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# VOICE OF REVOLUTION

Publication of the U.S. Marxist-Leninist Organization

March 16, 2018

USMLO 3942 N. Central Ave, Chicago, IL 60634



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## Support Youth Fighting for Change : 1-8



## CONVERGE IN DC MARCH 24

# All Out to Support Youth Fighting for Change

On March 14 tens of thousands of youth across the country walked out of class, opposing gun violence and demanding that their right to schools that are safe learning environments, not prisons, be dealt with. They demanded an

end to the violence of police in their communities and rejected the promotion of violence and use of force as solutions to problems. As signs put it, *Why Do We Need Weapons if We Want a Peaceful World?;* Support Youth Fighting for Change • 3

## NO HUMAN BEING IS ILLEGAL

# Youth Rally in DC to Defend Immigrant Rights

Immigrant youth and many women and workers rallied and marched in Washington, DC to defend immigrant rights. Those defending Muslims and various other activists standing up for rights joined them.

The immigrant youth rejected efforts to use them as a bargaining chip. The president and those in Congress are continually making proposals for legislation that protect undocumented youth, while Youth Defend Immigrant Rights • 9

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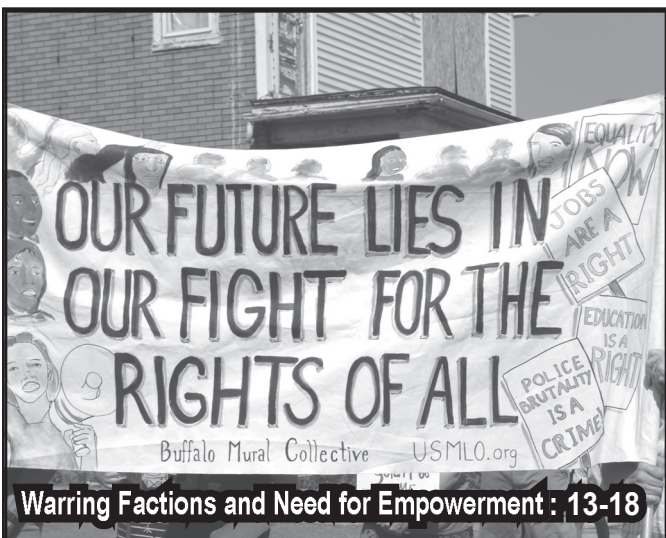


## WARRING FACTIONS OPENLY TALK OF CIVIL WAR

# Sessions, California and Control of Policing Agencies

Attorney General Jefferson Beauregard Sessions has launched a lawsuit against the state of California, targeting several of its immigration laws. The Justice Department (DoJ) lawsuit specifically targets California laws that prevent business owners

from helping immigration agents track down workers living in the country without documentation, prohibit law enforcement from notifying ICE when immigrants are released from custody and authorize state inspections of Warring Factions and Empowerment • 13



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### I • Support Youth Fighting for Change

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*Automatic Weapons — An Assault on Our Future; You Cannot Build Peace with a Piece; Guns do Not Promote Peace or Prevent Violence.*

Students from Parkland initiated the walkouts and many actions named and remembered those who were killed there. High School, Middle School and University students rallied and marched, many in the face of threats of suspension, to show that significant change is needed and they are determined to achieve it. As students put it, “We’re going to make ourselves heard whether you want to hear it or not,” “We’re going to be loud, and we’re not going to apologize for that.” “We’re not stopping.” “The youthfulness to our movement is empowering because look at how much time we have left in our generation’s lifetime to advocate for change and to make that change happen.”

Washington, DC saw one of the largest actions, with students from Virginia, Maryland and DC converging on the White House and Congress. They blocked streets and targeted government as being responsible to guarantee rights. Maryland had imposed a ban on walkouts but thousands of students rejected this threat. Many from suburban areas surrounding DC marched en masse down major roads to show their defiance.

Across the country there was broad unity as the youth themselves organized and decided the actions to take despite efforts to block them. In Alamada, California, students broke through a locked gate to conduct their walkout. In Madison undocumented immigrant youth joined students to demand that their claims on society for rights be respected. From Yarmouth, Maine to Parkland, Florida; from New York City to Decatur, Georgia and Birmingham, Alabama; from Nashville, Tennessee to Livingston, Montana; from Las Vegas, Nevada, to Los Angeles, California, to Seattle, Washington and Juneau, Alaska — and more than 3,000 places in between, students stood as one in demanding that solutions to the social violence they are contending with be found.

