Roxana Rezai: I wanted to thank you guys all so much for coming. My name is Roxana Rezai. I'm a 2L here, and I'm the president of the newly formed Middle Eastern Law Student's Association of Washington, MELSAW. And we are very proud to present this for you in our first year of existence as a student organization, and we hope to have many more interesting and crucial events such as this one in the future. And we are very, very pleased to have two fantastic speakers here with us today. We have Pramila Jayapal and Banafsheh Akhlaghi.

Pramila is the founder and executive director of OneAmerica. She has spent over 20 years working for social justice, both internationally and domestically.

Under her leadership, OneAmerica has achieved significant policy change in Washington State by leading efforts to win numerous victories for immigrants, including a New Americans Executive Order signed by Washington governor Chris Gregoire, a comprehensive plan to address the needs of immigrant communities in Seattle, an ordinance preventing any City of Seattle employers from inquiring about immigration status, and numerous resolutions at the city and county level upholding the human rights and dignity of immigrants and affirming the need for comprehensive immigration reform.

Also under her leadership, OneAmerica has engaged in the first large-scale immigrant voter registration program in the state, registering tens of thousands of new citizens to vote.

Nationally, Ms. Jayapal has helped to lead the fight for due process within the comprehensive immigration reform struggle, co-chairing the Liberty and Justice for All field campaign of the Rights Working Group national coalition. She is a frequent featured speaker nationwide and a regular guest on local and national television and radio shows, addressing diverse audiences on issues of immigrant and human rights.

Prior to founding OneAmerica, Ms. Jayapal has served as director of the Fund for Technology Transfer for the Program for Appropriate Technology in Health, also known as PATH, operating across Asia, Africa, and Latin America, a fellow in India for the Institute of Current World Affairs and a nonprofit consultant.

She has a master's in business administration from Northwest University's Kellogg School of Management and a bachelor of arts in English and Economics from Georgetown University. She is the author of numerous essays and articles, and a memoir, 'Pilgrimage to India: A Woman Revisits Her Homeland.'

Our second speaker today, Banafsheh Akhlaghi, is the western regional director of Amnesty International. Prior to joining Amnesty last year, Ms. Akhlaghi founded the National Legal Sanctuary for Community Advancement, also known as NLSCA, a nonprofit organization
dedicated to ensuring the human rights and dignity of Middle Eastern, Muslim, and South Asian peoples, an organization that emerged as one of the lead advocates of human rights for affected communities in the post-9/11 era.

Prior to practicing law, Ms. Akhlaghi was a professor of constitutional law at John F. Kennedy University in California. In 2001, she gave up her teaching position at JFK to create Akhlaghi and Associates, a private practice specializing in immigration and civil rights post-9/11, and in 2004 created NLSCA.

Ms. Akhlaghi is committed to fostering collaboration among partnering organizations, governmental and non-governmental, and invested in securing civil and human rights. She has served and represented over 3000 people; worked as a consultant for UNIFEM, the United Nations Development Fund for Women; testified before Congress, including the 2003 Amnesty International racial-profiling hearings; and she regularly conducts cultural sensitivity trainings with branches of the EEOC, which is the Equal Employment Opportunity Commission.

Throughout the years, Ms. Akhlaghi has been honored and recognized with numerous awards, such as the 'Top 100 Most Influential Lawyers in California.' And in 2008, she was awarded the Public Service Contribution Award from the Iranian-American Political Action Committee and Certificate of Special Congressional Recognition from Congressman Mike Honda of the US House of Representatives.

Ms. Akhlaghi was appointed to the post of western regional director of Amnesty International in late 2008. She received her BA from the University of San Francisco, with attendance at Cambridge and her JD from Tulane University. She is a member of the California and San Francisco bar associations.

So, please join me in giving a warm welcome to our speakers.

[applause]

Roxana: And now, Pramila Jayapal.

Pramila Jayapal: Thank you, Roxana. One thing she didn't mention is that Banafsheh and I are sort of like sisters from the beginning. So, right after 9/11 happened, we got in touch with each other very quickly because we were doing very similar work in different places. So, it's an honor to be back up here with you, have you here in our home state, and I'm really happy to be with you today. I wanted to start by just showing you a little piece of a video. This is actually a 25-minute documentary, called 'Justice for All,' that was made shortly after 9/11. 9/11 happened in 2001, obviously. In 2002, a large coalition of groups came together.

We used to be called Hate Free Zone, by the way, for any of you who are confused. We used to be Hate Free Zone. We changed our name last year to OneAmerica. And for those of you who are curious, it really appeals to me to not be starting every conversation talking about hate, which is obviously... But, it was appropriate for the time.

Anyway, as Hate Free Zone, we had convened a whole group of organizations from a variety of very different immigrant communities and communities that were affected after 9/11, to figure out what we could do to really commemorate the day of 9/11. Because we
knew that there would be a lot of patriotic commemoration, there would be a lot of showing of the same videos of the attacks on 9/11.

And we knew that for a lot of our communities, that was a problem. And we wanted to figure out how the communities that had been affected, and those supporting those communities and saying that these are also part of our community, how could we have something that would really celebrate, or not celebrate but really mark what had happened in those communities.

And so we came up with the idea of a hearing that was based on the Japanese internment redress hearings. And we had over 1000 people attend this forum that was held on September 22, 2002. And out of that, Sandy Cioffi, an incredible filmmaker that's based here in Seattle who just made a film called 'Sweet Crude' that you might have heard about, about oil exploration of the Niger Delta, which I highly recommend you see if you haven't seen it. She produced this documentary for us.

We're only going to show you, maybe, 10, 12, 15 minutes. I'm sure you'll be hooked. But, you'll have to talk to me afterwards, and we'll figure out how we can show you the rest of it. But, I just wanted you to get a sense of, really, taking us back to that moment. And I think, from there, Banafsheh and I want to take this sort of from there to the present day in terms of what's happening post-9/11, and what happened and what does this new opportunity we have with the new administration mean for us going forward.

So, let's go ahead and play just a little bit of that.

[documentary film starts]

[music]

**Man 1:** We are a nation of immigrants.

**Woman 1:** We all are human beings, and we should be treated equally.

**Man 2:** Americans realize that it's very easy to take civil rights away. It's much more difficult to get them back. [music]

**Woman 3:** We are not terrorists. We are not murderers. But, we're your neighbors, your schoolmates, your friends.

**Man 2:** It makes you think, 'Wow, will I ever fit in here?'

**Man 3:** I did not come to America for a good life. I came here to live, as a human. [music]

**Man 4:** As the Statue of Liberty says, 'welcome persons from other lands.'

**Man 2:** I don't understand why I have to be set apart. What have I done?

**Woman 2:** Most people are really good-hearted. And when they find out what's happening, they can't believe it either, and they don't want it to continue. [music]

**Woman 1:** We are here today to call attention to the impact on the lives of families and communities across Washington state who have not only been victims of hate crimes by
other individuals, but have also borne the disproportionate burden of the government's new policies and practices that target and profile based on ethnicity and religion.

**Man 1:** We ask you today to listen to these testimonies being presented by these people with open hearts and minds. Imagine what it feels to be called Osama bin Laden because of the turban you wear, to be constantly associated with terrorists, or to be socially isolated because of your religion or culture or color.

**Woman 2:** When we say, justice for all, it must be justice for all; it's not all but them. [applause]

[music]

**Woman 3:** After September 11, the Somali were targeted. A few days after the attack, a 16 year-old Somali was attacked and stabbed in a gas station in west Seattle. A few days later, six Somali women were fired from their jobs. Our men have been harassed constantly for being Muslim and Somali. We are targeted by the media, by the citizens of this country and almost, we feel that we are back in Somalia with no voice and no rights.

Today, wearing a hijab, it has become a target of being a terrorist. Becoming a Muslim, it was a sense of peace, but today it means we are killers. We are not. We came here for the same reason a lot of your ancestors came to the United States.

