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A Patchwork of Detention: Understanding Variation in Community Resistance to ICE Contracts with Local Jails

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A Patchwork of Detention: Understanding Variation in Community Resistance to ICE

Contracts with Local Jails

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As undocumented immigration has come to the forefront of mainstream political priorities in the last two decades, the number of immigrants being detained in the US has grown much faster than bed space in detention centers meant to house them. For Immigration and Customs Enforcement (ICE), the solution has been to contract with state, county, and local jails. As of 2017, around 850 such jails around the country had Intergovernmental Service Agreements with ICE to rent out bed space. For local jails, these contracts can bring in much needed revenue to keep the jail running without taxing the local community¹. However, as law professor Margo Schlanger testified before the Homeland Security Advisory Council in 2016, “chaotic local jails are even less equipped to deal with immigration populations than even the ‘prison-like’ dedicated private detention centers” and the only federal oversight they are subject to are inspections that are “very very difficult to fail”².

These contracts, and the issues that come with them, have become more public over time, leading many communities to demand that their local governments cancel their contracts. But the timing of the terminations -- if they happened at all -- and the conditions that surrounded them have differed immensely from place to place. This raises the central question of my research: what factors contribute to this variance in how local communities resist ICE contracts with their jails, when resistance happens, and its level of success? I will argue that these differences can be explained by variation in jails’ economic and political structures, the

¹ Tanvi Mirsa, “Where Cities Help Detain Immigrants,” *CityLab*, July 2018.

² *ibid*

discourse used by resisters, and the larger political climate in which the community is embedded.

Literature

Over the last several decades, state and local officials have had increasing autonomy to work with ICE to identify and detain undocumented immigrants, creating a system political scientist Monica Varsanyi calls “immigration federalism”³. In their book *The New Immigration Federalism*, professors Pratheepan Gulasekaram and S. Karthick Ramakrishnan argue that since the Immigration and Nationality Act of 1965 -- the foundation of modern US immigration policy -- we have been in a “third era” of immigration policy characterized by state and local control⁴. Varsanyi claims that further, this pattern has given rise to a “multi-jurisdictional patchwork” of immigration enforcement, where neighboring cities and counties differ significantly in enforcement policy⁵. From 1965 to around 2012, these local policies were largely restrictionist, or aimed at curbing immigration and reducing immigrants’ rights⁶. After 2012, the trend has been toward increasing integrationist policy, which attempts to limit federal immigration law enforcement and provide benefits to immigrants⁷.

The dominant explanations for variation in local immigration policy over time and place have been “racial threat theories”, which posit that restrictionist local immigration policy comes from rising immigrant populations, which are seen as an economic and political threat by the dominant native-born population⁸. However, many immigration scholars find this explanation

³ Monica W Varsanyi and Doris M Provine, “Scaled Down: Perspectives on State and Local Creation and Enforcement of Immigration Law,” *Law and Policy*, 2011.

⁴ Pratheepan Gulasekaram and Karthick Ramakrishnan, “The New Immigration Federalism,” *American Constitution Society*, October 22, 2015.

⁵ Varsanyi

⁶ *ibid*

⁷ *ibid*

⁸ Daniel J Hopkins, “Politicized Places: Explaining Where and When Immigrants Provoke Local Opposition,” *The American Political Science Review* 104 (February 2010): pp. 40-60.

inadequate. Political scientist Daniel Hopkins argues for what he calls a “politicized places” theory, which argues that when anti-immigrant rhetoric is salient in national media at the same time that there is local demographic change, localities adopt stronger enforcement roles⁹. Gulasekaram and Ramakrishnan offer a “polarized change model” which focuses on local political partisanship as the key factor in changes in local immigration policy. Professors Jorge Chavez and Paul Lewis argue that institutional factors like the presence of racial profiling regulation in police or sheriffs’ offices, level of separation between city government and bureaucracy, and government demographic makeup are the most influential^{10 11}.

These theories are primarily focused on variation in policies surrounding identification and apprehension of undocumented immigrants and their access to benefits in the community. The subject of my research -- detention of immigrants in local jails -- is an interrelated but different area of policy.