Rallies in Chicago and elsewhere saw students put their hands in the air in the “Don’t Shoot” call to police, growing out of the police killing of an unarmed youth in Ferguson. Chicago students also listed demands such as equal funding, keeping all schools open, reopening mental health clinics and to *End the Criminalization of Youth* (see page 8 for list of demands). There



was broad recognition that the problem is not primarily one of an individual shooter with a gun, but rather a society that does not protect and defend the youth and the necessity to change that. The spirit everywhere was that change in favor of the youth is needed and they will persist in organizing to bring it about.

#### Security Lies in the Fight for Rights

While youth are directing attention to violence as a social problem requiring social solutions, government officials at all levels are calling to increase use of force. The sheriff in Broward County, Florida, which includes Parkland and Miami, has said he will be arming his deputies in the schools with automatic weapons. The law passed in Florida has a plan to arm teachers. Students have countered, *Arms are for Hugging; Police and Teachers with Guns are Two Guns Too Many*. In Long Island state troopers are in the schools, supposedly to stop gang violence. Instead, undocumented youth, especially organizers, are being branded as gang members and threatened with deportation. In many places, students were told to stay inside or be suspended, and police were prevalent.

Every effort is being made to promote more armed police in the schools, more measures to treat youth as criminals — to have teachers as police and schools as prisons. In the name of safety, such measures serve to further control and suppress the youth and condition all to accept what is unacceptable. A passive youth and workforce is needed not only to sustain rule by the rich at home but also to wage their wars abroad to protect their interests.

Youth are making clear that they reject this direction and are fighting for a bright future. It is through the fight for the rights of all, abroad and at home, that their interests can be defended.

**SUPPORT YOUTH FIGHTING FOR CHANGE**



**WASHINGTON, DC**



**CHERRY HILL, NEW JERSEY**



**DECATUR, GEORGIA**



**RICHMOND, VIRGINIA**



**BIRMINGHAM, ALABAMA**

# SECURITY LIES IN OUR FIGHT FOR RIGHTS



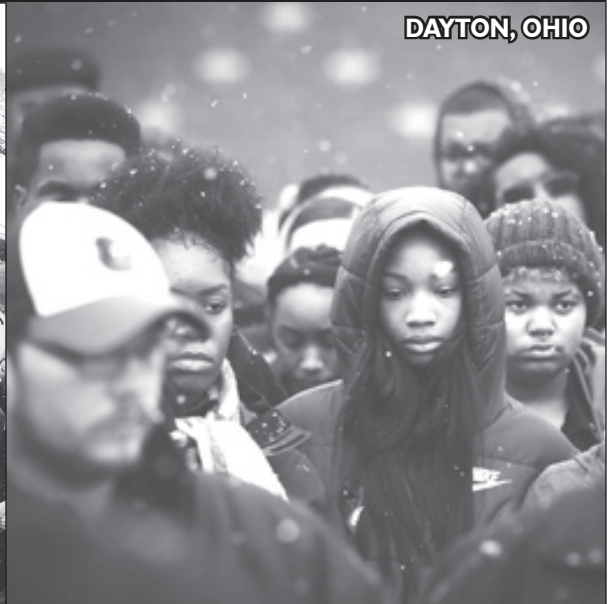
MIAMI, FLORIDA



CHICAGO, ILLINOIS



YARMOUTH, MAINE



DAYTON, OHIO



MADISON, WISCONSIN



ZIONSVILLE, INDIANA

# SUPPORT YOUTH FIGHTING FOR CHANGE



PASADENA, CALIFORNIA



SAN FRANCISCO, CALIFORNIA



PHOENIX, ARIZONA



MISSOULA, MONTANA



JUNEAU, ALASKA



SEATTLE, WASHINGTON

SHOOTING AT SCHOOL IN PARKLAND, FLORIDA

# No Means No! Enough Is Enough! Students Organize for Change

Students from Marjory Stoneman Douglas High School in Parkland, Florida, those across the state and many more across the country are demonstrating and organizing themselves in the aftermath of the shooting there that killed 17 students and teachers and injured 14 more people. The students have taken the stand that No Means No, demanding no more violence at their schools or in their communities, no more refusal by government to be accountable. *Enough is Enough, The Time for Change is Now, Never Again*, are among their demands. To make clear that they are not satisfied with minimal measures to solve the serious problem of violence in the U.S., they are declaring, *We Do Not Want Your Coins, We Want Change!*

Stoneman Douglas students were supported by some 1,000 of their peers from West Boca High School. Those students walked out of class and traveled 12 miles en masse to Stoneman Douglas. Students at the school have also organized to ensure their story is told, raising funds for printing their newspaper with support from across the country.