[applause]

**Woman 3:** Freedom of religion, freedom of speech. But, after September 11, we feel those rights have been taken away from us. Our girls, they cannot go out and shop because they are wearing the hijab. We are here in America, our new home, and we would like to tell our story even though it's so painful. And I am only one person, but we're here and we're here to stay. We are not terrorists, we are not murderers, but we're your neighbors, your schoolmates, your friends.

[applause]

[musical interlude]

**Man 2:** We are all immigrants or descendants of immigrants, except perhaps our Native Americans, who occupied this continent 20,000 years ago. [applause]

[music]

**Man 3:** It's this influx of individuals, this salad bowl of cultures that make this country so great.

**Man 4:** It was a dream of mine just to live in a society where I really can fight to the fullest for all my rights, and I will be backed up by so many organizations. I was so happy to be here.

**Woman 2:** And they've come here because they have nowhere else to go and because we asked. We asked for these people to come here over 200 years ago. We asked so much so that we inscribed it on the Statue of Liberty. [music]
Woman 4: In this country equality, fairness applies to all people, regardless of ancestry, nationality, or religion. The Bill of Rights is the central compact between the federal government and the people of this nation; rights which cannot be set aside without individual review and due process.

Woman 1: Those founding fathers laid out some very, very difficult principles to live up to.

Woman 4: That all men are created equal, that they are endowed by their Creator with certain unalienable rights. That no person shall be denied life, liberty, property, without due process of law. [music]

Man 2: The reason that people wrote the Constitution the way they wrote it, the reason people wrote the Bill of Rights the way they wrote it, the reason the legislators in Washington state and the council members and the city of Seattle passed civil rights laws is because they had witnessed and experienced the abuses that occur without those laws.

Man 1: I think it's time for every American to get a hold of their constitution and read it, and understand why people are willing to sacrifice everything to come to a country who has such a constitution, and work hard not to let that constitution be eroded. [music]

Man 3: We need to sit down real carefully and redefine what patriotism means in this country to make sure that it encompasses all of us.

Woman 3: American patriotism isn't just jumping on bandwagons. American patriotism is to look a hard look at our ideals and our practices and see that they're consistent. American patriotism says are we courageous enough to ask the hard questions. Are we courageous enough to live to our beautiful ideals.

Woman 4: I think that demanding the rights that we know are fundamental to this country is patriotic. I think standing up and saying, I'm scared but I don't want to destroy everything that makes us great in the process, I think that's patriotic. [applause]

Woman 2: Sixty years ago I learned to put my hand over my heart and pledge allegiance to the American flag with liberty and justice for all. Isn't it ironic that I learned those beautiful, ideal American words when I was a prisoner in America's concentration camp? [music]

Woman 1: Sixty years ago our nation turned its back on nearly 120,000 people and put them in American concentration camps, isolation centers and federal prisons, the sole basis of which was ancestry.

Woman 3: In 1942, people went along with a lot of things in the name of national security, in the name of fear, in the name of protecting America. And it took us 40 years to go back and say, we're never going to let that happen again. And yet, here we are in similar situations.

Woman 2: My story is old, not recent, but 60 years ago the stories are about the same. The FBI and the Seattle Police came to my father's house early in the morning, shoved my mother aside, stormed into the house, ransacked the closets, made a mess. My mother yelled upstairs, 'Get dressed, get dressed!' to my older sister. But, I guess the FBI did not know what she was saying in Japanese and they rushed upstairs, drawing their guns.
**Woman 5:** My parents and my sister were stolen away from us. About seven FBI and INS agents barged into our once wonderful home and dragged them out of bed with guns and flashlights. [sound of typewriter]

**Pramila:** The rest of the video - and it's really a wonderful documentary - goes through, actually, some of the things that happened including secret detentions, including special registration, and it has people... All the people, by the way, that are in this were people that were affected, other than, like, Dale Tiffany who is at Office of Civil Rights, but all the people who are of Arab and Muslim descent were people who were affected by post 9/11 incidents that happened. And so really this is how Hate Free Zone, now OneAmerica, started. We started right after 9/11, it was really an individual response, frankly, to I think... As Banafsheh also probably... The same thing happened in many places around the country, there were individual responses to things that we saw that we could not sit by and say were OK. And if we didn't stand up then who would?

And so I think out of that came some wonderful efforts that... We realized very early on here that one of the keys to getting our message out and making sure that we really have the support that we needed... Because this was post 9/11, I had just become a citizen and I really wonder if I hadn't been a citizen, what impact that would have had.

But honestly, I don't think I thought about it at the time, I only thought about it much, much later, because it was not popular to stand up and talk about what the government was doing and it certainly was not popular to stand up and say that given this national security situation, and given the fact that America had just seen these terrible attacks on American soil, that we needed to be thinking about civil liberties, and so very shortly after 9/11 we end due process.

So, very shortly after 9/11, what we had thought was initially just individual hate crimes against other individuals suddenly became very clear that it was not just that, that we had 1300 men of Arab and Muslim descent who had disappeared and who were held without adequate access to attorneys or due process. We had special registration and we actually have a timeline somewhere - if anyone is interested in I'm sure I can find it - that actually laid out all of the things that happened after 9/11.

Because what that showed us is that this was not just a series of random incidents, this was a fairly well planned out set of attacks on a certain set of populations. And to us that was just intolerable, that was not America, that is not why I became a citizen, that is not what we believed in.

But, it was very difficult in the moment to stand up and articulate that in a way that still allowed you to be a patriot. Because of course if you started criticizing the actions of the government... And you know, I've always believed that the greatest, the most effective way to suppress dissent is to combine patriotism and fear.

Any time you can combine patriotism and fear, it's what happened after the internment, it makes it very, very difficult for somebody to then stand up and dissent with the policies that are taking place. But, what we could see is that there was an indiscriminate targeting of people simply based on race, national origin, and that was not acceptable.

So, we started out with hate crimes against individuals, and we actually did quite a bit around just public education around different communities that were affected, we had a curriculum that we used in schools, but very quickly we also moved to broader issues
around policies of the government. And we did that through a number of very highly reported on cases that some of you, if you were in Seattle then, you may remember that there were some grocery stores that were raided by the FBI in south Seattle.

And interestingly John McKay, who was the US Attorney at the time and now teaches at SU Law, and I've actually gone in to lecture to his class a couple of times on the issue of national security from the other side.

John and I rarely could agree in those meetings at the time because he was representing the government, but what he has said since then, and actually what he said at the time around the raid of the grocery stores, is that that should not have happened, and he did say that at the time to his great credit.

And subsequently, now that he's not US Attorney anymore, he has told me how much he advocated within the department for making sure that we were not alienating the very constituencies that we needed to be building relationships with, this was from the FBI's perspective.

And so it was an interesting... But, we took that up and then later we worked on a very high profile case around the deportation of what ended up being about 5000 Somalis, and were able to file a class action lawsuit. So, all of those things sort of continued.

So, if we take what that was at the time, I think the things that we learned from that is that these communities that were affected post 9/11 really hadn't engaged, for the most part, with the broader community.

So, that's on one side. And on the other side, I'm sorry to say, but the United States does not tend to have a lot of information about other countries that's provided in our schools and colleges. I know because I have a 12 year old and I've been actively advocating, and I went in there and spent a couple of days talking about India because I feel like it is so important.

If you go to any other part of the world, most kids will be able to tell you who the major... Even in India, on the worst streets in India, the kids will be able to tell you who the leaders of the major countries in the world are. We just don't have that here.

And so the combination of that with the fact that many of these communities have not made themselves known before 9/11, all of a sudden created this tremendous fear, I think, and then combined with the fact that we had a government that was sort of painting groups of people as terrorist countries, or terrorist individuals if you happen to be from the country, made it very, very difficult to be able to have a conversation between the two.

