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Robin Pomeranke

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Intersectional Resistance:

A Case Study on Crimmigration and Lessons for Organizing in the Trump Era

*Robin Pomeranke**

Increasingly, the federal government has sought to utilize local law enforcement's proximity to and intimacy with local communities to detain and deport immigrants. The resultant growth of crimmigration—the simultaneous enforcement of immigration law and criminal law—has sparked a large-scale social movement in California over the last ten years. This movement has built connections and solidarities among actors across communities and issue areas, including the faith community, the legal community, [etc.]. Using the response to crimmigration as a case study, this Note examines the potentials for intersectional resistance. What role has an awareness of intersectionality played in the fight against crimmigration? How might these lessons translate to other contexts? What is intersectional resistance and what does it look like in practice?

I. INTRODUCTION

The necessity of resistance becomes apparent in an era where immigration agents (ICE) lurk around church hypothermia shelters preying on Latinos¹ and where they enter courthouses to arrest domestic violence survivors in the process of getting restraining orders.² Federal immigration

* J.D. Candidate, 2018, The University of California, Hastings College of the Law. Robin is an intersectional feminist working on becoming a rebellious lawyer. She has a dual degree from Pitzer College in Gender and Women's Studies, and International Intercultural Studies followed by completion of the Social Justice Lawyering Concentration at UC Hastings College of the Law. Her focus on experiential knowledge led her to take two clinics (Community Group Advocacy and Mediation Clinics) and to study abroad in London at SOAS.

1. Julie Carey, *ICE Agents Arrest Men Leaving Fairfax County Church Shelter*, NBC WASHINGTON (Feb. 15, 2017, 6:17 PM), <http://www.nbcwashington.com/news/local/ICE-Agents-Arrest-Men-Leaving-Alexandria-Church-Shelter-413889013.html>.

2. Margaret Hartmann, *ICE Arrests Domestic Violence Victim at Court House*, N.Y. MAG, (Feb. 16, 2017, 12:25 AM), <http://nymag.com/daily/intelligencer/2017/02/ice-arrests-domestic-violence-victim-at-texas-courthouse.html>.

enforcement (ICE) uses strategies beyond scoping out protected spaces, like courthouses and churches. ICE trains and uses local law enforcement as federal immigration enforcers and pays states to use local jails as detention centers. The use of state resources in enforcing immigration law, a federal task, creates distrust between community members and police as people are turned over to ICE agents when reporting or giving witness testimony for crimes committed by others. How can people resist legally and non-legally at the intersections of race, class, and alienage? Especially when there is explicit intent to both exclude and perpetuate violence against bodies of color? In order to resist the criminalization of poor immigrant communities of color, movement makers, advocates, and organizers have stepped up to alter the discourse, bridge gaps, and fight back.

In this paper, I address the above questions and look to crimmigration movement makers as leaders in this resistance. In Part One, Intersectionality as Experience and Resistance, I review foundational theory on intersectionality and intersectional resistance. I argue that crimmigration, through its unique positioning as an area of law without a pretense of neutrality, is a prime example of intersectional resistance.

Part Two, From Theory to Practice: A Case Study of Crimmigration and Intersectionality in California, presents the historical background behind current crimmigration movements, highlighting the intersectional oppression faced by crimmigrant communities through the example of Sheriff Joe Arpaio in Maricopa County, Arizona. It then goes on to look at the intersectional strategies utilized by crimmigration movement makers.

Part Three, Lessons Learned: How to Build Intersectional Power, establishes the three most impactful strategies of crimmigration movement makers. Crimmigration organizers use framing to construct issues of resistance outside of deservingness discourses. In addition to framing, these resisters manage and create goals that are inclusive of broad communities. The final impactful strategy of movement makers is their flexibility and inclusiveness when new issues arise. This creates a broader base as issues are not pawned off to others; instead, members embrace how their oppression is interconnected.

Finally, these strategies do not need to be limited to legal reform. Instead, framing, broad goal setting, and inclusivity can be used more broadly to create larger, stronger coalitions fighting systems of oppression.

II. INTERSECTIONALITY AS EXPERIENCE AND RESISTANCE

In this section, I review foundational theory on intersectionality by Kimberle Crenshaw, look to her critics as well as discuss the theory of intersectional resistance by Dean Spade. I argue that crimmigration is in a unique position as an area of law without a pretense of neutrality—where the intent and impact are synonymous—making it a perfect example of intersectional resistance.

PART A: CRIMMIGRATION AND INTERSECTIONALITY

The criminalization of immigrants has a deep history in the United States. Take for example Angel Island, where predominantly Chinese immigrants were subject to longer interrogations, physical exams, and detentions than other immigrant groups.³ Ellis Island, on the other hand, did not have the same extent of exclusive and degrading practices for European immigrants.⁴ Japanese internment, where all Japanese persons on the West Coast were racialized as the enemy and placed in ten desolate camps, added to the othering of the non-white immigrant community.⁵ The criminalization of Japanese persons can be seen in the decision not to intern German and Italian Americans *en masse* despite also being at war with Germany and Italy, and to not intern *en mass* Japanese persons in Hawaii because it would have shut down the economy.⁶ This history mirrors today's prison industrial complex where we separate predominately black and brown bodies to live in isolation from "good" society (read "white" society.) In the modern immigration context, during the 2016 election cycle, Donald Trump called some Mexicans murderers and rapists, further cementing the concept that immigrants of color are criminals.⁷ In an attempt to solidify this conflation in March of 2017, Trump introduced the Victims of Immigration Crime Engagement Office or VOICE, which publishes lists of crimes committed by undocumented immigrants.⁸ The way in which the federal government constructs immigration law and in turn enforces it resembles this conflation. Due to the intricately woven strings of criminal and immigration enforcement and the concept of the criminal immigrant, the most nuanced manner to address this conflation is by acknowledging and responding at the intersection.

Before diving into the area of crimmigration as a case study on intersectional resistance, I initially lay the groundwork for the theories underlying intersectional resistance. First, I explore intersectionality theory, a critique of this theory, and its benefits of centering race. Next, I quickly look at the centrality of race to the combined areas of immigration and criminal law. Turning to the concept of intersectional resistance, I address the current literature and conceptualizations. Finally, I distinguish

3. Judy Yung & Erika Lee, OXFORD RESEARCH ENCYCLOPEDIA OF AMERICAN HISTORY, ANGEL ISLAND IMMIGRATION STATION, 1 (Sept. 2015), <http://americanhistory.oxfordre.com/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-36>.