Thousands of students and teachers also rallied in the Florida capital, Tallahassee, on February 21, a week after the shooting. Students came in from schools all over the state. Sister rallies also occurred in Washington, DC and across the country, in New York, Pennsylvania, Texas, Iowa, California and many other places. Actions included walkouts at various schools, sometimes for 17 minutes in memory of those killed. Officials are branding them as actors, claiming they are “screaming kids” who are too young to know what they are talking about and threatening them with suspensions. The students are continuing to organize. A National School Walkout is planned for March 14, with students across the country planning walkouts and actions of various kinds. Parents and teachers are also participating. There is a March for Our Lives on March 24 in DC, serving as a convergence point for all those taking their stand.

The actions are all imbued with the spirit *No Means No, Enough is Enough!* Students have also made clear their concern is not only school shootings, but those at concerts, nightclubs, movie theaters, workplaces and police shootings in their communities. None have forgotten the 2016 Orlando, Florida shooting at a nightclub where more than 100 young people were shot and 49 died, or the Charleston church shooting, or the church shooting in Sutherland Springs, Texas, or at the Las Vegas concert. Nor have students forgotten police killings and violence in Ferguson and Baltimore and Chicago and elsewhere.

Government officials are making efforts to separate the violence by police and military, from violence like the school shootings. A main purpose is to make individuals the problem, or create categories of individuals such as the mentally ill, or those on the “terrorist” watch list. Then the measures which are provided further arm police with more powers to target and criminalize whole categories



Students, parents and teachers rally in Tallahassee, Florida

of people, while encouraging divisions among those resisting. But the students refuse to be cowed by efforts to make their demands illegitimate in this way.

The “terrorist” no-fly list is notoriously wrong and is itself a means to allow the government to brand people as terrorists without any crime committed or any charge laid or any trial. Mentally ill people are far more likely to be victims of violence than perpetrators of it. It is known that police are prone to gun down unarmed mentally ill people, claiming they were threatened.

The issue is not individuals and thus the problem is not solved by arming police or military or various people with yet more means to inflict collective punishment and violence. The violence and anarchy of U.S. society is a social problem. Most significantly, the violence of the racist U.S. state and their military and policing agencies are a main source of violence in society, yet they are not to be targeted. Instead yet more police powers, yet more means to act with impunity and violence against the people, are given as answers.

For example, Sheriff Scott Israel of Broward County, where Stoneman Douglas is located, has said that his armed deputies, already in the schools, will now be armed with automatic weapons. Automatic weapons, as many school shootings like Parkland’s and Newtown, Connecticut’s show, are effectively weapons of war, designed for destruction. Their bullets shred organs and can leave exit holes as big as an orange. Yet the Pentagon is providing these military weapons to police forces all around the country. And now in Florida and elsewhere, in the name of security, they are threatening to have police armed with automatic weapons in the public schools.

The Parkland school already had an armed sheriff present. The

school is entirely fenced in, with surveillance cameras and one entry point, like a prison. Many other schools are similar and also have metal detectors. The various laws being debated have similar measures. A current one in Florida is supposed to raise the age for purchasing guns to 21, while at the same time creating a program to arm teachers and turn them officially into police. The bill aims to put 10 armed teachers in every school. It is a plan also being promoted by Trump.

None of these measures stop shootings of this kind. They do impose collective punishment on students, treating them like criminals every time they come to school. They further institutionalize schools that are more like prisons and promote the notion that security lies in more and more arming of police and enabling them to act with impunity. Police killings already account for far more deaths than school shootings. In 2016 alone, police killed more than 1,100 people. Yet there is to be no discussion

of disarming the police, which is what is needed. Another step toward limiting violence would be to outlaw the manufacture and use of automatic weapons, beginning with disarming the police and military.

It is the people, organized and fighting for their rights that provide security. This is evident in the efforts of the students, in the many actions against police killings, those of the Sioux water protectors and their supporters at Standing Rock, the strike by West Virginia teachers and many, many more. The people are perfectly capable of organizing — and armed police, in the schools or communities do not protect them. As the students are saying, *Enough is Enough* when it comes to the violence of the state against the people. The change needed is a new direction for political affairs that affirms the rights of the people, including their right to govern and decide. That is the way forward for eliminating the kind of social violence that prevails today.