So, a lot of what we realized is that we needed to build a broader coalition and our coalition needed to include not just these folks, but also people who were not immigrants, who had progressive values, who had not necessarily progressive values but who had seen the value of constitutional civil liberties.

So, I remember one panel I did and this guy came up to me at the end and he said, 'I'm a Republican and I voted for President Bush, but I believe in constitutional rights, and so here's a $5000 check.' So, it was really pretty amazing. That didn't happen very often by the way [laughs], but it was one of the beautiful moments of the dark days.
But, you know I think that we were able to say, 'This is not a partisan issue.' Even though it was a government that was from a particular political party, we were also able to say in the early days, 'Look, this is about the constitution, this is about America, this is about American Values. This is not about right versus left, and yes there happens to be a particular party in the White House that is causing this, but any of us who don't do something about this have just as much responsibility.' And I think that was a lot of our message.

And so we were able to build a fairly broad coalition of labor unions, faith allies, progressive Caucasian allies, and then a diversity of immigrant communities. Because the other thing that was happening is that each immigrant community, post 9/11, that was targeted felt like their issue was the worst.

And we felt that there were lots of things in the history of America, going back to Native Americans and African Americans, all the way through Chinese workers who were marched down to the docks, there were similar undertones in the history of America that actually brought us together, not separated us.

But, the question was how could we do that? How could each one talk about their issue and understand that through coming together they were stronger? And so that's the power of organizing. And so that's what we were able to do is build a much broader coalition around these due process issues, constitutional issues, that really was about America.

I mean, it really was about... And that has continued to today. So, as we sort of jump through time and look at the work that we're doing now, what we realized is that immigrant communities in Washington State and across the country lacked voice, lacked representation, lacked formal ways of getting engaged that would make sure that they were paid attention to and that people cared about their rights.

So, that's part of when we really shifted our focus and realized that what we wanted to be doing as an organization was not necessarily working on cases - though we continued to sort of help in a lot of cases and publicized a lot of cases; we were able to get a lot of media attention locally - but that what we wanted to do was really work on organizing within our immigrant communities, teaching people about democracy, how to engage, and helping people to really realize that they had both rights and responsibilities.

And so we've really moved our focus and we do a lot of organizing in broader immigrant communities, because we realized that the issues that the Arab and Muslim communities were facing were exactly the same as the issues that other communities were facing.

What we also realized very soon after 9/11 is that 9/11 provided the perfect platform for anti-immigrants who never wanted immigrants to be here anyway. It provided a platform for those folks to be able to say, look, this is why we should never have immigrants.

So, the Patriot Act was not written when the Patriot Act was introduced. It was written actually some time before that. I'm sure Banafsheh will probably talk about that. But, it was essentially pulled off the shelf and sort of like this is a great opportunity to introduce the Patriot Act.

And that was true of a lot of things that happened after 9/11. Many of them were recycled because they hadn't been able to pass at a prior time and 9/11 sort of provided this great opportunity to put them forward.
So, we expanded fairly quickly to working with all immigrant communities around issues of rights, representation, engagement, democracy. And, that's essentially what we've been doing to date.

Now obviously, one of the big things that has come up has been the issue of immigration and immigration reform. And, I think that the 9/11 debate has really been folded into this broader debate about immigration.

And one of the things that makes it very difficult is because even when we fight for due process rights at the national coalition that I'm a part of, there are always carve outs for national security. And those carve outs for national security make it possible for basically anybody to be exempted from whatever we've arranged or whatever we've agreed to around the provisions constitutionally or other due process protections or civil rights protections because of this carve out.

And so, part of what we're trying to do now is really limit that carve out. From a policy angle, how do we limit that carve out so that the national security carve out doesn't become just sort of a free for all for anybody who wants to assert that national security is at the core?

That happened to us over and over again. With the Somali deportations case, it became so high profile that they sent out somebody, the top attorney from the Office of Immigration and Litigation in Washington D.C. to argue the case. And the case that he actually put before Judge Marsha Pechman was that these Somalians were a threat to society because Somalia is a country harbored terrorists and therefore, Somalia was a terrorist country and therefore, we needed to deport all these Somalians, to which Judge Pechman said, well, if you're really worried about that, then don't you think that you should lock them up here instead of deporting them back to Somalia? Because I mean if you really think that it's such a terrible terrorist country, then why would you take all these potential terrorists and throw them back into a terrorist country where they could create more damage?

So, we won that case in district court. The government appealed it to the 9th circuit.

Oh, and one of the other things that the government lawyer said is we need to use every tool in our toolbox to fight terrorism and to ensure national security. And so, that's really how they thought about a lot of these things was tools in a toolbox. And, we said, look, these are a) not the right tools, and b) your toolbox is rusty. Like, you know, get another toolbox.

So, it was really I think the argument that was being made was very broad and over arching. And it's been very difficult to go back now and try to roll back some of the things that were negotiated during the Bush years. And I think you can see that even with some of the things that continue with the Obama administration.

So, we realized about three or four years after we started doing our work that, maybe earlier than that, but we realized that this was really about all immigrants. And it was really, as I said, it wasn't about the due process issue, it was about America.

Well, in the same way, I say today, immigration is not an issue of immigration. The debate about immigration is not about immigration. It's about who we want to be as a country and what we're willing to stand up for. That's the reality of the immigration debate is what are we willing to say about America in terms of our immigration system and who we allow in and who we don't.
And how do we ensure that we protect our due process rights, our civil rights? How do we make sure we're not engaging in racial profiling, which is what's happening across the country, particularly with Latinos, in similar ways to what happened after 9/11 with Arabs and Muslims?

And how do we get those communities to understand that these issues are actually the same issues? One doesn't supersede another. They're all on the same plane and they all have to do with fear of other people, of people that look different, and they have to do with how do make sure that we prioritize our values as a country?

And if our values really are those constitutional protections that we have and the idea of democracy, then that is what we need to focus on and that has to be our number one priority.

So, as we've continued, a lot of our work has also in the last couple of years been on immigration reform. And we've seen how the outgrowth from kind of 9/11 to today has expanded and broadened our work, our advocacy work. So, we are now the largest immigrant advocacy organization in the state doing policy research and organizing and political actions.

So, we did release a detention conditions report that we did in collaboration with the Seattle University Law School's Human Rights Clinic and that has gotten major attention. And Dora Schriro, who is the new special advisor to Janet Napolitano, Secretary Napolitano of the Department of Homeland Security, I had an opportunity to meet with her last week or the week before. And she's actually going to be coming out to Seattle to look at our detention center.

So, we've been able to do a tremendous amount. And we know that DHS is in the process and Amnesty has published a tremendous report on detention that I'm sure you'll talk about. But, there has been a lot of work on the detention issue.

One of the problems, though, is conditions is one thing, but how do we actually look at minimizing how many people we put into detention because it is the fastest growing incarceration industry right now. And private contractors are gaining a lot.

And do people know who like one of the main contractors for detention facilities is? Any ideas on one of the major companies that builds detention facilities in the country?

**Audience Member:** Geo?

**Pramila:** Geo is one of the contractors, but Halliburton is actually one of the companies that gets tremendous dollars for building detention facilities. So, this is again a big issue of what are the root causes. And conditions is one issue, but how many people we put in detention and how they're being put into detention and what rights are being denied to them as they're being put into detention is really important.

The last thing I'll say before I turn this over to Banafsheh is that we had a meeting after the Yamato. Has everyone here heard about the Yamato raid in Bellingham? There was a raid on Yamato engines in Bellingham on February 24th. It was the first large scale workplace raid that had taken place after the Obama administration came into office.
And so, there were 28 mostly Latino people who were arrested, and three of them were women who were released on humanitarian grounds. The raid happened on Tuesday morning. We have a wonderful partner organization in Bellingham called Community to Community Development lead by an incredible woman named Rosalinda Guillen. And, Rosalinda and her team were able to respond almost immediately. They called us almost immediately.