Research Methods

I looked at resistance to ICE contracts in two Oregon jails: Springfield Municipal Jail and the Northern Oregon Regional Corrections Center. These two cases of resistance happened within a few years of each other, and within the same state, one with a long standing sanctuary law. Both locations saw mass mobilization of the community in ways unheard of for other issues, but they have had vastly different levels of success. Where they parallel and diverge can give insight into the variation seen in resistance to such contracts more broadly.

⁹ Hopkins

¹⁰ Jorge M Chavez and Doris M Provine, “Race and the Response of State Legislatures to Unauthorized Immigrants,” *The Annals of the American Academy of Political and Social Science* 623 (May 2009): pp. 78-92.

¹¹ Paul G Lewis, “Why Do (Some) City Police Departments Enforce Federal Immigration Law? Political, Demographic, and Organizational Influences on Local Choices,” *Journal of Public Administration Research and Theory* 23 (January 2013).

To pull out the timelines of the two cases and identify key actors, I read archival local and state newspapers for the duration of resistance. To see patterns in the discourse of resisters, I listened to recordings of Springfield council meetings for the months leading up to the contract's termination, and read interviews of NORCOR activists. To understand the mindset and tactics of the people involved, I looked at municipal and county records and public relations material released by involved groups, and interviewed key actors. For economic considerations, I read budget documents and press releases about how the jails are funded. To discern pieces of the political structure, I read the bylaws of the groups governing the jails. I then compared these data between the two cases to draw conclusions about their differences in resistance, timing, and outcomes.

Case Backgrounds

The Northern Oregon Regional Corrections Facility, or NORCOR, is a jail in the Dalles in northeastern Oregon serving Wasco, Sherman, Hood River, and Gilliam counties. Although it has housed immigrants almost since its opening in 1999, the current iteration of detention dates back to a 2014 contract the jail signed with the US Marshals Service to hold federal detainees, which was amended in 2015 to include ICE detainees¹². According to their 2017-2018 budget message, NORCOR houses an average of 40 ICE detainees per day, making around one million dollars a year¹³.

On April 29th, 2017, 6 people in detention at NORCOR went on hunger strike to protest poor conditions¹⁴. Several had been transferred to NORCOR from what was then the Northwest Detention Center in Tacoma, reportedly to break up the hunger strike that had been happening there since April 11th. When they arrived at NORCOR, they found conditions worse, so kept

¹² Neita Cecil, "Jail sued over holding immigration detainees," *The Dalles Chronicle*, July 25, 2017.

¹³ Andrew Selsky, "Immigrants Being Held in Oregon Jail Staged Hunger Strike," *Associated Press for The Oregonian*, May 6, 2017.

¹⁴ Neita Cecil, "Hunger strike ends at NORCOR," *The Dalles Chronicle*, May 9, 2017.

striking and were joined by others already there¹⁵ ¹⁶. This news shocked many people in the Gorge area, and within the following few days, a coalition of organizations called the Gorge ICE Resistance was formed to support the hunger strikers. The group began to hold daily protests outside the jail the next week, which they continued for two years¹⁷. As the movement gained ground, they were joined by the Rural Organizing Project--a rural activist network--, local clergy, and many other Latinx and social justice related groups.

After six days of striking, the hunger strikers ended their protest, telling the Dalles Chronicle that NORCOR “agreed to provide them with requested amenities, including a microwave and access to music players”¹⁸. Other complaints included lack of access to floss or deodorant, higher commissary prices than the NWDC and no opportunity to earn money, and exclusion from treatment programs for issues like substance abuse and anger management which are available to other inmates¹⁹. On October 31st, 20 detainees started the second hunger strike of the year, demanding the end of “inadequate food and poor nutrition, high cost of commissary items, unaffordable phone and video calling rates, inability to visit with family in person, lack of meaningful exercise and recreation, and inadequate library and activities”²⁰. After four days, the jail gave concessions and the strike was paused²¹.

As the Gorge ICE Resistance and others protested outside the jail, other resisters pursued a legal route. Much of the legal fight against detention at NORCOR centers around Oregon’s thirty year old sanctuary law. The law, ORS 181A.820, was passed in 1987, and bans Oregon law enforcement agencies from using “agency moneys, equipment, or personnel for the

¹⁵ Mat dos Santos and Kelly Simon, “Conditions at Oregon’s Secret ICE Jail Are Cruel and Inhumane” (ACLU Oregon, September 14, 2017).

¹⁶ Neita Cecil, “Protesters at jail backing hunger strike,” *The Dalles Chronicle*, May 2, 2017.