### STUDENTS IN ALBANY DEMAND:

## Counselors Not Cops!

As the New York Senate passed a bill providing funding for armed police in NY schools, and Long Island sent armed State Troopers into their schools, targeting immigrant youth, students rallied in Albany to say *No! Counselors, Not Cops! Stop Suspensions*. They emphasized that more guns will likely mean more deaths of students, especially African Americans and Latinos who are already unjustly targeted with suspensions. They also spoke to the fact that many schools have a single counselor for hundreds of students. The average nationwide is about one counselor for 450 students. This is criminal! Students are demanding funding for counselors and for meeting the rights of students to schools that are centers of learning, not prisons. Dignity in the Schools! Which means defending rights and as the actions show, students have a role to play in making *decisions* about their schools. *No guns in our schools! More Counselors Now! Whose schools? Our Schools? Who Decides? We Decide!*



## Chicago Students Say Stop Criminalizing Youth

Chicago students were among those who targeted police violence in their communities and demanded their right to education and to be treated as human beings, not criminals. Among their demands are:

- 1) Keep All Schools Open in Chicago #NoSchoolClosings
- 2) Fund schools in Black and Brown communities equitably:
  - More counselors (ratio of at least 1:200 students)
  - Full time social workers in every schools
  - Drop in therapy as every school
  - Full time nurse
  - Librarians at every school
  - More after school programs
- 3) Invest in schools using TIF money and by making banks and the wealthy pay

- Fund schools for students, not a new police academy that would cost \$95 million
- 4) Reopen mental health clinics
  - 5) Make Chicago a real sanctuary city for all by eliminating carve out in Welcoming City Ordinance
  - 6) Jobs for youth
  - 7) Improve language access and culturally relevant curriculum
  - 8) Fully fund special education and bilingual services
  - 9) End Criminalization of youth
    - Eliminate gang database
    - No guns in school
  - 10) Student committees for hiring school staff
  - 11) Sixteen and seventeen year olds should have the right to vote as well as non-citizens



**I • Youth Defend Immigrant Rights**

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criminalizing, detaining and deporting many other immigrants. Current proposals include billions of dollars for yet more Immigration and Customs Enforcement (ICE) and Border Patrol agents and the hated border wall, in exchange for not deporting the youth brought here as children.

The action took place March 5, the date Trump had set for ending the Deferred Action for Childhood Arrivals (DACA), which allowed some undocumented youth to work and go to school. Since that time, politicians have been proclaiming their support for the youth while attacking immigrant families and workers. This includes detaining activists and increasing ICE raids and arrests.

The youth are standing firm against these divisive efforts, demanding that the government meet the rights of all immigrants and affirm that *No Human Being is Illegal!* They called on Congress to reject more funding for agents and family detention camps and instead to release all the families currently held unjustly in detention and to stop separating families, including removing children from their parents. Nearly 100 people were arrested in actions in front of the Capitol and in visits to offices of members of Congress. The March 5 demonstration was part of more than six months of continuous activity of various kinds to defend immigrant rights. As the youth have put it, we are #HeretoStay and #HeretoFight.

**Wisconsin Students Walk Out**

A sister rally in Wisconsin March 5 saw hundreds of Wisconsin high school students walk out of class and rally at Paul Ryan's Racine office. Ryan, as speaker of the House of Representatives, has responsibility for bringing immigrant legislation forwards for a vote. He so far has refused to do so.

Hundreds of students from Milwaukee School of Languages,

Riverside, Reagan, and South Division High Schools in Milwaukee, as well as Horlick High School in Racine, joined the morning walkouts. The students gathered in Racine before marching on Ryan's office. Hundreds of community members joined the students for an afternoon rally, during which 23 people were arrested while blocking a busy intersection. The group who engaged in civil disobedience included children of immigrant parents, public school teachers and union members.



Students from across the state also came out in large numbers as part of the National Student Walkout March 14. A sizeable number have now started a multiple day, 50-mile march from Madison to Ryan's hometown of Janesville. All the youth are taking their stand that change is needed and that they do not accept the ongoing attacks on rights and the violence of society they have to contend with. As actions and common work continues with a spirit that *No Means No* and *Enough is Enough*, they are also showing that security lies in our fight for the rights of all.

**DEFENDING RIGHT TO SPEAK AND ORGANIZE**

**Undocumented Activists Resist ICE Detentions**

*Mijente*

Maru Mora-Villalpando, who was sent a notice to appear for a deportation hearing in December 2017 due to her "anti-ICE" organizing against immigration detention and deportations, faces her first deportation hearing March 15 at the Seattle Immigration Court. Mora-Villalpando has asked the immigration judge to throw out the deportation case against her, in a court filing that cites Immigration and Customs Enforcement's (ICE) unlawful targeting of her protected First Amendment activity.