By that evening, we were able to notify our... Because we're part of a national coalition, the main national coalition that's working on comprehensive immigration reform, we were able to get word to our D.C. affiliates. They were able to get word to Representative Lofgren from California who happened to have a hearing scheduled with Janet Napolitano the next morning.

And so, Lofgren was able to - because we were able to kind of because all the timing worked so beautifully - was able to ask a question of Secretary Napolitano less than 24 hours after the raid happened. Oh, and we held a press conference that next morning less than 24 hours after it happened. And, the story got picked up. A reporter named Manuel Valdes, who's really terrific, who's been working on our issues for some time, reported it. And that AP article got picked up everywhere.

So, Napolitano's office was getting calls from immigrant groups that are our partners in other states around the country, tons of calls going into the White House. Zoe Lofgren asked Napolitano in the hearing about the Bellingham raid and says, 'We understood that you were changing your practices around workplace raids, what happened?' And Napolitano was clearly upset and said, 'We did not know about this raid; it should not have happened this way, I am ordering a top to bottom thorough review of the raid.'

This was the first time that most of us can remember that that has happened, and certainly not in the last eight years, within 24 hours. And so, that was a huge, huge turning point for the whole issue of raids and detention because what it did is it clarified that the Obama Administration did want to change their policies, but they hadn't necessarily given direction before that.

And so now, while Napolitano will not say that there's a moratorium on work place raids, she can't. But, what she has said is that they are doing a thorough review of all of their raids policies. And until they do, there's not going to be workplace raids. That doesn't mean there are no raids; there's lot of raids happening because it doesn't trickle down that quickly.

But, I think the issues that we're seeing with the Latino population really rest on a lot of the same issues we saw after 9/11. People are afraid, the number one thing that makes people angry in national polls about the whole immigration issue is that you have to press one for English and two for Spanish. People do not like that. They're upset because they feel like it's a threat. Culturally, it's a threat to them.

I go on a lot of conservative talk shows because I like to know what my competition thinks. And I like to be educated on what the other side is saying so that I can be more articulate about expressing my perspective in a way that might make it across to the other side. And what I see over and over again is, fundamentally, people are afraid that they are not going to fit in anymore. That this country is sort of going to be overtaken by these people that don't look like them, don't talk the same language, and that they're not going to in the majority anymore.
That's underneath it, and a lot of that has to do with racism, but a lot of it doesn't. A lot of it has to do with not understanding, not being exposed to. And so it's hard to get to some of the stuff that's underneath, because they're are some really hateful people out there. And then there are also a lot of people who just have never had anyone talk to them in a way that makes them understand why we actually are all the same. And we all want the same things for our children, and we all want to live in a country that respects our due process rights, that respects us as human beings, that treats us with dignity, and that allows us to contribute our full potential and everything that we bring with our backgrounds and our culture, that we want to have that be contributed back.

So, that's really where we are today. We're working hard on comprehensive immigration reform. We see it as a nature outgrowth from post 9/11 because there were a lot of things that were sort of taken after 9/11 and turned into immigrant issues. And immigrant issues then became national security issues. And so criminalizing of immigrants and whole bunch of things that we don't have time to talk about today, really have all been part of that mix. And so our job now is to untangle.

And we have information about OneAmerica and becoming a member, which we just started a membership program if you're interested and you live in the state. But, happy to... Looking forward to the question part as well, thank you.

[applause]

Banafsheh Akhlaghi: Left with 'untangle.' I'm left with two things actually 'untangle,' and 'in the early days.' Really, was it that long ago does it feel like in the early days? Beautifully said, Pramila, just bringing us through the course of it all. And I saw it from a different prism. I saw it from the prism of being a legal advocate, as well as obviously an advocate on the streets. In fact, I remember one of the joint terrorism task force agents that I was standing in front of looking up at because they're all so bloody tall. They're all Norwegian of Nordic. I don't know where they breed them, but they're all six foot something. And I was looking for a client of mine, and he said 'Aren't you the one who's out side with the bullhorn all the time?' I am not a bullhorn gal, that's not the kind of gal I am. But, I was, I was always outside the immigrant with some microphone or a bullhorn.

The way we did our work was however we could do our work. The way we did our work was in the courtroom. And when we weren't able to do our work in the courtroom, and those of you who were law student and lawyers in here you understand that legal advocacy could only go so far. Literally, it's only one tool in that tool chest, and on our tool belt. The other avenues of advocacy were through the media.

So, we would take our client cases to the media, those that would come. Or we would walk the streets and ask for support of those that would then support us. And then of course legislative support and advocacy through that means and policy.

Let me take it back to really at the beginning, and bring you to why is it that we're now looking at it - I'm looking at it from a human rights prism. And I've really always looked at it from a human rights prism. So, I got a phone call that's literally hoe it began, I received a phone call late in September, early October of 2001. And it was one of those first FBI interviews. But, this was happening on the west coast, so it was one of the first ones that we were starting to see out here on our side.
It was a chilling event. That entire event was a chilling event for me. And you have to understand, for me to say that is really saying a lot. And why I say that is because I'm Iranian, and I grew up in the United States. I grew up in the United States pre-revolution. So, I grew up during Shaw's regime. So, every weekend, my family and I were out side of the Los Angeles federal building - that was weekend even, family event - demonstrating. It's just what we did. And then they would have hunger strikes inside the detention facility. And when I was coming up for bar ethics background checks, I was sure that I wasn't going to pass the background checks because of the last name and constantly being in detention facility after detention facility, my family members.

So, to be at that FBI interview, for me was chilling to have seen what I saw. And I didn't walk in there with a Pollyanna view of what it's like to be around government and what it's like to be around FBI and the like. You understand, yeah?

But, that afternoon, to have heard that my client was going to be questioned at a zoo, and subsequent from there the clients had been questioned at BART stations. Clients had been questioned on their way to work, picked up by FBI to do a couple of rounds around the neighborhood asking question. And then they would be released to then get into vehicle, maybe, to get into their vehicle to go to work. Students would be pulled out of class rooms for questioning by the FBI.

So, it kept morphing. But, the first time I had heard it at the zoo, was shocking. But, beyond that, what was really shocking was that when they new that an attorney was present, which is really what had me continue doing the work, when they knew that an attorney was present they decided that they weren't going to question this individual any longer. Who was a Jordanian green card holder, who had received his green card through an H visa, a specialty worker visa, meaning he had come here as an international student, he had then converted to this H visa, the H visa was then converted to a green card.

That only happens when a corporation says 'This individual is a need in our country.' and the US government says 'Yes, we see that this individual's expertise and skill sets are needed in this country.' In order to do all of that, you must have gone through background check after background check. So, there was nothing in his background that could have had the FBI meet up with him, except for one thing, and that one thing happened to be that he was a secretary of a mosque in Folsom California, northern part of California. That one thing was the same thing that linked everyone together during that time frame.

Pramila walked through and said 'There is that history of chain of event that took place.' We actually did the same with NLSCA. We did it from the prism of the laws and the acts that were being passed, because that's what we were dealing with.

So then, what came next? So, we had the round ups, right? The FBI interviews. But, what came after that was special registrations. And that was a time that I don't know how many of you were physically impacted by it, or knew individuals that we're impacted by it, but I don't know that many members of our community that weren't. You understand?

It was that spread, and that wide. The numbers were I think 82,000 human beings were registered. Those number, I will never believe those numbers. I think there are at least five times that amount. And the reason I say that is because I had gone into those detention facilities where the Department of Homeland Security today, INS then, would say, 'We only have a handful, five, six individuals who are here in detention as a result of special registrations. Here are their alien numbers.'
Then I would push 25 to 30 alien numbers before them and say, 'Then who are these individuals, because they're also here?'

'In our custody?'

'Yes, in your custody.'

'Ah, well, I guess we just didn't 'streamline' the process well enough to be able to track everyone.'