4. *Id.*

5. Jerry Kang, *Thinking Through Internment: 12/7 and 9/11*, 9 ASIAN L.J. 195, 196. (2002).

6. *Id.*

7. Tal Kopan, *What Donald Trump has said about Mexico and vice versa*, CNN (Aug. 31, 2016, 6:20 PM), <http://www.cnn.com/2016/08/31/politics/donald-trump-mexico-statements/>.

8. Neil Steinberg, *Steinberg: Trump Twists Crime Numbers to Demonize Immigrants*, CHICAGO SUN-TIMES (Mar. 25, 2017, 12:43 PM), <http://chicago.suntimes.com/columnists/steinberg-trump-twists-crime-numbers-to-demonize-immigrants/>.

crimmigration as an area of law where the intent and impact are the same—to exclude designated “others”—making it a perfect case study for intersectional resistance.

Intersectionality theory requires critical thought on our identities and the intersections of our privileges and oppressions—a necessary skill for understanding how oppressive systems impact crimmigrant communities. The concept of intersectionality was theorized by Kimberle Crenshaw in her seminal piece “De-marginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics,” alongside “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color.” Both texts hold great weight within critical race theory. Crenshaw’s work solidified the concept of intersectional analysis after it had been developed by black U.S. feminists such as Audre Lorde and the Combahee River Collective over a period of years.⁹ In “Mapping the Margins,” Crenshaw addresses the problematic implications of ignoring intragroup differences within identity politics.¹⁰ Central to her concern is the tendency of identity based movements—like feminism or anti-racist movements—to ignore the intersections of identities and the resultant shifts in oppression and privilege.¹¹ Crenshaw’s main argument is that women of color, especially black women, are marginalized within both feminist and antiracist discourses and movements.¹² She addresses the intersection of race and gender within violence against women of color and explains three forms of intersectionality—structural, political, and representational—to establish how women of color are marginalized.¹³

Crenshaw’s theory is a crucial framework for looking at immigration and criminal law; it allows advocates and movement makers to more accurately view the nuances of the two areas of law by addressing their intersections in a complex manner. Taking into consideration how race, class, alienage, and gender impact and shape which people are labeled as “crimmigrants” strengthens advocacy and organizing, as it allows individuals and groups affected by immigration and criminal law to be both imagined and aided more fully.

While intersectional theory has made positive waves that ripple into today, there have also been a few critiques. One critic is Jasbir Puar, who in her piece “‘I would rather be a cyborg than a goddess’: Intersectionality, Assemblage, and Affective Politics” argues that on its own intersectional theory does not go far enough. Instead, Puar thinks that intersectionality

9. Jasbir Puar, *‘I would rather be a cyborg than a goddess’ Intersectionality, Assemblage, and Affective Politics*, EUROPEAN INSTITUTE FOR PROGRESSIVE CULTURAL POLICIES (2011), <http://eipcp.net/transversal/0811/puar/en>.

10. Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1242 (1991).

11. *Id.*

12. *Id.* at 1244.

13. *Id.* at 1245.

should be paired with assemblage theory. “[I]ntersectionality attempts to comprehend political institutions and their attendant forms of social normativity and disciplinary administration, while assemblages, in an effort to re-introduce politics into the political, asks what is prior to and beyond what gets established.”¹⁴ Used in tandem, the two theories build upon each other. Assemblages asks what is before and beyond the established norms, while intersectionality helps to comprehend systems. Puar believes that combining assemblage theory and intersectionality creates a more prevalent, deeper, and more realistic theory.¹⁵

Due to the importance of race in the discussion of the crimmigration movement, intersectional theory works well to comprehend the systems at play. While “[i]mmigration law and politics have been historically intertwined with racial prejudice,” the use of critical race theory as a lens is still new in immigration law.¹⁶ Some authors, like Stephen Shei-Wei Fan, have used this lens to express the pitfalls of the legal regime in regards to immigration.¹⁷ Fan argues that immigration scholars could better view the intersections of race, alienage, etc. if they looked more closely at intrinsic racial biases within the context of alienage and immigration law.¹⁸

Similarly, criminal law is bound by issues of race. Some scholars have argued that the growing populations of black persons in the penal system constitutes a new version of Jim Crow.¹⁹ Even critics of this conceptualization still recognize the massive population of black bodies that inhabit prisons and how this population has grown since the civil rights era.²⁰ Hispanic persons are the second largest growing prison population.²¹ The systematic criminalization of bodies of color happens in both criminal law and immigration law, as race is a large factor in both. The enforcement of immigration has almost become identical to the criminal “justice” system. From detention centers to dual-trained law enforcement and immigration officers to ICE raids, bodies of color with questionable legal status come under intense scrutiny and attack. Due to the role of race in crimmigration enforcement, intersectionality is a useful framework for

14. Puar, *supra* note 9, at 7.

15. Puar does address the pitfalls of assemblages which is in turn a strength of intersectionality—race is not taken into consideration in assemblages or by assemblage theorists. (Puar, 6) Race was a central push for intersectionality as it aims to center women of color (WOC) in the discussion due to their previous exclusion.

16. Ruben J. Garcia, *Critical Race Theory and Proposition 187: The Racial Politics of Immigration Law*, 17 CHICANO-LATINO L. REV. 118, 119 (1995).

17. *See generally* Stephen Shei-Wei Fan, *Immigration Law and the Promise of Critical Race Theory: Opening the Academy to the Voices of Aliens and Immigrants*, 97 COLUM. L. REV. 1202 (May 1997).

18. Fan, *supra* note 17, at 1202.

19. *See generally* MICHELLE ALEXANDER, *THE NEW JIM CROW* (2010).

20. James Forman, Jr., *Racial Critiques of Mass Incarceration: Beyond the New Jim Crow*, 87 N.Y.U. L. REV. 21, 22 (Feb. 2012).

21. *See generally* ASHLEY NELLIS, *THE SENTENCING PROJECT, THE COLOR OF JUSTICE: RACIAL AND ETHNIC DISPARITY IN STATE PRISONS*, (2016), <http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.

understanding how crimmigration enforcement works and the many ways movement makers have used the law and other methods to protect immigrant communities of color.