¹⁷ Neita Cecil, “Daily Jail Protest Finished,” *The Dalles Chronicle*, May 21, 2019.

¹⁸ Cecil, *Hunger strike ends at NORCOR*

¹⁹ *ibid*

²⁰ Kelly Simon, “Oregon Detainees on Hunger Strike Again to Protest Conditions in County Jail” (ACLU Oregon, November 2, 2017).

²¹ Nigel Jaquiss, “ICE Detainees Held at NORCOR Facility in The Dalles Pause Hunger Strike,” *Willamette Week*, November 5, 2018.

purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws”²². This has prevented Oregon police departments from arresting people on federal immigration charges, but for most of its history has not affected the jailing of immigrants.

Another key portion of the legal fight involves the use of ICE detainers. A detainer is a legal request from ICE for a law enforcement agency to give ICE at least 48 hours notice before they release someone ICE thinks is “removable,” and then keep the person in custody until ICE can come get them²³. Detainers were part of ICE’s Secure Communities program which was federally ended in 2015 and replaced with Priority Enforcement Program²⁴, and after some states and municipalities tried to opt-out, the “Obama Administration made it clear that... local law enforcement had to participate”²⁵. However, in 2014, an Oregon court ruled that Clackamas County (near Portland) violated a woman’s rights by holding her on an ICE detainer after she posted bail, leading to many counties’ reversing their policies to honor ICE holds²⁶. NORCOR however --and thus the four counties it serves-- continued honoring ICE holds.

On July 21, 2017, the Oregon Law Center filed a lawsuit against NORCOR on behalf of four Wasco county taxpayers claiming that the jail was in violation of Oregon’s sanctuary law by housing detainees and holding people on detainers²⁷. In a separate case in May of the next year, the jail settled a suit with Javier Maldonado, who was held for 19 hours on an ICE hold, and changed their policy to stop holding people on detainers for ICE²⁸. In February 2019, a year and a half after the suit was filed, a Wasco county circuit judge found that the NORCOR

²² “Oregon’s Sanctuary Law,” January 8, 2017, <https://www.oregonir.org/book/export/html/2433>.

²³ “Detainers,” US Immigration and Customs Enforcement, July 14, 2019.

²⁴ Joanne Zuhl, “With ICE ‘going after the farmworkers,’ county jails make money,” *Street Root News*, May 17, 2017.

²⁵ Nathan Gilles, “ICE case reveals complexities in local policies,” *Street Root News*, March 4, 2014.

²⁶ Nathan Gilles, “An ICE-y reception: Immigration officials unfazed by judge’s ruling on local detentions,” *Street Root News*, May 29, 2014.

²⁷ Cecil, *Jail sued*

²⁸ The associated press, “Oregon Jail Changes Immigration Policy after Suit Settlement,” *The Register Guard*, May 8, 2018.

“practice of notifying ICE agents of scheduled releases of inmates in state or local criminal cases violated Oregon law that prohibits using state resources to solely detain someone based on an alleged immigration violation,” but that housing immigrants in detention did not count as “apprehending” and so was permitted²⁹. Thus, the practice of holding immigrants on ICE detainers was officially banned, but the contract itself was allowed to remain. Both sides are expected to appeal this decision in the coming year³⁰.

After the first hunger strike in April 2017, the ACLU of Oregon began an investigation into the conditions for detainees at NORCOR³¹. On September 12th, they sent a letter to the jail’s administrator, Brian Brandenburg, laying out what they saw as inhumane conditions, and threatening to “file a lawsuit if the jail doesn’t remove all immigration detainees or dramatically overhaul conditions”³². After a response from Brandenburg denying the claims, on October 26th they sent a second letter demanding documentation to prove his denials, which they did not receive³³.

Today, two and a half years after the first hunger strike began, conditions inside the jail have improved, and there is far greater awareness among the outside community and direct communication between jail leadership and resisters. However, the contract with ICE remains unchanged.

Springfield Municipal Jail serves the city of Springfield, a city of about 60,000 right next to larger Eugene, and about two hours drive south of Portland. The jail signed its contract with ICE in 2012, but knowledge of and resistance to it didn’t begin until mid 2018³⁴. On April 16, 2018, 6 Springfield residents testified before the city council in opposition to the ICE contract

²⁹ Maxine Bernstein, “Judge Rules NORCOR Can’t Notify ICE of Releases, Can House Detainees,” *The Oregonian*, February 8, 2019.

