction with the state. Since it's not the state or the product of a civil war, the judges have an ideological cover, which is that, "Well, it's not the state." It's private cartel action not premised on any of the enumerated grounds of racial, religion, or politics. That's how the central Americans and the Latin American countries are kept out of the country from asylum because you're denouncing persecution, but it's not the classic persecution by the Nazis, or of the communist states.

Todd Miller: There's a big gray area between what's government, what's organized crime, what are gangs, what are not. There's this police apparatus that keeps everyone in place. And if you step out of line, we'll, watch out, you're in Nieve's territory. And then you're going to have to probably flee for your life. People fear the police as if they were gangs, and gangs if they were police. And those sorts of interconnectedness between the gangs and the police are pretty common, whether it be the drug business, whether it be mining companies working within the interests of the Honduran elite or the Guatemalan elite or the Salvadoran elite. The vast majority of people suffer, and suffer in multitude of ways.

You have populations 60% or 70% of people living in poverty. They have to skip meals in order to feed their children. There's farmers with increasing drought. And there's the rich getting richer, the poor getting poorer, and the poorer becoming more and more powerless in the hierarchy of the state.

The mining company has the power of the policing units around it. You see levels of violence that are getting higher and higher and higher. You see violence of against the poor. You see violence against LGBTQ people. You see activists being targeted. If you are offering descent within Honduras about any of the projects that are coming from the government, you are going to be targeted. The most elevated cases out there is Berta Cáceres who was killed she was protesting the hydroelectric dam and project in her community. If you're an activist, if you're against the state in any sort of way, the iron fist of the state is going to come upon you. And this is consistent across borders. You can find incidents like this in Guatemala, in El Salvador, in Mexico.

If you're a small business owner, you have to pay an extortion fee to keep your small tienda going, right? And if you can't afford that fee, then your life will be threatened. The extortion that's happening through the policing units, you see this consistency of arming a state apparatus in central America that happens regardless of what political party is in power. The borders through various free trade agreements, NAFTA, CAFTA, really opens up the borders to the free flow of companies coming across borders. Even the US military, even the US Border Patrol can freely cross borders without any sort of resistance. There's no Border Patrol against the mining companies even if they're ruining people's water supplies.

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Christian Parenti calls the catastrophic convergence. He coined this term in his book Tropic of Chaos. It looks at the different converging crises, and one of them is economic. There's a social, there's a political where you also have the persecution, and increasingly an ecological one with the climate change, and they're all coming together. The borders themselves there are people, slam shut. Very few people are reporting on the Guatemala and Mexican border, much less the Mexican, or the Guatemala and Honduran border. The daily deportations that are happening from Mexico back to central America. All of stuff is almost completely ignored.

Dr. Art Shostak

A nation should meet at the border, men, women, and their children who are fleeing from persecution, from harm, from danger, from criminal activities, as well as political harassment, political dictatorship. We have more people displaced around the globe, more people seeking refuge around the globe than at any time in world history.

We have 80 million forcibly dispersed, forcibly displaced persons, of whom 26 million are refugees, another 4 million are internally displaced people in their own countries. And this number, 80 million, is without precedent. It was considerably less, of course, five and 10 years ago. And it's growing daily. We're at a historic crisis. More such refugees can be expected for indefinite time ahead as climate change has major impacts unfolding over the foreseeable future. Changing the nature of arable land, changing the nature of domestic cattle that can be raised here and elsewhere. Changing the nature of water, water that we can drink ourselves.

Carlos Spector:

This effort to be free in the land of freedom is being blocked as it was during and after World War II by a government that's more interested in short term political gains than widespread care of immigrants' journey to be free.

It's emblematic in the sense that it represents the experience that asylum seekers face along the border.

Dr. Art Shostak

Unfortunately, deep set similarities between the hostility that Jewish-would-be refugees encountered when they were attempting to get away from Nazism, when they're attempting to find safe haven and start new lives, and the experience of refugees seekers coming up from Central and South America. Racism is a factor men and women coming up from Central and South America. Refugees are treated as if they were a threat to us, when in fact they can bring a lot of talent. They can bring a lot of ambition. We know from the 200 plus year history of this country that we have always welcomed people who are out of sorts. It's reasonable for them to flee from gunfire and from mob actions and from criminal behaviors back where they originate. Any of us would fully understand what their escaping from.

The refugee often occupies the role of the other, O-T-H-E-R. The other represents, as psychology and social psychology explain, the other represents everything that

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we are unsettled by, everything that we don't want to think of as part of ourselves and that we want to keep from living next door, keep from our neighborhood.

Todd Miller: When you look back at the Holocaust, people look back to that and say, "That should not have happened." You'd think that if there was any sort of similar situation happening where people were being persecuted, where people were being rounded up, where people were being put into detention centers, where people were being killed, the border policies had the threat of death as one of their deterrents, people that are often facing what would be potentially near death situations to begin with. Yet Hondurans are crossing the border and dying crossing the border. And if they cross the border they're criminalized and then rounded up because they're Hondurans, because they lack a certain piece of paper, into detention centers where they're separated from their family members, they're separated from their loved ones.

When you look at some of the tendencies of what's happening, what's going on, the roundups, the death, the persecution, the discrimination against certain people, I don't see how history's going to be able to look at this with clean eyes. Why isn't there a culture of fraternity, of being good into our fellow human beings? We can think of just much better ways to deal with these crises, which are global crises, where instead of creating divisions between people, we have to have solidarities between people.

Conclusion: Practical Reason is produced by Larry Rattner. Special thanks to Todd Miller, Carlos Spector, and Dr. Art Shostak. Audio editing and sound engineering by Emmanuel Miranda. This episode is co-produced by Makeda Easter. Original music by Christopher Cano. Additional dialogue editing by Jack Turner. The program advisor is Andrea Nakaya. Visit our website, [practicalreasonpodcast.com](http://practicalreasonpodcast.com) to find additional programs, materials, and links. And [epfmedia.com](http://epfmedia.com) to learn about the documentaries we distribute. Thank you for listening.

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