So, for me, I don't believe in that 82,000. I've seen so many more in numbers throughout the course of the time that we were representing individuals. We were doing so on a pro bono basis. Well, actually I was doing so on a pro bono basis. It didn't become 'we' until some time later. It was me and a handful of law students, just like you all.

We would go into a detention facility. The students would become the guard, the barrier, literally, between the INS agent, who was coming to pick them up to take them in for interrogation, and my coming back to them, floor, after floor, after floor, after floor, and in facility after facility, up and down the state.

If I happened to be in Los Angeles, that's what we were doing, in San Diego, that's what we were doing, and in San Francisco, that's what we were doing.

What was happening was individuals were coming in. Do you all remember this time? Who doesn't remember this time? It's OK. You could raise your hands. We're old. I'm hearing we're old. I didn't realize we were old.

**Audience Member: 2003.**

**Banafsheh:** This was the end of 2002, and it was suspended. Now, you all understand the beauty and the art of languaging in the law. It was suspended in April of 2003. It wasn't terminated; it was suspended. It's still in this mode of suspension, so it hasn't been lifted off the books. It hasn't been repealed. It had been sitting there dormant, because it had been created for the Japanese, who were then registered, and who were then detained, and who were then interned. The Japanese-American community actually had the foresight to say, 'We need this repealed because someday this may be used against another group,' and it certainly was.

Do you remember Ashcroft? He did. He came to Congress, and he said, 'Listen. We have this on the books. We don't need to pass anything. All we need to do is revive it. It won't mean anything to you and your constituency, because you don't have to go and try to push this and get their support. It's already on the books. What we're going to do is we're going to register people who are 'aliens' in the United States.'

I have a problem with that word. Being born in Iran, I don't find myself as an alien, but OK.

"Aliens' in the United States. But, we're going to begin with those countries that we are rendering suspect nations first. But, we will definitely get to everyone.'

Congress said, 'You're going to get to everyone?"
'Everyone. The Canadians, the Swiss, the French, the Germans, all of them. But, we're just going to first begin with the suspect nations first. That makes sense, doesn't it?'

Congress said, 'It makes absolute sense.'

So, the first five countries were listed, the Axis of Evil. Those three countries were handled. We don't forget what Gaddafi did and Syria. All of these, the first five, were rounded up.

If you remember, during that time, the major population that was impacted in December of '02 was the Iranian community, so many of them in Los Angeles, particularly, that they came out in numbers. They came out to demonstrate. They came out to call for their loved ones to be released.

A 16-year-old boy, I remember, he had gone in with his mother to be registered. His documents hadn't gone through the system as fast as his mother's and the rest of the family members' had, so they detained him.

Because there wasn't enough cell space, bed space, they had to place him with the adult population, which was OK because most of the folks that were in the adult cells were from the community as well. You understand? They were all just packed in like sardines, there were so many that were detained at the time.

The mother, can you imagine? The mother would come and plead. I just remember her calling my office, just pleading, 'You've got to do something for my son. He can't go back to Iran. He doesn't even know the country of Iran. He can't speak the language.'

That's definitely the story of how many immigrants? We hear it in the Latino community. We hear it in the South Asian community, in the Asian community.

He was ultimately deportable, meaning he had a date for deportation, and but for the intervention of literally - and these things barely ever are done, but Congress intervened. Someone on his behalf intervened and asked for a humanitarian stay, so therefore, he was stayed until his case could go forward.

But, think about how many family members had their lives turned upside-down for no reason, very similar to the Jordanian man that I had gone for his FBI interview for. He and his wife were expecting their second child, and as a result of all the pressure that was going on with the FBI interview, because that was the third time that he had been called in, after I had called him and told him that the FBI were no longer going to be pursuing and investigating him, he said, 'Well, at what cost?'

I said, 'Well, what do you mean? This is great. The FBI's not going to come to your place of work any longer. They're not going to question you any longer.'

He said, 'My wife has lost the second child.'

That become the running theme. I want you to really hear the running theme. The running theme, and you all are future advocates, so I'm really speaking to you from that prism - the running theme is that there were violations that took place over, and over, and over again.
There were violations that took place that we cannot remedy just by turning back the time, just with an apology, just with looking at finding new policies to put in place of the policies that were passed.

As Pramila stated, you all know once that ink dries on the policy books, on the law books, and it becomes legislation, it becomes almost impossible to repeal it. It becomes almost impossible.

We can do all of those things, but we must also make sure - we must also make sure - as the Japanese have taught us, that we collect the data. That's your generation. We collect the data. We call for investigations. We call for an independent commission.

We find out what happened; what happened not only in Abu Ghraib, not only what happened in Guantanamo, but what also happened in the secret detention facilities in this country called immigration detention facilities.

What happened to all the individuals who went disappeared, and how many of them went disappeared? There were accounts after accounts of unmarked planes leaving the United States filled to capacity with men from these communities dropped off in third countries.

How do we know that? Because their loved ones would then call our office and say, 'My husband, who is Pakistani, is calling me from where he thinks is Yemen. He was last seen going to work over two and a half weeks ago.'

This is one after another. The individuals that we ultimately deported, and we deported - I want you to hear this - we deported with files stamped 'National Security Threat' back to countries that then utilize that stamp to show their allegiance to the United States and the War on Terror.

Then they would be disappeared there, after finding out from their family members that they never left the airport. They never actually got to Jordan. They never actually got to Marrakech, Morocco. They never actually got to Syria. But, they did, they had actually landed in those countries, they were picked up by the officials, they were taken off-site, they were interrogated, they were detained, they were tortured, and then subsequently released, 90 days, 120 days later. We did that.

There's a distinction between someone who actually pulls the trigger, that we hold that individual legally liable, yes? But, we also hold individuals liable who could have prevented it, under the law, no? We also hold individuals liable for their complacency in watching it occur, do we not? Every act has a responsibility. The question now is where we are. My question, why I joined Amnesty in leading their Western Region, my question is how do we bring all of these issues, from our organization 3000-some cases alone and if we start to accumulate those cases across the country, how many would we have, how many would they be, what kind of remedies are we looking at?

But, we started to have the conversation beyond a civil rights framework. Are you ready? We actually have the conversation in this country within the prism of a human rights framework. Human rights violations took place. The government of the United States is accountable for those human rights violations. And we must start having that conversation now. And it may be a hard one to have, because we don't have the bodies of law, such as the Universal Declaration of Human Rights.
If we actually had that document in place, during these last several years, if we actually had that body of law, we had adopted it, we had become signatories to it, do you know that I as an attorney would have had other bodies of law that I could have gone to, that I could have argued from, but that my hands were tied. And many like me, our hands are tied.

It's at this critical juncture that Amnesty is asking for an independent commission, and I think we can have one, I think we need to have one. I don't think it's just a few bad apples, right? We're realizing it's not a few bad apples. We knew that. We knew the levels then and we know them even more so now. It's really a call to this administration, it's really a call to ourselves. How are we going to hold ourselves accountable, and responsible, by holding them, all of those, who either through action or through complacency, through their silence, allowed for the events to take place, and continue to take place.

The detention reports that Pramila spoke about, the detention reports that Amnesty put together, it's quite remarkable, a year and a half two years ago, they contacted my organization and other organizations. Most of the report, the detention facilities that Amnesty went through were in San Francisco, and in a handful of other locations.

But, listen to what Amnesty did domestically; this is what Amnesty does internationally. Amnesty went into those detention facilities in the United States to investigate for human rights violations, in those immigration detention facilities, to locate and ascertain what kinds of human rights violations are taking place on this land. Not in the Congo, not in Iran, or in Saudi Arabia, not in China, but in San Francisco, California.

What we found, what Amnesty found through advocates and through the actual individuals who're detained, what we found is that individuals were being violated. Sensory deprivation was on the highest form.