"I have accompanied many people to their check-ins and court dates with ICE. On March 15, I will face ICE myself for the first time," stated Mora-Villalpando. "ICE is going after me and my family because they want to silence my work, which has exposed their cruel, inhumane detention and deportation policies. I will continue this fight because I am one of millions facing ICE's abuses, and they must be stopped," she concluded.

Mora-Villalpando leads Northwest Detention Center Resistance, an organization that was co-founded when immigrants held at the Northwest Detention Center began a series of hunger strikes in 2014 protesting their inhumane treatment. The group's effective organizing has brought to light the abuses faced by immigrants in the now-infamous Tacoma facility.

The Motion to Terminate filed with the Seattle Immigration Court alleges that Mora-Villalpando is being singled out for deportation by ICE precisely because of her years of political activity against the agency. The Immigration Judge has the authority to terminate Mora-Villalpando deportation proceedings due to this unlawful targeting of her political speech.

Immigrant rights organizers point to the attack on Mora-Villalpando as a sign that ICE has gone beyond seeking to enforce the immigration laws. Tania Unzueta of Mijente, a national

Latinx organization observed, “By purposely targeting people such as Maru who are organizing against the Trump administration’s deportation agenda, ICE has officially made the leap into a political repression agency.”

Elizabeth Simpson, a member of Mora-Villalpando’s legal team and attorney with the National Immigration Project of the National Lawyers Guild, added, “We expect government officials to discharge their duties in a fair and non-discriminatory way. By targeting Maru because of her political activism, ICE is directly contravening that trust, and threatening our fundamental right to free speech and assembly.”

Devin Theriot-Orr, also a member of the legal team, stated, “ICE’s actions in Maru’s case are a transparent attempt to stifle dissent by targeting specific political viewpoints for retaliatory action.”

Mora-Villalpando has lived in the U.S. for over 25 years. She lives with her daughter, Josefina, a college student and U.S. citizen, near Seattle, Washington. In addition to working with NWDC Resistance, she is a founding member of the national Latinx organization, Mijente.

### **Immigrant Rights Organizer Detained After Protest Against Raids**

Continuing a pattern of retaliation against immigrant rights organizers, the Tucson office of Immigration and Customs Enforcement (ICE), has taken Alejandra Pablos into custody, and has said that she cannot be released as she is subject to detention without access to a bond.

“They are trying to tear our movement and our community apart and I’m not going to let that happen,” Pablos said during a video recorded in case of her detention. “They are retaliating against all activists and organizers. I need you to fight for me on the outside as I am fighting inside,” the video concludes.

Pablos was a legal permanent resident who was placed in deportation proceedings in 2011 after substance abuse related



arrests and spent two years detained at the Eloy Detention Center in southern Arizona. Since her release, she has been on probation and checking in with ICE frequently. She is in the process of requesting asylum based on dangers she would face as a political organizer in Mexico.

In early January, as Pablos was leading chants at a peaceful protest in Virginia outside of the Department of Homeland Security (DHS), she was abruptly detained by local agents. It appears that after the protest in Virginia, one of the ICE agents called her deportation officer in Tucson, Arizona, and sought to get her detained in retaliation for her protest.

On March 7, when Pablos showed up to her check-in with ICE in Tucson, she was taken into custody. She will not have a chance to be released or to pay a bond until she sees an immigration judge at an indeterminate time. Pablos is a nationally recognized immigrant rights and reproductive rights activist.

(Mijente is a digital and grassroots hub for Latinx and Chicanx movement building and organizing that seeks to increase the profile of policy issues that matter to our communities and increase the participation of Latinx and Chicanx people in the broader movements for racial, economic, climate and gender justice.)

### **LAWSUIT FILED FOR HUNDREDS OF FAMILIES**

## **ICE Separating Children from Their Parents**

*Stacy Sullivan, American Civil Liberties Union*

In an act of cruelty, U.S. immigration authorities separated a Congolese mother and six-year-old daughter who had come to the United States last November seeking asylum. But this is not an isolated incident.

The mother, Ms. L, has said that after four days in detention, authorities came and took her daughter away with no explanation and flew the child 2,000 miles away to a shelter for “unaccompanied” minors in Chicago. Ms. L could hear her screaming from the other room. The daughter, S.S., has been in a government-contracted shelter for the past four months. She turned seven scared and alone and has been able to talk to her mother only a handful of times.