³⁰ Bernstein

³¹ Simon

³² “ACLU of Oregon Threatens Suit Over Inhumane Treatment of Immigration Detainees at County Jail” (ACLU Oregon, September 14, 2017).

³³ Simon

³⁴ Elon Glucklich, “ICE Contract Catches Some by Surprise ,” *The Register Guard* , April 8, 2018.

with Springfield jail, which was the first mention of the contract in a city council meeting³⁵. From the beginning, this resistance was led by Springfield Alliance for Equity and Respect (SAfER), a grassroots social justice group, and City Wide MEChA, a Latinx identity and activism group^{36 37}. At the next meeting, 15 people spoke³⁸. The next saw 11 testimonies and a letter in opposition³⁹. At the next meeting, there were so many people, most wearing red in support of immigrants, that the council extended business from the audience from 20 to 30 minutes, and had to reprimand people for bringing signs^{40 41}. The testimony ended with a man who didn't get the chance to speak demanding that the council take more time to listen to the community, and being escorted out by the police⁴². Afterwards, people gathered outside and exchanged contact information while City Wide MEChA gave a short press conference⁴³. City councilors then put a motion to amend the contract to only house immigrants with previous criminal convictions on the agenda for the next meeting⁴⁴. The day of the meeting, protestors rallied at city hall demanding an end to the contract, and 250 people packed city council chambers^{45 46}. The council extended business from the audience to an hour, and 41 people testified, most of them saying that an amendment wouldn't satisfy them; they wanted the contract ended in its entirety⁴⁷. People again were wearing red and had signs attached to their clothes. At the end of the hour, the councilors gave their statements, and voted unanimously to end the contract⁴⁸.

³⁵ Springfield Municipal Government, City Council audio recording, April 16, 2018

³⁶ Springfield Alliance for Equity and Respect (SAfER) (calclane.org, n.d.).

³⁷ "City Wide MEChA," (Facebook).

³⁸ Springfield Municipal Government, City Council audio recording, May 7, 2018

³⁹ Springfield Municipal Government, City Council audio recording, May 21, 2018

⁴⁰ Debrah Cullen, "A Community Emerges to Speak for Springfield ICE Detainee," *The Register Guard*, June 7, 2018, sec. Opinion.

⁴¹ Springfield Municipal Government, City Council audio recording, June 4, 2018

⁴² *ibid*

⁴³ Springfield Municipal Government, City Council audio recording, June 4, 2018

⁴⁴ Springfield Alliance for Equity and Respect

⁴⁵ Elon Glucklich, "Springfield Scraps ICE Deal," *The Register Guard*, June 26, 2018.

⁴⁶ Springfield Municipal Government, City Council audio recording, June 25, 2018

⁴⁷ *ibid*

⁴⁸ *ibid*

Timing

In both cases, ICE contracts were in effect for years without controversy before community members began resisting. In both, when protests began, the local community mobilized in opposition in a way not seen for other issues. A major reason community members decided to take action after a long period of inaction was that they simply didn't know about the contracts before. And further, they didn't know because the national political climate did not inspire them to be vigilant in the way that the political climate of the Trump presidency has. Similarly, community members who found out about the contracts were primed to take action by their anger at perceived unjust treatment of immigrants nationally by the Trump administration. Amber Orion, an activist resisting the NORCOR contract, said she took new interest in NORCOR after the election of Trump and his actions to increase deportation⁴⁹. She told reporters that "part of this is the political climate and [she] take[s] full responsibility for not being as politically involved as [she] should have been" in the past⁵⁰. Many others echoed this sentiment. In response to the lawsuit filed in 2017, attorney for NORCOR Will Carey told reporters he thought the suit was "a pure political thing" and direct result of the election of Trump, because the jail had "housed detainees for years without controversy"⁵¹. In Springfield, members of People Power Eugene, an ACLU group in the area, found out about the Springfield jail contract when they met with police to urge them not to cooperate with ICE's increased arrests⁵². People began testifying before Springfield city council against the city's contract in large numbers in May 2018, right after Trump's "family separation" policy blew up in the national media. In their testimonies, community members frequently expressed their anger at family separation, suggesting that this timing was not a coincidence.