Do you know what I mean by that? Twenty-four hours a day. These individuals didn't know if it was daylight or night outside. Just to give you a day in the life, and these were many of my clients actually. So, it's beyond just a day in her life as we were watching this, Pramila, they say that there's the events that happen to the individuals, and there's the events that happen to their families that are impacted, there's another crew in that circle that are also impacted. And there's those of us, who are their service providers.

And if you think that it doesn't impact you, and it just stays with you, because they're not clients they're human beings. They're not an A number, they look just like your own father, your brother, your uncle, or in many cases, a 16 year old - your nephew, your son. It stays with you, you know what I mean, it stays with you, and if you are a true advocate, avocado, like speaking for the voiceless. It stays with you, and I think it should. Because it then taps into our humanity and it makes sure that the heart is still moving and that we're not becoming robots in all of this.

You all have a critical part to play. My invitation to you, my challenge to you. Just as you have now taken the baton, the next generation baton, starting these types of groups on campuses, coming and having these conversations some eight, nine and a half years later, it's now time to take it to the next level, and the next level is investigation, the next level is truth finding, the next level is holding individuals to account.

As we do that, 'as we do that,' we might actually be able to heal all of those circles. And remember, you're part of that circle, you can't not be, you're part of this human family of ours. Thank you for listening.
Roxana: Thank you very much for those compelling presentations. Now, we're going to start our question and answer period. So, if any of you have any questions, you might need to ask them. [pause 1:04:12 - 1:04:50]

Banafsheh: A day in the life of an immigrant. If you're detained, you're detained in your home early in the morning, in the classroom, at your worksite, on the street. You could be detained because you have a flat tire, and the police officer comes to check on you, and then asks for your driver's license, and you may not have one, because you're out of status in the country. So, you're detained, you can understand, just in a variety of ways. The population is actually living in this sub-society among us. And I can give you the actuals, particularly in the Bay area, because that's where I've done most of my work. You're taken into a building. It's pretty much the same in most cities across the country. You're taken into a building, which from the outside looks like any other building to the average individual walking by. They would never know that on the inside what has just occurred is the individual was shackled and handcuffed and picked up and taken in.

As you are detained, the process that begins is that you are questioned. You are questioned by an immigration customs enforcement agent. You are questioned by, depending on your national origin, by an FBI agent. And how FBI and ICE are linked today is through another individual who comes out of the Department of Homeland Security as well, and that's a Joint Terrorism Task Force agent. So, you have this person who was just picked up, right, out of thin air and now they have three individuals before them who are questioning them.

And the questions will begin around your ideology, again depending on what nation, your ideology, your religion, your belief system regarding the Iraq war, your belief system regarding the Afghani war, your belief system regarding the Bush administration - without an attorney. And at no time do they say that you have the right to an attorney because in the immigration system, it's under a civil context, it's not under a criminal context. You understand that, yeah?

So in a criminal context, if you're detained, your Miranda rights are read to you. 'You have the right to an attorney, you have a right to...' - these Miranda rights are not given to an immigration detainee. Although, you heard that they are brought in with shackles or handcuffs. And then from there, they are moved to a detention facility depending upon where a bed will be available. So, what does that mean?

They may have been detained in San Francisco, California, but if a bed is not available in that jurisdiction, Yuba County, Sacramento, San Jose; they're moved. And they may be moved out of state. They can be moved to anywhere from Arizona to across the country to the South without their family members or if they have, if they are lucky enough to have an attorney, their attorney being notified of such move. So, now start to think, how do you begin to represent this person?

The first thing you start to think of is, wait a minute, my witnesses are in this jurisdiction, my evidence is in this jurisdiction, how the heck am I going to... What am I going to do? I'm going to fly there every time there's a hearing? Am I going to fly there and fly the witnesses? How are we going to do this?
And, each jurisdiction, though it's a Federal system doesn't necessarily mean that each jurisdiction is following the same procedures, even though it is a federal system and it should be uniformed.

So, each Judge will interpret the process in the same way so now you have to contend with all of that as well. Now, what's happening to your client? What's happening to your client is, they've now been fed through the system, depending on which day they arrived to the detention facility. It could be that evening, or it could be days from then or weeks from then. What do I mean by that?

They could literally be moved from jurisdiction to jurisdiction looking for bed space, all the while not being placed within the immigration system, meaning they go disappeared in the United States. Do you understand what I mean? So, if you were to try to locate this individual, you wouldn't be able to find their A number anywhere in the system. If you were to contact the officials, they wouldn't be able to tell you exactly where they are because until they're processed, which could be days later or weeks later, they're not, for security reasons they're not brought up into the system.

So again, you as an attorney have no idea where your client is. You as an attorney can't tell the family members where their loved one is, and your client is completely in the dark. Remember how he or she was just detained as well, on their way to school, on their way to work, flat tire. Can you imagine? Just think about the chaos that they are undergoing.

Finally, when they are placed into a facility, generally depending on the facility, breakfast is anytime between 4:00 and 4:30 in the morning. They are awoken at about 3:00 to then be placed in line. The reason for it is because most of these facilities are attached to criminal detention sites. So, one of the ways in which to protect, and this is their safety, this is the safety argument for the detainee. In order to protect the detainee, they have them eating at, showering at different times away from the criminal detainees. So, that means they're awoken at these hours.

Now, I've had clients who are, you know, suffering from diabetes, I have had clients who were deaf, and so they couldn't hear the buzzer going off to let them know to wake up for breakfast or for lunch or for dinner and had missed day after day of being able to eat, I've had client after client after client who couldn't eat the food that was given to them because they weren't [inaudible 1:11:37].

After they are complete with breakfast, lunch will probably be about 10:30, 11:00. They are fed again about 4:00-ish, 3:30 to 4:00. And then not again until the next day. Again, if you suffer from diabetes, this could be really medically just an impossibility to be able to survive.

There's account after account when the individual is put into detention, and this also is in the report, they're not given access to a medical practitioner right away. Their medicines and meds are taken from them, so they can again be without their medication for two weeks or so until they are finally met by a medical practitioner. Several of our clients were rushed to the emergency room during those two weeks time. And again, the accounts and the report speak about the health and the wellbeing of detainees.

And the sensory deprivation and the unbearable, unbearable temperature. They keep the detention facilities primarily anywhere between 48 to 60 degrees. There hasn't been a detention facility that I have gone into that I haven't come out of ill, just a flu. And they are
in thin scrubs, most of them. You understand, like medical scrubs, most of them. They may, in the winter time be given sweats to wear. And when they're moved about, they're moved about handcuffed and shackled. They're either handcuffed to each other like so, or they're handcuffed to their waist.

And the other aspect that I think needs to also be said, they're not treated like the rest of the detainees, criminal detainees. There isn't a time to be out, for example, in daylight, for exercise purposes. And we have individuals who have been in detention for years and they are physically contained for that period of time. That's just some of the day in the life.

And if they happen to be from a particular immigrant group, particularly during the 9/11 era, the level of threats, the physical violence against them, the 'accidental' shattering of their hands, I can't... there have been many accounts of the way in which that they are physically abused in the detention facilities, all of which I'm happy to say have now been literally annotated by a human rights organization the way in which we annotate other violations in other countries.

And in terms of the accountability piece, that's going to be us. The only way in which the Obama Administration is going to hold anyone accountable, it's going to be we the people making certain that that occurs, or else this too will just go as it has gone and we will then start to keep separating out who really are the actors versus who shouldn't be held accountable dot dot dot.

And I believe, and many of us believe, due process. Bring everyone in who was part and parcel of this and let the facts begin to speak for themselves. Let the cases be heard. And let it be done in that format. And we've done it before. The U.S. has supported independent commissions in the past. We can do it again.

But, it really is going to require we speaking for it, speaking out for it.

I hope I answered your questions.