On March 7, in part in response to pressure from an American

Civil Liberties Union (ACLU) lawsuit, Immigration and Customs Enforcement abruptly released Ms. L, giving her only a few hours notice before sending her into the detention center parking lot with a plastic bag containing her few belongings and nowhere to go. Efforts are currently underway to have Ms. L’s daughter released from custody in Chicago so the two can be reunited. In media reports, the Department of Homeland Security claimed their separation was a “mistake.” It was no mistake.

The ACLU has learned that there are many parents and children who have been separated by ICE. On March 9, the ACLU filed a nationwide class-action lawsuit on behalf of the estimated hundreds of other families that have been torn apart by ICE.

In December, the Trump administration announced that it was

considering a plan to separate parents from their children when families came here seeking asylum or other relief. In fact, ICE had already begun doing so.

While ICE has said it does not have a formal “policy” of separating parents from their children, it is doing it as a matter of practice. The agency has not said how many children it has separated from parents, but according to Michelle Brane, director of the Migrants Rights and Justice Program at the Women’s Refugee Commission, which monitors U.S. immigration deten-

tion facilities, there are at least 429 cases. Asylum lawyers who represent people in immigration detention as well as groups that contract with the government to provide services have also reported numerous cases of children being separated from their parents. [...]

The government did not allege that there was abuse or neglect or that the mothers were unfit. Nor did it provide hearings of any kind or any rationale for separating these children from their parents. [...]

## **Courts Rule that DACA Cannot be Suspended**

*Marjorie Cohn, Truthout, March 06, 2018*

As members of Congress worked against the March 5 deadline Donald Trump had imposed to end the Deferred Action for Childhood Arrivals (DACA), two federal district courts ruled that DACA would continue — for now. It remains to be seen whether Congress or the Supreme Court will ultimately take action to protect the Dreamers. [...]

The Obama administration established DACA in 2012 to grant people brought to the U.S. before age 16 a reprieve from deportation if they continuously lived here, were enrolled in school and did not pose a threat to national security. DACA applicants were assured that the personal information they submitted would not be used to deport them.

Nearly 1 million undocumented immigrants came out of the shadows and applied for DACA. Successful applicants received work authorizations in renewable two-year increments. As of September 2017, approximately 700,000 people were actively enrolled in DACA.

On September 5, 2017, Attorney General Jeff Sessions announced that DACA would expire on March 5, 2018. Sessions claimed that Obama had violated the Constitution when he created DACA.

Trump has vacillated on DACA — ordering a March 5 termination of the program, issuing statements supporting the Dreamers, appealing federal court decisions that keep DACA temporarily in place, and most recently, erecting insurmountable obstacles to a congressional solution. [...]

### **Two Federal Judges Temporarily Continue DACA**

Meanwhile, two federal district court judges disagreed with Sessions and granted nationwide injunctions against the March 5 termination of DACA. Judge William Alsup in San Francisco ruled on January 9, 2018, and Judge Nicholas G. Garaufis in New York ruled on February 13, 2018, that the plaintiffs challenging the termination of DACA were likely to prevail on the legal merits and would likely suffer irreparable harm if DACA were allowed to expire on March 5. The plaintiffs include individuals and several States as well. DACA recipients would lose their work authorizations and employer-sponsored health care coverage, and State plaintiffs would lose \$215 billion in GDP over the next decade.

Both judges concluded the Trump administration’s decision

to end DACA was “arbitrary and capricious.”

In his 55-page opinion, Judge Garaufis wrote the administration “acted arbitrarily and capriciously by ending that program without taking any account of reliance interests that program has engendered.” He cited DACA recipients who “raised families, invested in their education, purchased homes and cars, and started careers” and employers who hired, trained and invested time in DACA-recipient employees. “Former DACA recipients will be separated from their families and communities,” Judge Garaufis noted. “It is impossible to understand the full consequences of a decision of this magnitude.”

Judge Alsup likewise argued in his 49-page opinion that the termination of DACA “would tear authorized workers from our nation’s economy and would prejudice their being able to support themselves and their families, not to mention paying taxes to support our nation.” Moreover, “authorized workers will lose the benefit of their employer-provided healthcare plans and thus place a greater burden on emergency healthcare services,” he added.