PART B: INTERSECTIONAL RESISTANCE

When looking at the ways people have organized and resisted crimmigration enforcement, their responses have been intersectional reflecting the nature of this area of law. The concept of intersectional resistance was coined by Dean Spade in "Intersectional Resistance and Law Reform." Spade explores the question "what does intersectional resistance look like on the ground, and what is its relationship to law?" through an in depth look at how intersectional methodologies bring attention to the reproduction of violence in legal systems that claim neutrality.²² Intersectional resistance looks at the root causes of despair and violence faced by populations. Spade explores how these demand of the abolition on institutional violence is created through intersectional analysis and how law reform tactics shift but do not disappear when this demand is brought to the surface.²³ Spade's arguments are twofold: a critique of the dichotomies that are created through equality discourse, and a critique of the singular focus of intent.

Spade explores critical race theorists' critiques of legal equality, arguing that antidiscrimination law cannot even imagine the system of white supremacy within which race-based discrimination exists. This, in turn, further perpetuates systems of violence and invisibilizes the impact of white supremacy through a concept of neutrality.²⁴ The area of legal equality, in particular antidiscrimination law, is distinguished from crimmigration in its pretense of neutrality and concepts of formal equality. Spade inspects the ways that legal equality strategies expand and legitimize violent systems.²⁵ His main example is on the "discourses of deservingness that divide constituencies."²⁶ These examples bring to light the genealogies of violence that get perpetuated through legal systems. Crimmigration also finds itself in this dividing discourse on deservingness surrounding which immigrants "deserve" protection and which do not. The laws constructing crimmigration naturally and automatically create and reinforce this mantra of good/bad immigrants. Laws divide communities into those allowed to stay in society and those forced behind bars or walls. Spade's final argument establishes once more that the demands and vision of resisters are not imaginable within and calls into crisis U.S. law.²⁷ Similarly to Spade, who centers his discussion around "population control" allowing for a

22. Dean Spade, *Intersectional Resistance and Law Reform*, 38 SIGNS: J. OF WOMEN IN CULTURE AND SOCIETY 1031, 1031 (Summer 2013).

23. *Id.* at 1032.

24. *Id.* at 1034.

25. *Id.* at 1037.

26. *Id.*

27. Spade, *supra* note 22, at 1032.

multiple system analysis and removing the focus on individuals and incidents,²⁸ I will be using the term systems of oppression to describe the systemic nature of power.

Central to Spade's notion of intersectional resistance is a focus on impact as opposed to intent. Based on Spade's exploration of intersectional resistance, resisters focus on the impact of law rather than on the intent of law. In the legal system, regnant lawyers focus on the intent of law.²⁹ This is especially true when it comes to race and legal equality. For example, Spade writes, "The discrimination principle regards intentional exclusions or preferences based on race as equally harmful whether they harm or benefit people of color."³⁰ The issue of affirmative action in college admissions recently came before the Supreme Court in *Fisher v. University of Texas*.³¹ Following the cookie cutter path of claiming "reverse racism," the white plaintiff felt she was being discriminated against because she perceives the explicit use of affirmative action as injuring her and her expectation of deserving admittance, failing to comprehend the full intent of affirmative action—to right past and current systemic racism. The legal system supports Fisher's conceptualization that any law that takes race into consideration is equally discriminatory no matter its actual impact. This structure erases historic and current systemic racism by making race a dirty word. It instead prioritizes the intent of law to use race as a framework of choice, ignoring the actual impact of these laws. However, by focusing on the impact of law on communities, actual progress will be made. Laws are successful when they both intend to further equality and fix past wrongs, while also prioritizing previously excluded persons. Without looking at impact, lawmakers and attorneys are not able to improve laws or move towards a world with true equality.

Another example where the law is focused solely on intent is employment discrimination, due to legal standards based on finding an individual to blame. The test for individual disparate treatment begins with intent to discriminate signifying there was unequal treatment "because of" the protected category (e.g., race).³² Even for systemic disparate impact, where intent is not a requirement, the concept of blame factors in. This framework is rigid and inaccessible. Looking at systems of oppression calls the entire conceptualization into crisis. When a plaintiff is unable to neatly point to someone and say, "They intended to harm me," the plaintiff is unable to make a claim, thereby allowing systemic racism, sexism,

28. *Id.* at 1035.

29. Regnant, or reigning, views of lawyering include applying a very systemic view of lawyering with the concept that lawyers know. Regnant lawyering takes place in many areas of the law and is the type of lawyering most law schools produce. *But see* GERALD P. LOPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (Avalon Publishing, 1992).

30. Spade, *supra* note 22, at 1034.

31. *See Fisher v. UT Austin*, 136 S. Ct. 2198 (2013).

32. *Slack v. Havens*, 522 F.2d 1091, 1092 (9th Cir. 1975).

ableism, etc. to continue in work spaces and beyond. For multiply marginalized persons, like women of color, being able to produce the required evidence of intent is impossible as the discrimination they face can be multifaceted and unable to fit within a single-axis discrimination case.³³ In fact, “[w]hen racist harm is framed as a problem of aberrant individuals who discriminate and when intention must be proved to find a violation of law, *the central conditions of white supremacy are implicitly declared neutral.*”³⁴

While the conceptualization of intent in this “bad egg” framing illuminates how the law cannot understand white supremacy in areas where people are searching for legal equality, it does not work as well in an immigration context. The intent of immigration law is to purposely exclude certain bodies, especially black and brown bodies and those that have been racialized as other and non-white. In the production of whiteness, defining the oppositional other is of utmost importance. For example, in 1923, it was legal precedent that whiteness included the prerequisite of Northwestern European ancestry when the Supreme Court declared Bhagat Singh Thind unable to become a naturalized citizen under a law that allowed whites (and only whites) the right to become citizens.³⁵ However, after World War II, all Euro-origin people who had previously been reviled as part of inferior races and prevented from immigrating were suddenly welcomed as model middle class white suburban citizens.³⁶ The social construct of race and racialization shifts with time, class level, and social movements, and as the concept of race shifts, so does the designated “other” that is excluded by immigration law.

The intent of criminal law and immigration law are similarly framed. Both are framed in the concept of safety which is thought of by whites as “race-neutral.” This intent, however, is not convincing in the slightest for immigration law because it is explicitly about the exclusion of certain non-white or otherized bodies from U.S. borders. Additionally, as Barbara Flagg describes in her piece “Was Blind But Now I See,” the law’s concept of race-neutrality is complicated by the *transparency* phenomenon—“the tendency of whites not to think about whiteness, or about norms, behaviors, experiences, or perspectives that are white-specific.”³⁷ Flagg urges whites to respond to this phenomenon by being deliberately skeptical of race neutrality.³⁸ When thinking about the concept of safety through this skeptical lens, the first question to ask is whose safety is being protected by locking up mass amounts of black persons in prisons and deporting and

33. Spade, *supra* note 22, at 1034.

34. *Id.* at 1035 (emphasis added).