Audience Member: Yes. [pause 1:16:06 - 1:16:38 ]

Pramila: I actually think that there is quite a bit of political will now. But again, it is going to keep relying on us. Obama is a community organizer and he has said you need to create the political space for me to do the right thing. And that's similar to what other Presidents have said in the past to get Civil Rights passed and all kinds of other things.

What makes me hopeful is that I attended a meeting with the head of the department of Civil Rights, the acting head of the Department of Civil Rights, the Department of Justice, at the same time as the Dora Schriro meeting. And it really like people are being freed again to do their job.

Literally the person who is investigating the Sheriff Joe Arpaio racial profiling case so proudly said... They bought all of the section heads to the meeting, which is remarkable. There were more section heads than there were advocates in the room, because they all wanted to engage with us. And the person who is leading that investigation very proudly said, 'I'm leading the Sheriff Joe Arpaio investigation.' Everyone burst out in cheers.

Then the person next to her said - well, since she said that I just wanted to tell you - 'I'm leading the investigation around language access, that lawsuit,' then everyone burst out in
tears. And then acting head said I'm just here to tell you that the Civil Rights Division is back in business.

Shortly after that we met with Dora Schriro who is Napolitano's special advisor on detention and removal specifically. And we met with Esther Olavarria, who used to be Senator Kennedy's chief judiciary aid who is now sort of the main policy person on immigration issues within the Department of Homeland Security.

And I think that they're moving forward on a lot of things. We talked specifically about the transfer of detainees. Because this was a huge issue, we dealt with cases too. And we had this happen all the time where people were moved.

And we are not the legal advocates. We would have to try to find another legal advocate when they were moved to Arkansas. Literally, we had people moved all the time.

We had to file foyer request to try to find out where they were, who they were. And by the time we found out it was too late. Sometimes they were transferred to two or three facilities. So, Schriro is actually looking at and raised a policy with us that would be around sort of an automatic tracking.

One of the things we are wanting to make sure before we sign off and say we think that's a good idea, is they would do it through some sort of a bracelet. We want to make sure that that doesn't violate any civil liberties issues. But, a way to the minute somebody is picked up and moved, you would actually be able to track that. So, that's number one.

Number two, there're a lot of administrative changes within the detention system that can be done quietly. And I think that detention for us as advocates is we want things done publicly, because we want a public acknowledgment of what... And there are many things that absolutely need a public acknowledgment. And a commission, for example, is a way to get that public acknowledgment.

There are also some things that we can, we have to understand that the political climate out there for immigrants is still not that great. It's just not. We and the reason it's not, is because those of us who care about it are not nearly as loud as we need to be. We do not call our congressmen.

How many of you get emails? If you're on our email list you know you get emails all the time. Asking to write letters, asking to call. And many times good people look at those emails and say; I don't have time. It takes two minutes. Two minutes! You know what they're doing? They're sending in thousands of email.

Every time we go to talk to our senators about immigration, about 9/11 stuff, about FBI profiling, they say, 'Not getting calls. Where are the calls, where are the letters? Here's what I got from the other side. Here's what I got from your side.'

So, part of it is we have to ramp up what we demand both publicly. But, then also they are many things that we can do under the radar administratively.

So, we've really sort of divided, I think, on the immigration side and on post 9/11 issues, divided what we see as administrative changes. And for example, special registration which Banafsheh talked about, we're trying to get that suspended.
That's one of the things that we're looking at in the context of racial profiling and civil rights that we raised at the civil rights meeting. How can we get that taken off the table, right?

So some of these things, we can do administratively, some of them we have to do legislatively. And we're trying to be smart about recognizing that while we may want public acknowledgment around all of these things, maybe the best thing for us is to get rid of some of it administratively. And then down the road look for some public acknowledgment around why that needed to be done.

Because I'd rather get them off the books, frankly, and change the laws right now if we can. And then push for the public piece, and again I'm not talking about everything.

For example, I think the torture piece - we've got to have public acknowledgment around that. We need an independent commission into a lot of things. I'm not saying anything contradictory. But, I'm saying that there's a lot of things we can do quickly, quietly that will make an enormous difference.

The detention conditions is a huge piece of it. We're looking at alternatives to detention, which Dora Schriro seems very open to. She ran the correction system in Arizona and she's known as one of the more progressive corrections people.

So, I think that there is public will, or I think that there is a will within the administration. I think what we're not sure about is whether there is a public will.

Because anytime something sort of pro-immigrant comes forward, it's why Napolitano can't say she's calling a moratorium on raids. She can't say that.

What she can say is I'm calling for a thorough review of all of the processes. And until I have that review, which we hope will be stretched out as long as possible, we're not conducting raids.

And we as advocates should recognize that sometimes that's not a bad thing, because we are not prepared yet to actually ramp up our public voice on those issues. We don't have enough people.

So, we're trying to build a national call list right now that you can actually text justice to a certain number. And then you'll get text messages back anytime we need calls in to the White House or to Congress.

When Obama said he was going to do immigration reform, we were able to get 31,000 calls around the country into the White House through this national call list.

So, the organizing piece has to go along with what we're demanding. Otherwise we're not going to get it.

[Pause 1:23:21 - 1:23:52]

**Pramila:** Well, we've been doing a lot of work trying to build broader coalitions with people who don't think like us. And what's interesting is that when people are affected is when they start to see. So, I think, after 9/11 part of the problem was Banafsheh said,
everyone in the Iranian community, for example, was getting picked up, right? They didn't know anybody that wasn't.

That wasn't the case with the majority of the people. So, people sort of said, 'Oh that's something that's out there.' And the case we had to make was; if you erode constitution for this group of people, you're eroding them for everyone.

We've got to consistently make those arguments that frankly are a little bit about self interest, in order to bring people in.

On the immigration issue, the interesting thing is, that we now have business owners, farmers, growers, agricultural businesses, meat processing plants, you name it, they wanted to speak up on immigration, because their businesses are crippled without immigrant workers.

All of a sudden, we're getting them to be a little bit more vocal, not only on the issue that they care about, which frankly, is just guest-worker visas, but on detention. So, we're building a business roundtable, which is very dicey, let me tell you, it's very tricky, because we're not going to agree on everything.

We just published a report on immigrant contributions to the Washington State economy, and we had the Chamber of Commerce North-West regional person speak at the press conference, and she described her vision of immigration reform. It's not the way I would describe it.

But, that's OK; we don't have to agree on every single point. We've got to find an entry point that is about self-interest. Self-interest can be broad, it can be about America. Self-interest can be your vision of what you want your country to be. That's normally what we appeal to is the values piece, the heart piece, because you can talk a lot about statistics, you can say 1200 Muslim and Arab men, you can say all those things, but what you'll remember is Banafsheh's story.

So, we try to find ways to integrate facts with story and reach out to people so that you're appealing to where they are, which means that you've got to be comfortable that they're not going to say everything you wanted to say. They may only say a piece of it. That's OK, that's a doorway in.

We're doing a lot of that work, of trying to build a broader base and the broader constituency, not just sectorally, religiously, ethnically; anyway that you cut it, we need to have a lot of people. But, the biggest problem is engagement. Our folks who agree with us on issues, they don't call. They don't write letters. We, you, you and me. I do. Because I have to, because I have to come and tell you that I do so that you do.

Really, that's what we need. We need you to speak up. That's what policymakers listen to, that's what Obama listens to. We met with him before he actually came in the office. He said, 'If you brought 5000 people out before, now you have to bring 10,000, 15,000, 20,000. If you wrote 10,000 letters, now you need to write 50,000. Don't think that because I'm in office, I'm going to do everything you want me to do. You have to make me do it. You have to make me do it.'

It's the same words that were said to Martin Luther King.
Banafsheh: This goes back to your question. The events that we're speaking about, are not yesterday, they're today. As you said, they're happening right now. The events in these detention facilities, these raids, are all happening still. They're happening under this administration. How can you start to tie all of this together? As we've been linking, the Japanese experience, with the Middle Eastern experience, with the Latino experience, these are communities that hadn't historically stood together before.