“DACA is not unconstitutional simply because it was implemented by unilateral, executive action without express congressional authorization,” Judge Garaufis stated. “The Executive Branch has wide discretion not to initiate or pursue specific [immigration] enforcement actions.” His examples of “deferred action” included victims of trafficking and violence against women, foreign students affected by Hurricane Katrina, and some widows and widowers of U.S. citizens.

In a footnote, Judge Garaufis said, “It is not clear how the President would ‘revisit’ the decision to rescind the DACA program if the DACA program were, as the Attorney General has stated, ‘an unconstitutional exercise of authority of the Executive Branch.’”

Both judges ruled that the administration must continue to accept renewal applications from current DACA enrollees but need not accept new applications.

### **The Courts’ Next Steps for DACA**

In the ordinary course, these district court rulings would be appealed and reviewed by the circuit courts of appeals. The Supreme Court would then take up the cases after the appellate courts had ruled on them.

However, Trump asked the Supreme Court to bypass the circuit courts and conduct an expedited appeal of the district court injunctions. The high court circumvents intermediate appellate review only when a case is of “such imperative public importance as to justify deviation from normal appellate practice.” This unusual procedure occurred when the nation’s steel production was threatened by a 1952 strike, and when Richard Nixon refused to relinquish White House tapes in 1974.

The Dreamers’ case does not satisfy that standard of urgency. Thus, the Supreme Court, without dissent, declined to review Trump’s appeals of the injunctions until after the circuit courts have issued their decisions. The high court stated that it expects

the appeals courts to proceed expeditiously. A final determination could take a year and will probably not come before 2019.

Meanwhile, a September Washington Post/ABC News poll found that 86 percent of those polled support allowing the Dreamers to remain in the United States. But until Congress or the courts take lasting action to protect them, the Dreamers remain in legal limbo.

*(Marjorie Cohn is professor emerita at Thomas Jefferson School of Law, former president of the National Lawyers Guild, deputy secretary general of the International Association of Democratic Lawyers and an advisory board member of Veterans for Peace.)*

### 30% INCREASE IN ICE ARRESTS

## **Dallas, Houston, Atlanta Saw the Most Immigration Raids During Trump’s First Year in Office**

*Liz Posner, AlterNet*

Raids conducted by Immigration and Customs Enforcement (ICE) agents have increased drastically since Donald Trump moved into the White House. Across the country, 2017 saw 30 percent more ICE arrests than the previous year. A number of these high-profile arrests are particularly despicable, from news that ICE seized a woman after she reported her husband for domestic abuse, to the arrest of a handicapped girl just out of surgery.

The overall numbers are now in, and they confirm that the stories of ICE targeting non-criminal individuals are not just one-off aberrations. ICE drastically increased arrests for undocumented individuals over the past year, many of whom posed no threat to their communities.

Pew Research Center tracked the cities that witnessed the most arrests in 2017:

Dallas, Houston and Atlanta experienced the most raids between January and December 2017. Pew writes: “ICE arrests were highest in the agency’s Dallas area (16,520), which also saw the largest increase in absolute numbers between 2016 and 2017 (up 6,886).” In the Dallas region, Pew reports, non-criminal arrests rose 156 percent.

Dallas’ undocumented population is not estimated to be nearly as large as New York’s, but local politicians have made it easy for ICE to execute raids in the north Texas area, according to the *Dallas Observer*. ICE told the paper that its agents “enjoy nearly 100 percent cooperation.”

The situation is similar in Houston and Atlanta. *CityLab* writes that, “Despite former [Atlanta] Mayor Kasim Reed’s defense of sanctuary cities, Georgia state law requires cooperation with ICE — and some of the counties around Atlanta have been quite eager to help.”

New York City saw an enormous increase in arrests of undocumented immigrants, up 39% from 2016... New York and Los Angeles, both sanctuary cities, have the highest populations of immigrants without documentation in the country.

Other sanctuary cities that refuse to cooperate with ICE requests saw significantly fewer arrests than obliging cities like Dallas. That is why Baltimore, Buffalo and El Paso appear low on the Pew list. The sanctuary policies appear to be working in such cities.

On the other hand, in metro areas like Miami, which saw the greatest increase in ICE arrests in 2017 (up 76 percent from 2016), ICE ramped up the number of arrests after the city abandoned sanctuary policies when the Trump administration threatened to cut federal funding.

Across the country, ICE has devoted immense time, energy and resources to hunting non-criminal individuals. In New Jersey, particularly in the Newark area, the number of non-criminal arrests more than doubled in 2017.

In 2017, 410 cities issued protective orders to combat ICE arrests in their areas — almost twice the number of localities that agreed to help with the raids.