35. Karen Brodtkin Sacks, *How Did Jews Become White Folks?*, in STEVEN GREGORY AND ROGER SANJEK, RACE 81 (Rutgers University Press 1994).

36. *Id.* at 79.

37. Barbara Flagg, “Was Blind but Now I See”: *White Race Consciousness and the Requirement of Discriminatory Intent*, 91 MICH. L. REV. 953, 957 (Mar. 1993).

38. *Id.* at 973.

detaining hordes of non-white immigrants. The answer is, of course, white people's safety. By employing skepticism surrounding transparency, the intent behind exclusionary and often violent laws that directly harm persons of color, or more specifically "crimmigrants," comes to the surface. The intent is not race-neutral as it is a means of privileging white bodies by removing from "society" the brown, black, yellow, and red bodies, either to cells or to the other side of walls.

Of course, this view of intent is shaped by looking at the actual impact of the law—looking at whose bodies are seen as disposable. Intersectional resisters view the larger image, seeing the impact of law and how it both informs and is informed by intent. Taking into consideration systems of oppression "leads to a strategy focused on dismantling the violent capacities of racialized-gendered systems that operate under the pretense of neutrality."³⁹ Intersectional resisters in the area of crimmigration are utilizing this strategy of identifying root causes of violence and dismantling systems of oppression. The biggest difference, however, between the areas of crimmigration and antidiscrimination law is this "pretense of neutrality." In antidiscrimination law and many other areas of the law there is the concept of facially neutral policies; however, within crimmigration this pretense of neutrality does not exist. The goal is exclusion, and laws on immigration are designed with the intent of excluding bodies deemed "other." Using these theoretical critiques as a backdrop, I next discuss their application by movement makers on the ground in the crimmigration context.

III. FROM THEORY TO PRACTICE: A CASE STUDY OF CRIMMIGRATION AND INTERSECTIONALITY IN CALIFORNIA

As a culmination of organizing and resistance in California, the TRUST Act aggregated and solidified protections against deportation holds for many individuals with low level entanglements with the criminal system.⁴⁰ Before the TRUST Act passed in California, organizers and movement makers established resistance in Arizona in the context of an explicitly racist sheriff and biased state legislation (SB 1070—the "show me your papers" law). State based movement toward enforcement of immigration through law enforcement personnel as well as the creation and national implementation of Secure Communities (S-Comm) in 2013—a program that sends fingerprints from local jails to ICE—created more to resist against. Such resistance included the TRUST Act that passed in

39. Spade, *supra* note 22, at 1033.

40. CALIFORNIA TRUST ACT, <http://www.catrustact.org/about.html> (last visited Apr. 3, 2017).

2014,⁴¹ as well as the TRUTH Act and the CA Values Act. The following two subsections lay out this history in more detail, first by looking at intersectional oppression in crimmigration, and secondly by demonstrating further how movement makers have in turn responded using an intersectional lens.

PART A: CRIMMIGRATION AND INTERSECTIONAL OPPRESSION

Crimmigration emerged through movement makers like Pablo Alvarado, creator of the National Day Laborer Organizing Network (NDLON), revealing the harm of police involvement in immigration enforcement. Pablo Alvarado is a migrant and former day laborer⁴² who, with NDLON, was the first to call out the good/bad immigrant dichotomy as harmful. This framing, as discussed earlier, is common in discourse on immigration and is entrenched in the language of our legal system surrounding who we prioritize for exclusion. Alvarado's actions began around 2010, the time of SB 1070's introduction in Arizona, and continued through S-Comm's creation and implementation in 2013.⁴³

In Maricopa County, Arizona, before SB 1070 passed in 2010, Sheriff Arpaio, the county sheriff, was using local law enforcement to carry out federal immigration law. Arpaio championed the 287(g) concept, a program that allows for ICE contracts with state law enforcement offices.⁴⁴ The 287(g) program was codified in 8 U.S.C. § 1357(g) in 1996; it began as a program used to deport persons within local jails, and has developed into local law enforcement screening the public for civil immigration violations.⁴⁵ Arpaio also institutionalized civilian participation in immigration enforcement, gaining nearly 3,000 volunteers to aid law enforcement in immigration sweeps.⁴⁶ The intersections of oppression faced by immigrant communities are clearly demonstrated by a county sheriff who made it his mission to use local law enforcement to carry out the jobs of ICE agents and use local jails to hold undocumented persons. Not only are immigrants marked as "other," they are also being further criminalized by the law and by those carrying out the law.

NDLON and Alvarado's voices were loud in response to the situation

41. CALIFORNIA TRUST ACT, <http://www.catrustact.org/html> (last visited Apr. 3, 2017).

42. Dianna Beth Solomon, *Pablo Alvarado: The Man Who Organized Day Laborers*, L.A. WEEKLY (May 15, 2013, 5 AM), <http://www.laweekly.com/news/pablo-alvarado-the-man-who-organized-day-laborers-4175484>.

43. *Secure Communities Overview*, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, <https://www.ice.gov/secure-communities> (last visited Mar. 20, 2017).

44. Nicholas D. Michaud, *From 287(g) to SB1070: The Decline of the Federal Immigration Partnership and the Rise of State-Level Immigration Enforcement*, 52 ARIZONA L. REV. 1083, 1085 (2010).

45. AMERICAN IMMIGRATION COUNCIL, *The 287(g) Program: An Overview*, American Immigration Council, <https://www.americanimmigrationcouncil.org/research/287g-program-immigration>.