⁴⁹ Neita Cecil, "Jail hiring plans aired," *The Dalles Chronicle*, April 18, 2017.

⁵⁰ Cecil, *Jail hiring plans aired*

⁵¹ Cecil, *Jail sued*

⁵² Glucklich, *ICE Contract Catches Some by Surprise*

The resistance movement at NORCOR was sparked by immigrants detained inside, hunger striking after being transferred from what was then the Northwest Detention Center in Tacoma. This event allows for another national explanation: that the hunger strikes in the NWDC that eventually sparked the movement at NORCOR were at least partially due to national politics. Immigrants' hunger strikes in the NWDC have been happening since 2012, and while I do not have sufficient evidence to say they were caused by the national political climate, it seems likely. As immigrant detention and deportation increased in the second term of Obama's presidency --starting around the same time as the hunger strikes-- populations inside detention centers grew, intensifying overcrowding and other institutional issues that lead to poor conditions. I believe that this national ramp up was at least a factor in immigrants' initial hunger strikes.

Resistance

The differences in resistance strategy in these two cases can be explained in part by the differences in the political structure of the governance of the jails. The relatively closed political structure of NORCOR's governance led resisters to work outside the local political system with protests and legal action, where open governance of Springfield jail led resisters to work within the system by testifying at city council meetings. Further, as NORCOR's governance became more accessible, resisters began to put more effort into negotiation.

NORCOR is controlled by a jail board, made up of "one member from each member governing bodies, including elected County Judges or Commissioners, one sheriff from one of the member counties, and one juvenile director of the member counties"⁵³. The sheriff is "elected by the sheriffs of all member counties" and the juvenile director is "elected by the

⁵³ "Information Regarding Proposed Amendments to NORCOR's Bylaws Discussed at NORCOR's Regularly Scheduled August 20, 2018 Board Meeting," Information Regarding Proposed Amendments to NORCOR's Bylaws Discussed at NORCOR's Regularly Scheduled August 20, 2018 Board Meeting § (2018).

Juvenile Oversight Committee”⁵⁴. Until November 2018, the jail was also headed by a jail administrator, who was the public face of the jail and oversaw finances⁵⁵. The board has monthly meetings held in the Juvenile facility in the Dalles⁵⁶. This structure makes the jail board fairly inaccessible. Because the jail serves four counties, the board only has one or two representatives from each county, so voters have less access to and sway over the board than they might a city council. Plus, the representatives from their counties are usually county commissioners or sheriffs and so serve far more people than city councilor for a ward might, and many voters don’t really know what they do. In order to use their power as voters and threaten to replace representatives in the next election, activists would need to secure support in all four counties. The physical distance also lessens community access: the Dalles is over an hour and a half away from parts of its member counties, meaning that physically attending meetings would be impossible for many residents.

Another structural obstacle preventing work within the system was the former jail administrator, Bryan Brandenburg. Brandenburg was appointed in 2015, and had been a major opponent for protesters since they began taking action⁵⁷. Kabakov told the Dalles Chronicle that Brandenburg regularly struggled with detention opponents at jail board meetings⁵⁸, and refuted many of the statements made by people inside on hunger strike⁵⁹. He reported that the hunger strikes were shorter and had fewer strikers than those inside told the press, claimed that the second strike was ended voluntarily without reaching an agreement, and regularly reported the number of protesters outside his jail as less than a quarter of what protesters themselves were reporting⁶⁰. He has also clashed with attorneys, refuting claims of poor conditions in a letter to

⁵⁴ *ibid*

⁵⁵ Neita Cecil, “NORCOR Board to Try New Jail Management Format,” *The Dalles Chronicle*, October 13, 2018.

⁵⁶ “Public Meetings,” NORCOR.co, n.d.

⁵⁷ Cecil, *Jail hiring plans*

⁵⁸ Cecil, *Daily Jail Protest Finished*

⁵⁹ Neita Cecil, “ICE Hunger strike ends,” *The Dalles Chronicle*, November 7, 2017.

⁶⁰ *ibid*

the ACLU of Oregon, and insisting that he only housed detainees with other criminal convictions⁶¹. Oregon ACLU director Mat dos Santos called the latter claim “one of the most egregious lies [he] is telling,” believing the ACLU had significant proof otherwise⁶². Given these clashes, negotiation with Brandenburg would have been difficult for resisters.