Now, there's a movement - there's a groundswell - there's a movement that's brewing. How is it that we can have a conversation and bring in all of those that you wouldn't naturally see as your base partners? Some of the base partners that we're looking at is, we're looking at the executive office of immigration review. Why? Because the immigration judges are up to here with detention dockets.

So, Steve Lang, who heads their liaison division - he's the liaison for the pro bono attorneys division - is working, and working steadfastly with so many organizations to be able to bring in that voice that, 'Listen, we can't keep taking on more detention cases.' When you start to go through the country, you'll see in many of the court rooms, one or two judges allocated for all of those detainees.

They can't get through all of the dockets, so what's happening to them? They're sitting and they're sitting and they're sitting. To appeal to the EOIR, we can actually appeal to the EOIR, and have them then appeal to the Department of Homeland Security and say there are alternatives to detention; we already have them on the books.

That's the way we can do it a bit more quiet, without having to bring shame to anyone. They're already on the books. There are ways in which that they can have people come in and, 'be monitored,' so that they can still show up for their master calendar hearings and their merits hearings. They don't need to be detained to do that.

So, those are the ways that we do it.

[pause 1:29:44 - 1:30:20]

Banafsheh: Is this at the point of entry when you're coming in from Canada in to the US? Yes, that's part of the... [pause 1:30:25 - 1:30:52]

Pramila: I think AACCS has done something. That is, that's the national security entry exit registration system. That is the special registration system. [pause 1:31:03 - 1:31:12]

Banafsheh: Here's how, what Pramila is saying, this is where we need to link up together. You don't need to say - just from your accent, I think you might be from my part of the world. [laughter]

Banafsheh: This is where being linked up to some of the Iranian/American groups, domestically, and having them linking up with the rights working group domestically and linking up then with the human rights groups domestically. This is how all of these stories, and how all of these groups can begin to move and effectuate change. But, without having particular groups, putting the pressure on - I'm going to be very candid - at amnesty, NSEARS is not on the forefront of their mind. But, ACT, for example, maybe PAYA, or I don't know, the Iranian/American Bar Association, it may become the forefront of their mind because so many of their loved ones are going through this process.
Those groups linking up with other groups and then having that come to the larger platform, the national groups, or the international groups, is how it gets to the voices of those who can change the policies. Otherwise, it gets lost. NSEARS has gotten lost at the port of entry, where you're talking about, it's gotten lost.

**Pramila:** We're dealing with the issue, but Banafsheh is absolutely right, we're dealing with it in large part because we have members that are part of the rights-working group coalition, that care deeply about NSEARS, specifically AACCS, the Arab American Community Coalition for Services, or something like that, they're out of Dearborn. Because they're on the northern border, they've had a lot of cases like this. They've brought them up, and so, NSEARS is one of our critical pieces that were special registration, NSEARS is part of what we have on our list of things that we're working on for the rights working group. Specific examples that you have, it's really important to send them to anyone of us so that we can at least forward them on to the right places. Part of what we're trying to do now, too, we did this Justice for All hearing that we did here, we did another one with Senator Kennedy that Banafsheh brought several of her clients to, and we had people from around the country.

We did another one here with Senator Murray in 2005, or 2006. So, we have stories, the problem is there's never been a repository of where to put them.

All of us have these stories. Some of them are documented. We talk incessantly - because we're very good at doing that, talking incessantly about how we need to collect the stories, but it's a big process. So, nobody's really figured out how to do that, how to take everything that we have and put it all in one place.

I think we contributed a little bit to the Amnesty report on detention came out of our report. We've been trying to make sure that we're all putting our stuff together. I think it is important to document it. Then at least let's try to get it to one of the organizations that is pushing around the NSEARS issue.

[pause 1:34:42 - 1:35:06]

**Pramila:** I think that really, for you as students, this is so great, this forum that you've put together. If you have student organizations, I actually think that students in law schools, in particular, are great places to start because you understand the implications of what we're talking about. If you have affinity groups or organizations that we could do these kinds of presentations to, that could be engaged or involved. We have, for example, in this state, we lead an immigration round table around immigrant issues that include detention. They include post-9/11 issues. They include all kinds of stuff, so it can be unwieldy sometimes. Part of what that does is it has people listen to each other and realize that we're all in the same boat.

If you have groups that you feel like you're close to in your community, you can say look, here's the ways in which our community should care, and let's have a forum. Let's have a discussion on these issues. That's one tangible way.

Another tangible way is to hook up with different groups that are trying to move different things. For example, if Amnesty is trying to move the idea of a commission, they may have a petition, or they may have something that you can circulate.
I know we have lots of those around detention, for example. If you're here, we have tons of things locally you can do. But, there are any number of ways that you can take materials that already exist.

We're doing a training around immigration reform on May 2nd that you could come to. You could figure out how to make the connections, because you're the expert for your community.

So, what is it that resonates with you, and then how do you make that connection to other people? Why did you ask that question? You asked because something moved you today to say I want to do something about this, so what can I do?

If we work together to figure out how you get the information you need, then you can take that to your community. You're really the most effective advocate within your community. That's how all of our relationships have started, with one person or one organization saying I want to do something about this, and let's figure out how.

**Roxana:** There is a question on it. [pause 1:37:18 - 1:38:21]

**Pramila:** You. You're our plan. [laughs]

**Audience Member:** I'm only one person.

**Pramila:** Honestly, that's...

**Audience Member:** [inaudible 1:38:27] an example. [pause 1:38:33 - 1:39:18]

**Audience Member:** I have something.

**Pramila:** Good. [pause 1:39:21 - 1:39:36]

**Banafsheh:** I know personally that I've been speaking out loud about this since late 2001. Pramila and I, and there's a handful of us that began the process back in 2001. This is my personal take on it, so I'm taking my advocacy hat off. I'm taking my Amnesty hat off, the lawyer hat off. This is my personal take on it.

I think as long as we continue to do a them and an us, we're going to continue to have what we have. Don't believe this is a them-and-an-us conversation. I've never believed it was a them and an us.

This is a human conversation. No human being, regardless of political ideology, religion, national origin, gender, age, could witness an 87-year-old mother throwing her body on a courtroom, pleading and saying, 'Please take my body, but give me back my son's,' and not be moved by that.

There's something inherently wrong with what we're doing. I think if we can actually have a conversation with people from that prism, it's not a problem to then have individuals supporting the humanity of it all.

As an organization that I founded to represent individuals who were from these 24 countries that were placed on a special registration list, inherently, as an attorney and particularly
during that time when the law still stands on the books - it came from McCarthy's era, and it still stands on the books - that I as an attorney had been mandated.

I'm mandated to make sure that anyone that I represent isn't on the list. Well, that list is seven, eight lists now. They're anywhere from 400 to 800 pages long, four columns. I have to make sure they're not on the list. If they're on the list, and I represent knowingly, I can be placed in federal detention for 10 years and $10 million fine, or, unknowingly, one year and $1 million fine.

Inherently, what we were doing representing these individuals during that time was not smart, yet people were giving us money. Who were giving us money were frankly mostly of the American community, not our own community, mostly the American community, the Japanese community, other communities.

Because we didn't speak about it ever from the prism that it's this way or that way. It's just the law, or it's just civil rights, or it's inherently wrong; because we're human beings, it's inherently wrong.

In moving forward, I really think the manner in which we all need to be speaking about these issues is the unified approach. I love the name of OneAmerica. That could be really one globe, one humanity, one family. It could be anything you can put that in there.

Then it dissolves the them and the us. As soon as you put that in, naturally what happens is you have to create that battle. That conflict will then occur, right? It's just natural that divisiveness will create that.

But, if you already walk in that we're not divided, we're all on the same page, then it defuses it. I've been in many of those rooms with many of the 'thems.' They didn't walk out of there feeling that they were the them and I was the us.

It's really, I think it's essential...