46. Ingrid V. Eagly, *Local Immigration Prosecution: A Study of Arizona before SB 1070*, 58 UCLA L. REV. 1749, 1782–1873 (2010).

in Arizona with Sheriff Arpaio.⁴⁷ Integral to the first push back against Arpaio, NDLOM helped support the organizational plaintiff, Puente, in their fight against identity theft laws in Arizona that turned working without papers into a felony.⁴⁸ Also, NDLOM worked in opposition to Arizona Senate Bill 1070, the “show me your papers” bill, that required local law enforcement to make reasonable efforts to assess immigration status of anyone lawfully stopped, detained, or arrested when there is reasonable suspicion that the person may be an illegal alien.⁴⁹ There were large movements in Arizona’s Maricopa County starting in 2010 in response to this bill’s passage. Movement makers like Marisa Franco were actively working against the normalization of Arpaio’s abuse and bigotry as well as the systems of oppression perpetuated through SB 1070.⁵⁰ This bill was blocked by a preliminary injunction in *United States of America v. Arizona* in 2010.⁵¹ By 2012, the Supreme Court ruled 5-3 that most of the provisions of SB 1070 were preempted by federal law.⁵²

Alvarado and NDLOM also worked against Secure Communities (S-Comm) in its first iteration, a federal program that changed names to Priority Enforcement Program (PEP-Comm) under President Obama and returned to S-Comm under Trump. S-Comm, as Alvarado has described it, “ropes local law enforcement into immigration by sharing fingerprints from anyone booked at a local jail with the federal immigration authorities.”⁵³ In November 2010, S-Comm operated in over 700 jurisdictions and was implemented nationwide by 2013.⁵⁴ At the time S-Comm was first being implemented, there were critics, including San Francisco Sheriff Mike Hennessey, who asked to opt out of the program.⁵⁵ General fears

47. See Kristina M. Campbell, *The Road to S.B. 1070: How Arizona Became Ground Zero for the Immigrants Rights Movement and the Continuing Struggle for Latino Civil Rights in America*, 14 HARV. LATINO L. REV. 1, 17 (2011).

48. Complaint for Declaratory Relief at 2, Puente v. Arpaio. <http://www.ndlom.org/en/resources/itemlist/tag/arpaio>.

49. S.B. 1070 § 2(B) (codified in ARIZ. REV. STAT. ANN. § 11 – 1051(B) (2012)) (West).

50. Colby Itkowitz, *She helped bring down Sheriff Arpaio. Now she’s ready to take on hate nationally*, WASH. POST (Nov. 22, 2016), https://www.washingtonpost.com/news/inspired-life/wp/2016/11/22/she-helped-bring-down-sheriff-arpaio-now-shes-ready-to-take-on-hate-nationally/?utm_term=.83a9e5e1f37f.

51. *United States v. Arizona*, 703 F. Supp. 2d. 980 (2010) (order granting in part the United States’ Motion for Preliminary Injunction).

52. *Arizona v. United States*, 567 U.S. 387 (2012) David G. Savage, *Supreme Court strikes down key parts of Arizona immigration law*, L.A. TIMES (June 25, 2012), <http://articles.latimes.com/2012/jun/25/news/la-pn-supreme-court-strikes-down-key-parts-of-arizona-immigration-law-20120625>.

53. Pablo Alvarado, *Dishonesty is Not the Best Policy, Secure Communities*, HUFFINGTON POST BLOG (May 25, 2011), http://www.huffingtonpost.com/pablo-alvarado/dishonesty-is-not-the-best-policy_b_787941.html.

54. *Id.*

55. Lauren Smiley, *Sheriff Mike Hennessey Asks to Opt Out of Immigration Fingerprint ID Program*, S.F. WEEKLY (May 18, 2010, 3:40 PM), <http://archives.sfweekly.com/theshitch/2010/05/18/sheriff-mike-hennessey-asks-to-opt-out-of-immigration-fingerprint-id-program>.

surrounding the program included that it would undermine community policing, incentivize racial profiling, prevent victims of crime from approaching the police, and create a burden on states to house more detainees.⁵⁶ A few key locations attempted to opt out of the program. San Francisco and Santa Clara, California and Arlington, Virginia attempted to do so following an ICE memo titled "Setting the Record Straight" the method of opting out was set out.⁵⁷ However, a few days later,⁵⁸ this memo was removed and ICE claimed, "We do not see this as an opt-in, opt-out program."⁵⁹

The impacts of S-Comm are felt by all immigrants pushed into the criminal justice system. Anyone who is brought in by local law enforcement and booked at a local jail is fingerprinted and their fingerprints are immediately sent to ICE. In return, ICE can send ICE detainees, transfers, or notification requests to local law enforcement. For many undocumented persons, any entanglement with local law enforcement, including reporting crimes or being pulled over for minor traffic violations, comes with fear of deportation. The enforcement of immigration by local law enforcement also encourages racial profiling as a practice. As noted in John Tehranian's piece *Playing Cowboys and Iranians: Selective Colorblindness and the Legal Construction of White Geographies*, ". . . we are told, the border patrol can certainly consider one's Latino appearance in determining whether reasonable suspicion exists for an immigration sweep . . ."⁶⁰ This was explicitly made law in *United States v. Brignoni-Ponce*, where the court ruled that "[t]he likelihood that any given person of Mexican ancestry is an alien is high enough to make Mexican appearance a relevant factor."⁶¹ The state gets to decide where race is legally relevant and for what reasons it is acceptable to use race as a tool to harm and exclude. Race is used in law when it benefits white people, allowing its use to address "the need to patrol our borders, keep our streets safe from crime, or protect the homeland from acts of terrorism."⁶² This same reasoning serves to explain why race cannot be used for remedial purposes, like affirmative action—this would both acknowledge whites' role in white supremacy, and possibly "harm" whites' endless access to opportunity.

56. Alvarado, *supra* note 53.

57. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, 6 (Aug. 17, 2010), <https://www.scribd.com/document/38563566/Ice-Setting-the-Record-Straight-Brainwash>.

58. *Advocates Decry DHS Advisory Committee as a "Sham"*, NAT'L DAY LABORER ORGANIZING NETWORK (June 29, 2011, 4:29 PM), <http://www.ndlon.org/en/pressroom/press-releases/item/191-advocates-decry-dhs-advisory-committee-as-a-sham>.

59. Alvarado, *supra* note 53.

60. John Tehranian, *Playing Cowboys and Iranians: Selective Colorblindness and the Legal Construction of White Geographies*, 86 U. of COLO. L. REV. 1, 8 (2015).

61. *Id.* at 47.

62. *Id.* at 8.