However, in October of 2018, Brandenburg resigned his position as jail administrator⁶³, which Kabakov believes was partially due to the efforts of protestors⁶⁴. According to Kabakov, the jail board then came up with a candidate to replace him, but protestors did research into what they saw as his past misconduct and presented it to the board, causing them not to offer him the job⁶⁵. Their second choice turned down the job, so the board decided to try a different model of leadership, and appointed the board sheriff to oversee the adult facility, and the board juvenile director to oversee the juvenile facility⁶⁶. Kabakov said that Brandenburg’s resignation and this change of leadership was “very significant” and “caused the jail to have to really look deeper at finance since that was really his area of expertise”⁶⁷. She feels that communication between the board and protestors has improved a lot since this change⁶⁸.

This shift in structure opened up avenues for work within the system. In May of 2018, another activist group called the NORCOR Community Resources Coalition formed, intending to negotiate with jail officials while the other coalition groups continued to protest⁶⁹. In May 2019, two years after their daily protests began, the Gorge ICE resistance decided to cut the protest frequency down to once a month⁷⁰. Kabakov told reporters that the protests had been effective at gaining the attention of and access to jail administrators, and now they “want to focus [their]

⁶¹ Thacher Schmid, “What’s the Problem with NORCOR?,” *Street Root News*, October 1, 2017.

⁶² *ibid*

⁶³ Cecil, *NORCOR board to Try New Jail Management*

⁶⁴ Solea Kabakov (NORCOR activist), interviewed by Many Mutschler-Aldine, July 18, 2019

⁶⁵ Kabakov

⁶⁶ Cecil, *NORCOR board to Try New Jail Management*

⁶⁷ Cecil, *Daily Jail Protest Finished*

⁶⁸ *ibid*

⁶⁹ “The Dalles Chronicle,” (Facebook, May 11, 2018).

⁷⁰ Cecil, *Daily Jail Protest Finished*

energies on what will really effect change the greatest:" meetings with jail administration⁷¹. She believes that both kinds of activism are necessary, and "without the pressure on the outside and the visibility to the public, [she doesn't] know that [they] would've got a seat at the table"⁷². The NORCOR Community Resources Coalition is now especially focused on budgetary issues and finding ways to make up the money the jail currently brings in through its ICE contract⁷³.

Unlike NORCOR, the ICE contract in Springfield is within a municipal jail, so it is under the jurisdiction of the local city council, and is carried out by the city's police department. The contract didn't need city government approval to be adopted, but once in place, the city council had the power to change or terminate it⁷⁴. Springfield is relatively small-- 62,253 people in 2017⁷⁵ -- and city council meetings are held city hall, which is around 15 minutes away from either edge of town. Regular meetings, which happen twice a month, are public, and all include a business from the audience section where community members can testify⁷⁶. Although it is common for city council candidates to run unopposed (for example, in the May 2018 local election that happened in the middle of protests, one seat had two candidates, one originally had two but one dropped out before election day, and the remaining seats up for election each had only one candidate⁷⁷), creating fewer incentives for councilors to respond to voter pressure, councilors are much easier to access for their constituents than county commissioners or sheriffs. These factors made working within the system by testifying at city council meetings and putting pressure on councilors the obvious choice.

The setup of the jails as well as actions of those inside also largely determined what model of activism resistors used, which in turn informed their tactics. Because the NORCOR

⁷¹ *ibid*

⁷² *ibid*

⁷³ *ibid*

⁷⁴ Elon Glucklich, "Renting Jail Beds for ICE Detainees ," *The Register Guard*, April 8, 2018.

⁷⁵ United States Census Bureau

⁷⁶ "City Council Meetings," Springfield-or.gov, n.d.

