

THE CONGRUENCY BETWEEN HUMAN RIGHT AND CIVIL RIGHTS

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While returning from a summer in Mexico to my hometown of Baltimore, Maryland, I met a woman in the airport food court. We discussed politics. She expressed a fear that a focus on immigration would steal attention from the civil rights struggles Black people had been fighting for her entire life. My food court companion is not alone in that view. I have witnessed open resentment at the lasting and sustained attention “Black causes” receive that international causes like refugee rights, immigrant rights, and crimes perpetuated against the other marginalized communities do not receive. This false dichotomy stems from a belief that civil rights at home and international rights abroad are separate issues that share no link.

Marginalized groups are understandably protective of civil rights gains and political momentum. As our political systems become increasingly gridlocked, activists in marginalized communities are vying for political and economic power as well as simple dignitary recognition. But racism is often perpetuated against different communities in a similar form and function. A focus on the form can more quickly render these systems defunct. Once we gather resources, they should be spread to address the nexus in a system that negatively impacts all marginalized communities.

Focusing resources on one community’s issue fails to capture how those issues are at play in other marginalized communities. One community will better serve its distinct interest, as well as all marginalized communities, by examining structures that

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create analogous types of oppression, and then dedicating resources to attacking that nexus.

To illustrate a larger point, take, for example, private prisons and private detention centers. The systems feel appropriately divorced. One system deals chiefly with how the United States manages a humanitarian crisis abroad. There, our response is measured by international relations; refugee policies; the dedication of resources to border wall maintenance and construction; and detention centers. The other system deals mostly with an ill-executed and expensive attempt to protect society from those struggling with mental illness, addiction, poverty, or a criminal inclination.

Both systems are racist.

Both systems result in the degradation of the family structure and frequently abuse those detained. Both also mark the flawless intersection between government contracts and the exploitation of marginalized communities. This is the nexus: the point where one issue, corporate prisons, is discussed in terms of how the system harms Black men and women. However, the issues should be discussed in conjunction with private detention centers. The practice of government funding for private prisons and detention centers should be analyzed together because both are perpetuated through similar systems, and both disproportionately impact marginalized communities. Attacking the nexus can dismantle two racist practices that impact communities differently.

Admittedly, engaging in discussion and activism in a manner too abstract can constitute erasure. However, this piece suggests that where two or more systems or institutions operate analogously, the discussion need not be absent. The nuance is in an analysis of the points where international problems and solutions align with domestic problems and solutions. The concreteness is in the numbers.

For perspective, while Black immigrants are 5.4% of the unauthorized population in the United States, Black immigrants make up 20.3% of those facing deportation on criminal grounds.¹ Domestically, Black and brown communities are over-policed, so

1. Juliana Morgan-Trostle, Kexin Zheng & Carl Lipscombe, *The State of Black Immigrants, Part II: Black Immigrants in the Mass Criminalization System 20* (2016), <http://www.stateofblackimmigrants.com/assets/sobi-fullreport-jan22.pdf>.

these disproportionate numbers are neither surprising nor atypical. Examining the 20.3%² through the lens of over-policing yields but one more place where the nexus of a racist system meets.

The bail bond industry is another nexus between the domestic civil rights issue of mass incarceration and unconscionable detention of non-U.S. citizens. Between June 2018 and June 2020, the bond paid by the non-profit RAICES averaged \$10,500.³ But bonds for Black Haitian immigrants averaged \$16,170.⁴ The difference constitutes an unconscionable 54% higher bond paid for Haitian immigrants.⁵ This difference remains consistent among other Black and African non-U.S. citizens.⁶ As a consequence, Black immigrants stay in ICE jails longer.⁷ While the average stay in a detention facility is fifty-five days, for Kenyan and Rwandan immigrants, the number averages a figure closer to ten years.⁸

But there is nothing new under the sun. This trend is mirrored domestically. According to the Prison Policy Initiative, the last time the government collected national data, 29% of people in jails were awaiting trial or another hearing, and 43% of them were Black.⁹ This data indicates that the bond amounts for Black Americans are about \$10,000 higher for Black defendants compared with white defendants.¹⁰

A discussion of civil rights as it relates to Black U.S. citizens and mass incarceration need not worry that it will be outshined by discussions about immigration reform and international relations. The reality is that the destiny of government-contracted for-profit prisons and for-profit detention centers is

2. *Id.*

3. RAICES, Annual Report 32 (2019), https://www.raicestexas.org/wp-content/uploads/2020/11/RAICES_2019_AnnualReport_SinglePages.pdf.

4. *Id.*

5. *Id.*

6. See *id.* (“The result is predictable: Black immigrants are detained longer and are more likely to be deported.”).

7. *Id.*

8. RAICES, Black Immigrant Lives Are Under Attack, <https://www.raicestexas.org/2020/07/22/black-immigrant-lives-are-under-attack/> (last visited Apr. 5, 2021).

9. Wendy Sawyer, How Race Impacts Who Is Detained Pretrial, Prison Policy Initiative (Oct. 9, 2019), https://www.prisonpolicy.org/blog/2019/10/09/pretrial_race/.

10. See *id.*

inextricably linked to the activism of Black and brown communities, both at home and abroad. The nuanced approach will realize goals faster and conserve resources for other human rights challenges that impact Black and brown communities.

International human rights are civil rights. And spreading resources to disrupt systems that have either international impacts on Black and brown non-U.S. citizens or domestic impacts on Black and brown U.S. citizens or residents at the nexus where those systems meet will accomplish long-term goals faster.