PART B: HOW CRIMMIGRATION MOVEMENT MAKERS HAVE RESPONDED
IN INTERSECTIONAL WAYS

As immigration laws are often very overt in who they target and exclude, SB 1070 presented no pretense of neutrality. Instead, it was clear that brown bodies, especially those who appeared Latinx, were those targeted for criminalization and exclusion. “And far from being an outlier, the statute [SB 1070] actually epitomizes the courts’ broader treatment of race in the enforcement of immigration policy in ways that perpetuate, and even exacerbate, white geographies.”⁶³ NDLO, and other organizations like the ACLU, called out the law as racial profiling from the beginning.⁶⁴ Due to the overt nature of crimmigration laws that are meant to criminalize and exclude designated “others,” those responding are at a unique place. They are not fighting this pretense of neutrality and are able to organize more directly around the intersections of identity. Individuals and organizations in the resistance are addressing the intersection of race, alienage, and class, as the populations most intimately impacted by bills like SB 1070 are poor people of color without suitable documentation. By uplifting the voices of one such group of individuals—day laborers—NDLO pushes for legal reform that imagines a world where people are able to work and live without fear of violence from oppressive systems—a world without collaboration between law enforcement and immigration enforcement.

One way that organizers in the crimmigration movement have had success is in their methods and theories of organization. As far as organizing styles, Alvarado the creator of NDLO uses a grassroots framework—focusing on movement from the ground up. Alvarado supports local experimentation. In so doing, he backs the concept of changing local legislation in order to impact federal legislation, forcing change on a larger scale. By focusing locally at the populations directly impacted by crimmigration policies, NDLO is able to bring together those most affected to fight for legal reform and larger social change. These methods go beyond the trappings of legal equality activism. Marisa Franco, who started with NDLO and then created Mijente in 2015, a national organization for Latinx activists, utilizes similar organizing techniques.⁶⁵ After Trump’s election, Franco pushed for the idea of using Maricopa County and the removal of Sheriff Arpaio as an example for

63. Tehranian, *supra* note 60, at 42.

64. See *NDLO Launches Website !Alto Arizona! — A Response and Action Against Arizona Senate Bill 1070*, NAT’L DAY LABORER ORGANIZING NETWORK, <http://www.ndlon.org/en/news-all/708-ndlon-launches-website-%C2%A1alto-arizona-%E2%80%94a-response-and-action-against-arizona-senate-bill-1070> (last visited Mar. 20, 2017).

65. Shelby Itkowitz, *She helped bring down Sheriff Arpaio. Now she is ready to take on hate nationally*, WASH. POST (Nov. 22, 2016), https://www.washingtonpost.com/news/inspired-life/wp/2016/11/22/she-helped-bring-down-sheriff-arpaio-now-shes-ready-to-take-on-hate-nationally/?utm_term=.83a9e5e1f37f.

movements in resistance to Trump.⁶⁶ For the 2010 action against SB 1070, a majority of Franco's strategy dealt with framing the issue as "Love Against Hate."⁶⁷ Through this strategy, organizers encouraged undocumented immigrants to share their stories and put a human face to the issue.⁶⁸ Unfortunately, this strategy is more difficult in the current moment because of the tangible fear elicited by the Trump executive orders (E.O.s). However, there is hope these strategies could work despite tangible fear, as Franco notes, "[s]ome of us have already been living in Trump's America" because living in Maricopa County under Arpaio there were similar policies and enforcement by local law enforcement and vigilantes—the Minutemen Civil Defense Corp.⁶⁹

The federal government creating S-Comm around the same time as push back against SB 1070 led to movement organizing in California to ensure protections for crimmigrant communities. The Asian Law Caucus, and, in particular, Angela Chan, played a large role in creating and pushing forward the TRUST Act (AB 4) as a response to S-Comm.⁷⁰ The TRUST Act was created after movement makers realized that their respective counties could not opt out of S-Comm. In order to protect their communities, a diverse coalition of activists and organizations wrote the TRUST Act, a law that limits cruel and costly immigration "hold" or "detention" compliance to ICE requests by local jails.⁷¹ These holds are a result of S-Comm's requirement that local jails automatically send booking fingerprints to ICE.⁷² This use of local resources for reporting immigration information puts immigrant communities in danger. Coalition members responded by creating a bill that hindered law enforcement's ability to hold people for solely civil immigration charges.⁷³ Upon passage, the TRUST Act was limited to allow for protection of the most low-level, nonviolent offenses.⁷⁴ It still allowed for holds on most felony convictions as well as a number of wobblers convictions (higher level misdemeanors.)⁷⁵ Despite the fight for the rights of those at the intersections, some policy and legal reform protections are continually denied to certain groups of people. This is especially true for the rights of those deemed the least deserving of protection or in other terms the most marginalized—those who have committed "serious or violent" crimes. While the framing by movement makers in California did not fall into the trap of deserving and undeserving

66. Itkowitz, *supra* note 65.

67. *Id.*

68. *Id.*

69. *Id.*

70. See Angela Chan, ASIAN AMERICANS ADVANCING JUSTICE ASIAN LAW CAUCUS, <http://www.advancingjustice-alc.org/members/angela-chan/>.

71. CALIFORNIA TRUST ACT, *supra* note 40.

72. *Id.*

73. *Id.*

74. *Id.*

75. *Id.*

immigrants, the results of legal reform tactics do often reflect this divide.

The organizations that formed the initial TRUST Act coalition in California included the Asian Law Caucus, California Immigrant Policy Center, NDLON, and the ACLU.⁷⁶ As the movement grew, so did the coalition supporting law reform. After the three-year long push for the TRUST Act and its passage in 2013,⁷⁷ the Transparent Review of Unjust Transfers and Holds (TRUTH) Act was next. This bill, which passed in 2015, provides individuals in law enforcement custody access to information about their rights as well as transparency regarding the actions of law enforcement agents.⁷⁸ First, law enforcement officials must provide consent forms in several languages that explain the purpose and voluntariness of the interview, in that the individual may decline the interview.⁷⁹ Second, the agency must provide notice to the individual if it receives an ICE hold, transfer, or notification request.⁸⁰ Third, the agency must provide notice to an individual and his or her attorney/designee if the agency is going to notify ICE of the individual's release time.⁸¹ Additionally, "the Truth Act requires a local legislative body to hold an annual community forum if local law enforcement agencies allow ICE access to individuals. Finally, the bill ensures that records related to ICE access are subject to the Public Records Act."⁸² This bill was supported by the same four organizations as the TRUST Act, as well as the Immigrant Legal Resource Center and Mexican American Legal Defense and Education Fund (MALDEF).⁸³

The crimmigration movement and its coalition building is unique in its ability to bring together so many diverse social groups fighting for their communities. As the organization, now called ICE Out of California Coalition (ICE Out of CA,) has grown, it has expanded to contain a plethora of members ranging from PICO and faith based organizers to Ventura County Clergy and Laity United for Economic Justice (CLUE-VC), Voices for Progress, California Immigrant Youth Justice Alliance, Alliance San Diego, and North County Immigration Task force (NCITF,) along with many more. The Coalition is fighting to push for the California Values Act (SB 54), a bill to help remove state funding of immigration enforcement through local law enforcement agencies.⁸⁴

Crimmigration movement makers use many different tactics to resist current systems of oppression. For example, the Steering Committee for

76. *See supra* note 71.