⁷⁷ Elon Glucklich, "Steve More Coasts to Victory in Springfield City Council Race," *The Register Guard*, May 15, 2018.

movement was sparked by people on the inside hunger striking, the Gorge ICE Resistance -- and therefore most of the resistance -- was set up to work under the leadership of those inside, to be allies and uplift and bring attention to the demands of people in detention. The leadership came from inside, and their resistance was not working within the system, it was hunger striking. As the outside organizations of activists formed and tried to follow the leadership of those inside, it makes sense that they followed a similar tactic of protest. Additionally, at NORCOR, clergy and attorneys can meet with people in detention, but no one else has access. This meant that there was a constant stream of communication with people inside, especially as they had a second hunger strike and made public demands, allowing activists to continue following the leadership of those in detention. It also meant that clergy were central to the movement, conducting interviews and being the main line of communication between those in detention and those resisting on the outside. The Gorge Ecumenical Ministries especially became essential, letting lawyers and activists use their church as a headquarters and several clergy members regularly talking to immigrants inside⁷⁸. Springfield saw a very different model of activism and leadership. No activists were able to get access to people in detention inside the jail, and the movement was started on the outside rather than in. In turn, the activism tended to be more about the community as a whole -- especially latinx and immigrant members of the community -- than the people in detention themselves.

Outcomes

The outcomes in these two cases have been starkly different. In Springfield, less than three months after the first mention of detention in a city council meeting, the contract was fully terminated. In NORCOR, although conditions for people in detention have been improved and

⁷⁸ Cecil, *Hunger strike ends at NORCOR*

several of the jail's practices assisting ICE have been ended, after over two years of resistance the contract still remains untouched.

The difference in these outcomes can be explained in part by the scale of the revenue the contracts comparatively bring in, and the degree to which each jail relies on that money. In 2018, NORCOR's published budget was \$8.1 million dollars⁷⁹. Of that, \$3.8 million was made up of subsidies from the four counties it serves⁸⁰, 50% paid by Wasco county, 40% by Hood River, 5% by Sherman, and 5% by Gilliam⁸¹. A state grant provided \$85,000, and the jail makes \$674,000 by renting a warehouse to Insitu⁸². That left just over \$3.5 million to be made up by contracts. The contract with ICE currently brings in between \$730,000 and \$1 million as the largest contract the jail has, and the rest is made up of smaller contracts like one with Benton county to hold 22 pre-trial defendants^{83 84 85}. In April 2019, the jail proposed a new budget of \$9.3 million, asking its member counties for \$700,000 more in subsidies⁸⁶. In February 2019, the jail also created a reserve fund to pay for future repairs and replacements as the jail ages, further straining their budget⁸⁷. According to the Dalles Chronicle, "NORCOR has struggled financially over the years, with each of the four member counties... variously having trouble making contributions"⁸⁸.

Springfield jail, in contrast, had far less money coming in from ICE. Like NORCOR, it has had budget issues since it opened in 2010⁸⁹. At that time, Springfield expected to raise around \$700,000 a year by forcing inmates to "pay back some of the costs for their jail stay," but this

⁷⁹ Neita Cecil, "New staff proposed at NORCOR," *The Dalles Chronicle*, April 9, 2019.

⁸⁰ *ibid*

⁸¹ Neita Cecil, "HR County proposes increase to jail subsidy," *The Dalles Chronicle*, May 11, 2019.

⁸² Cecil, *New Staff Proposed at NORCOR*

⁸³ Neita Cecil, "Jail explores long-term funding streams," *The Dalles Chronicle*, July 21, 2017.

⁸⁴ Neita Cecil, "NORCOR establishes fund for future repairs," *The Dalles Chronicle*, March 5, 2019.

⁸⁵ Cecil, *New Staff Proposed at NORCOR*

⁸⁶ *ibid*

⁸⁷ Cecil, *NORCOR establishes fund*

⁸⁸ *ibid*

⁸⁹ Glucklich, *Renting Jail Beds*

has not come to fruition⁹⁰. In addition, the rising costs of city employee health care and retirement have eaten up more of the police department's budget, leaving less to be spent on the jail⁹¹. City budget documents for [2018] describe a jail "in need of significant long-term maintenance that exceeds the current budget developed for short-term building maintenance needs."⁹² According to budget documents, "the primary revenue source for the Springfield Jail is jail bed leasing," through "contracts with other cities, like Eugene, Coburg, Oakridge and Junction City... as well as Lane County and the U.S. Marshals Service"⁹³. However, the income from the jail's contract with ICE has been relatively low. "Of the nearly \$500,000 generated from bed leases to outside agencies over the last three years, less than \$14,000 has come from ICE, according to figures provided by the Springfield Police Department"⁹⁴.