77. A.B. 4 (2013).

78. CALIFORNIA TRUTH ACT, <http://www.catruthact.org/> (last visited Apr. 3, 2017).

79. *Id.*

80. *Id.*

81. *Id.*

82. *Id.*

83. A.B. 4, *supra* note 77.

84. *See* S.B. 54 (2016), http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54.

the California Values Act has a variety of team members all working in different sectors. One way this movement is remarkable is that the numerous groups involved take on different roles based upon their strengths. By organizing for different policy and legal reforms, the crimmigration movement in California divides the steering committee into a legislative team, a media team, a legal team, and an organizing team. They split into these groups by utilizing the strengths already present in the Coalition. By dividing into these categories, the movement makers in this area are able to broadly push forward with strength. The legislative team works in Sacramento near all the legislators, making sure that the Coalition pushes legislation through. The Coalition relies heavily on lobbying work aimed at assessing the climate and controlling as much of the legislative process as possible. The legal team ensures that policies are expansive enough to protect the most marginalized communities (i.e., immigrants, POC, the poor, etc.) The media team oversees graphic creation, takes charge of press conferences, and makes information go viral, thereby framing the overall movement. The organizing team is tasked with turning people out and getting mass popular support for the most protective and broadly aimed at legislation, with expansive goals.

The steering committee is part of the larger ICE Out of CA Coalition. While the goal of the Coalition is a large one—getting immigration control out of California—it works tirelessly toward smaller steps in that direction. Because it is focused on the impact of immigration law and criminal enforcement of immigration, it is able to push for new laws and policies that will create its desired impact. While SB 54 is in the process of moving through the legislature, it is susceptible to amendments. Predictably and unfortunately, author Protem Senator DeLeon's office has pushed a few amendments that are upsetting and restrictive. Throughout this process, key players and movement makers have re-centered the conversation on the impact of the legislation and what protections it really has for community members. The Coalition, as a whole, will not support something with solely the intent to improve lives, the vast majority will only support something with actual impact to the largest group possible.

IV. LESSONS LEARNED: HOW TO BUILD INTERSECTIONAL POWER

After looking into the history of the crimmigration movement, ripe with intersectional oppression and intersectional resistance, there are a few strategies in particular that the ICE Out of CA Coalition uses that are informative in the age of the Trump regime and for resisters at large in many areas of the law. The three main strategies employed by movement makers that built intersectional power are (1) framing issues outside of deservingness discourses, (2) managing and relating the goals of various identity groups, and (3) taking opportunities to expand the scope of their

mission, seeing various issues as applicable to the Coalition, thereby not merely labeling them as other people's issues. This section gives context to these strategies within crimmigration.

With the Coalition having so many diverse members, the crimmigration movement benefits from the different strengths each organization brings. For example, PICO is a faith-based organization that has an expansive network of participants that it can tap into at any time.⁸⁵ PICO has been an amazing movement member as it is able to turn out thousands of people for events. PICO, like much other church-based community organizing (CBCO) as laid out by Heidi Swarts in "Religion and Progressive Politics," uses some common tactics to bridge racial and class fault lines.⁸⁶ PICO, as a CBCO, has the strength of blending efficiency and practicality with inclusive democratic processes.⁸⁷ CBCOs are inclusive of working class people because they differentiate themselves from working class attitudes toward liberal social movements.⁸⁸ For example, organizers wear more conventional attire, including business attire, and have tactics that appear formal, dignified, and conventional.⁸⁹ This helps them frame themselves as practical and pragmatic, something working class individuals value.⁹⁰ Faith-based organizing is able to reach poor, people of color—populations that are often difficult to organize. CBCOs are capable of turning out thousands of followers for events and have aided in demonstrating the will of the community through their strengths in connecting persons of faith, mobilizing them on other intersections of their identity. A large portion of PICO followers are immigrants of color whose class and race make them more likely to be subject to the prison industrial complex. This makes the issues of crimmigration very pertinent to their lives and the intersections of their identities. By organizing at churches and using faith, PICO is able to tap into communities that already exist and whose identities are complex, allowing it to support movements and sweeping changes that impact the complex identities of its members, while still relying on their underlying commonality—faith.⁹¹

The way crimmigration movement makers frame their issues is another example of the remarkable nature of intersectional resisters. Framing, as expanded upon by George Lakoff in "Framing 101: How to Take Back Public Discourse," deals not just with language.⁹² Instead, framing is about

85. See About PICO, PICO NATIONAL NETWORK, <http://www.piconetwork.org/about>.

86. HEIDI J. SWARTS, ORGANIZING URBAN AMERICA: SECULAR AND FAITH-BASED PROGRESSIVE MOVEMENTS 45 (U. of Minn. Press, 2008).

87. *Id.*

88. *Id.* at 52.

89. *Id.*

90. *Id.*

91. SWARTS, *supra* note 86.

92. GEORGE LAKOFF, DON'T THINK OF AN ELEPHANT! KNOW YOUR VALUES AND FRAME THE DEBATE 2 (Chelsea Green Publishing, 2004).

ideas and how language can evoke certain frameworks.⁹³ By moving away from the undeserving/deserving divide that many immigration discourses fall into, the ICE Out of CA Coalition is able to bring together a more diverse array of partners. Removing this divide allows those who often fall into the undeserving category, typically those coded as criminals, to actively support their own liberation. By not using a rights based approach, movement makers have successfully found ways to move beyond the dichotomy of determining who is deserving of rights, and instead zoom out with an understanding of how systemic oppression impacts communities at their intersections. They address how alienage connects to race and class, making poor undocumented immigrants of color much more likely to be criminalized regardless of their actions, based solely on their identity. Movement makers are able to come together under the understanding that these laws are not serving their communities, as the laws are continually writing them as “other.”

The Coalition has used framing to elicit ideas and feelings pushing people to support SB 54 through protesting county sheriffs. The Coalition faced a conundrum of needing a certain number of senators to pass SB 54 through the Senate. However, many of the moderate democrats wanted the sheriffs to be on board before endorsing the bill because many sheriffs did not support the bill. Originally, Coalition members had tried pushing sheriffs to actively support the bill. Because this tactic was draining and not very productive, Coalition members chose a different framing. They decided to protest sheriffs locally if they were not in support of the bill, thereby aligning California sheriffs with Trump's racist and exclusionary executive orders. As part of this framing, a video of a Holocaust survivor, Bernard Marks, became viral. In the video, Marks aligned deportations under Trump with that of his own experiences while addressing Sacramento County Sheriff Scott Jones.⁹⁴ The video further framed the issue of sheriffs' non-support of SB 54 as support for a racist, fascist regime.

Another strategy that aids in framing is goal setting. Goal setting centers desired future outcomes and finds steps toward that achieving those goals that are manageable and that build upon other goals. The Coalition does this by structuring their conversations with “no borders” or “no prisons” or “no police” as the ultimate goal but coming up with strategies for the current moment where there are borders, and prisons, and police. These strategies push the movement closer to their goals. A great example of this was a Crimmigration convention that took place in February 2017.⁹⁵ This convention brought together a group of organizations that work in the realm of crimmigration. The many activists working in this field came

93. *Id.* at 2.

94. Gisela Crespo, *Holocaust survivor sees 'parallel' between deportations and his story*, CNN (Mar. 29, 2017, 4:58 PM), <http://www.cnn.com/2017/03/29/us/immigration-forum-marks-trnd/>.

95. Robin Pomerence and Zena Ozeir, *Crimmigration Convening Report* (Feb. 11, 2017) (forthcoming report on file with the Asian Law Caucus).

together to understand the intersections of their work and have discussions on framing, goal setting, and on specific steps toward larger ultimate goals.⁹⁶ At this convention, participants took up the task of imagining what they wanted the world to look like in 2070, allowing them to set their sights on the kind of future they wanted.⁹⁷ For many, the framing of the issues was expansive, as they imagined the removal of oppressive systems like prisons, borders, and law enforcement.

As new obstacles come into play, crimmigration movement makers demonstrate their significance by utilizing a final strategy—flexibility. Crimmigration movement makers operate with flexibility by reviewing new opportunities as broadening their scope, rather than as a problem for someone else. With the series of executive orders (E.O.s) that came out in rapid succession immediately following Trump’s inauguration on January 20, 2017, there came a flood of responses.⁹⁸ One such response to the E.O.s have been claims to remove federal funding from so called “sanctuary cities.”⁹⁹ Resisters at the Asian Law Caucus alongside other organizations both part of and outside of the ICE Out of CA Coalition have filed a complaint in *CCSF v. Trump* arguing for states’ rights to refuse to further immigration enforcement using state funds.¹⁰⁰ The movement is flexible and has realized that it can use constitutional arguments that have been predominantly used by conservative movements on gun rights and abortions in order to similarly argue that states have the right not to use state resources for federal enforcement of immigration.¹⁰¹

Another obstacle that the Coalition has embraced rather than push away is the Muslim Ban (both 1.0 and 2.0.) Movement makers at the Asian Law Caucus, as part of coalition-building with Arab Resource and Organizing Center (AROC) and Counsel on American-Islamic Relations (CAIR), have pushed for movement even before the initial release of the E.O. was issued. The day it was signed, they held a Continuing Legal Education training for immigration attorneys on how to respond to the E.O. Already gearing up, those who work with immigrant communities and even those who did not were ready to resist. Within hours of the Muslim Ban 1.0 being released, activists and organizers working in these coalitions against crimmigration began to move and soon arrived at airports around the country demanding that people had the right to return home.¹⁰²

96. *Id.*

97. *Id.*

98. Jessica Taylor, *Yes, All This Happened. Trump’s First 2 Weeks as President*, NPR (Feb. 4, 2017, 7:13 PM), <http://www.npr.org/2017/02/04/513473827/yes-all-this-happened-trumps-first-2-weeks-as-president>.

99. Complaint for Declaratory and Injunctive Relief at 1, *CCSF v. Trump*, 3:17-cv-00485.

100. *Id.*

101. *Supra* note 99.

102. Jonah E. Bromwich, *Lawyers Mobilize at Nation’s Airports After Trump’s Order*, N.Y. TIMES (Jan. 29, 2017), <https://www.nytimes.com/2017/01/29/us/lawyers-trump-muslim-ban-immigration.html>

Coalition members and crimmigration movement makers were able to see the connections between the Muslim Ban 1.0 and the work being done to remove ICE from California. By seeing the connections and intersections between communities and the oppression and marginalization they face, coalition members like the Asian Law Caucus were able to call in others and join forces creating intersectional power.

V. FINAL THOUGHTS: CRIMMIGRATION AND BEYOND

Crimmigration movement makers fall naturally within the bounds of intersectional resistance. The explicit intent and impact of crimmigration law to exclude designated “others” for the supposed safety of white bodies uniquely renders this area of law a natural spot for intersectional resistance. While Spade had previously theorized on how rights-based movements and their counterparts worked from the impact of legal regimes, he left space for areas of law where intent and impact are synonymous. “From a Feminist perspective, legal discourses are problem-solving approaches that reflect the ideology of the powerful and ignore the realities of the powerless.”¹⁰³ Intersectional resisters are turning this notion on its head by focusing on the realities of the powerless rather than the legal discourse that reflects the ideology of the powerful. This same conceptualization can be used beyond crimmigration and antidiscrimination law.

More importantly, the strategies utilized by crimmigration movement makers can be used outside of the legal regime. As laid out above, the majority of tactics were used for the creation of new laws that were more expansive and protective of poor, immigrant communities of color. While these areas are important strides, the legal regime is, in and of itself, oppressive. Creating subtle shifts to broaden protections is certainly important, but these small steps do not move us quickly toward realities without prisons, walls, or police. As legislation moves through the legislature, many amendments are made which create an end result that still excludes protections for the most marginalized. The strategies utilized by the crimmigration movement, however, are not specific to legal change. Having movement makers who pro-actively frame issues outside of deservingness discourses, manage and bring together radical end goals, and allow their coalition to grow when new issues are brought in instead of pawning issues off to others, benefits more expansive populations than traditional rights based organizing. These strategies can and should be used by movement makers working on a variety of issues to create broader, more intricate coalitions that bring us all together in our oppression, allowing for the growth of intersectional power and in turn resistance.

103. Kristin Bumiler, *Victims in the Shadow of the Law: A Critique of the Model of Legal Protection*, 12 SIGNS: J. OF WOMEN IN CULTURE AND SOCIETY 421, 423 (1987).