Because of this small number, many of those testifying told councilors that the revenue being brought in was minimal and too small to be worth the humanitarian issues they saw in it or the controversy it raised. One person testifying even compared the Springfield contract directly with NORCOR's, saying that Springfield is only making \$14,000, not hundreds of thousands of dollars like in the Dalles, and so is an entirely different situation⁹⁵. At NORCOR, there has been less argument that detaining immigrants is not worth the money, and conversation has instead been focused on other ways to make that money, and the economic liabilities of continuing to do it through an ICE contract⁹⁶.

The jails differ not only in amount of money gained from ICE, but in their ability to raise money from other sources. In November 2017, Springfield voters approved a tax increase to prevent layoffs in the police department without significant controversy⁹⁷. In contrast, in May

⁹⁰ *ibid*

⁹¹ Glucklich, *Renting Jail Beds*

⁹² *ibid*

⁹³ Glucklich, *Renting Jail Beds*

⁹⁴ *ibid*

⁹⁵ Springfield Municipal Government, City Council audio recording, June 25, 2018

⁹⁶ Solea Kabakov

⁹⁷ *ibid*

2017, a special election vote in the counties NORCOR serves narrowly rejected a bond that would have provided permanent funding for the jail^{98 99}. That September, the jail board considered putting it on the ballot again, but decided against it¹⁰⁰. In early 2019, Wasco county commissioner spoke to the Dalles state representative Daniel Bonham, who wants to seek funding from the Oregon legislature, but called it a “long shot”¹⁰¹. In addition to its unlikelihood, Wasco county sheriff said he was skeptical of taking state money because there are often strings attached¹⁰².

Another explanatory factor in the difference between the two outcomes is the discourse used by resisters; the more locally focused discourse used to talk about Springfield had greater sway with local politicians than the more national and humanitarian discourse in NORCOR. In Springfield, the arguments people made about the contract were focused more on the effects of the community outside than on the people in detention themselves, and were mostly local. One of the most common arguments was that the police need the trust of the community in order to effectively serve and protect, and the presence of ICE in the city meant that the Latinx community in particular were afraid to call the police to report crimes, making the whole city less safe. A second common argument was that this contract meant that segments of society were living in fear, and especially that this culture of fear had adverse health effects on children. While there were many other arguments made on a state and national level, like that the contract was against the spirit of Oregon’s sanctuary law or that ICE was an immoral institution separating families and they didn’t want to be a part of it, these two local arguments were by far the most made. And, when the council decided to terminate the contract, these two arguments were what they referenced as being persuasive. Councilor VanGordon, who had initially been

⁹⁸ Neita Cecil, “NORCOR board mulls new tax levy,” *The Dalles Chronicle*, September 5, 2017.

⁹⁹ Jesse Burkhardt, “NORCOR bond failed by 41 votes,” *The Dalles Chronicle*, June 6, 2017.

¹⁰⁰ Cecil, *NORCOR board mulls new tax*

¹⁰¹ Cecil, *HR County proposes increase*

¹⁰² Cecil, *HR County proposes increase*

staunchly for the contract, said that people not calling the police because of the contract changed his mind¹⁰³. Mayor Lundburg and Councilor White referenced the larger political climate around immigration, but viewed terminating the contract as a way of stepping out of that larger debate and returning to local politics, rather than making a stand in it¹⁰⁴.

In NORCOR, resisters' arguments were centered around the people detained inside, and so were more about immigration issues on a larger level. Some of the most prevalent arguments were about the immorality of ICE on a national level and the inhumane treatment of immigrants¹⁰⁵. In statements to press and on social media, there were far fewer of the local, community-based arguments that were so persuasive in Springfield. This difference makes sense given the variation in model of resistance between the two locations, with NORCOR resistance centering around those inside and Springfield resisters focusing on the community outside. NORCOR resisters also tended to talk about their actions as being part of a national movement rather than a local one. Kabakov told press that "If every community could stand up and take responsibility and say no to ICE, they'd have nowhere to jail them" and real action would have to be taken¹⁰⁶.

Conclusion

In these two cases, national political climate primed communities to pay attention to immigrant issues and want to take action. The political structure of the governance over the jails determined what form that action took, and the economic structure of the jail, coupled with the discourse that resisters used to argue about the contracts, shaped the outcomes of their resistance.

¹⁰³ Springfield Municipal Government, City Council audio recording, June 25, 2018

¹⁰⁴ *ibid*

¹⁰⁵ Simon

¹⁰⁶ Cecil, *Daily Jail Protest Finished*

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