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### I • Warring Factions and Need for Empowerment

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federal detention centers.

Sessions visited California March 7 and gave a speech at an event hosted by the California Peace Officers' Association. President Trump visited on March 13. Both are claiming that California and her laws are a threat to national security.

Trump tweeted March 13, "California's sanctuary policies are illegal and unconstitutional and put the safety and security of our entire nation at risk." Sessions said, in condemning California's laws that "There is no nullification. There is no secession. Federal law is 'the supreme law of the land.' I would invite any doubters to Gettysburg, and to the graves of John C. Calhoun and Abraham Lincoln." Gettysburg is where Lincoln for the first time called the battle then raging in the country a great civil war and emphasized preserving the union. Calhoun was pro-slavery and an important force advocating secession of the confederacy. By raising the specter of the civil war while also saying there is no secession — to a state called the Republic of California and one that could easily stand on its own — is a means to say California had better submit. It re-enforces Trump's comments in his State of the Union, where he called on all to unite or face branding as enemies. Claiming California is putting the "security of our entire nation at risk," provides justification for such branding and for federal intervention.

Governor of California Jerry Brown responded to Sessions saying Trump is "Basically going to war against the state of California, the engine of the American economy." He added that a "reign of terror" is being instituted. He too referenced the civil war, saying that Sessions, as someone coming from Alabama, should not be lecturing about secession.

Consistent with this, headlines in both the *New York Times* and *Los Angeles Times* refer to Trump coming into "enemy territory." The *Los Angeles Times* headline read in part: "Trump to enter enemy territory" while the *New York Times* put it "A Visit Behind the Lines: President Trump Heads to California," with the opening sentence reading, "The president arrives in California on Tuesday morning for a brief trip into what the White House presumably views as enemy territory."

The exchanges between Trump, Sessions and California officials are thus openly referencing civil war. They are an indication that the intense conflicts among the warring factions within the U.S. ruling class as they vie for political power are getting closer to open violence. These growing conflicts within the governing factions were in no way sorted out by the presidential election. Indeed we are witnessing the conflicts within and between the presidency, the intelligence agencies and the military getting sharper and sharper. There is fear among all these contending forces that the on-going state of civil war, which always exists behind the scenes, will break out into open violence.

In this situation, control of the many highly armed policing agencies is a major problem. Trump in part is acting to secure federal control of all policing agencies, including those at the state and local level. He is also targeting California as a means

to secure her submission, or justify greater federal intervention, including direct confrontations between immigration agents and local police. As Sessions put it, "... We are simply asking California and other sanctuary jurisdictions to stop actively obstructing federal law enforcement." He added, "California has enacted a number

of laws designed to intentionally obstruct the work of our sworn immigration enforcement officers — to intentionally use every power it has to undermine duly established immigration law in America." In this manner, Sessions is emphasizing that California, and all states, must recognize federal policing agencies as supreme, or face the consequences. As he put it, "California is using every power it has—and some it doesn't—to frustrate federal law enforcement. So you can be sure I'm going to use every power I have to stop them... And we intend to win."

Immigration is one of the areas where Trump is striving to unite the warring factions behind the executive, while also putting in place justification for armed federal intervention against state and local officials who refuse.

It is also the case that all these factions are worried about what can be considered the largest faction, that of the people and their drive for a new direction for the country, one that respects and affirms the people and their claims on society for rights. There is an effort by the rulers to try and divide and divert the struggle for rights. Federal control of all the policing agencies is not only part of the vying for power among the warring factions, but also in preparation for contending with broader organized resistance among the people. Local and state police are highly armed and militarized for urban warfare.

As the youth strengthen their resistance and many others are coming forward, stepping up the fight for rights and using the opportunity to win political power for the people is on the agenda. It is important not to get embroiled in choosing sides among the warring factions but rather to look at conditions from our own vantage point, one that favors the interests of the people. Political power belongs in the hands of the people themselves to govern and decide. By addressing this problem, the faction of the large majority, of the people, will prevail.



STATE OF THE UNION

# Trump Warns Warring Factions in U.S. to Unite and Obey or Be Treated as Enemy Combatants



Demonstration in Washington DC on January 27, 2018, the one-year anniversary of Trumps' "Muslim Ban," reflects the spirit of resistance of workers and people.

The U.S. president, in executing his office and as Commander-in-Chief, has responsibility to preserve the Union. The Constitution requires him to regularly present the State of the Union to Congress, which has now become a significant yearly speech. On January 30, Donald Trump delivered his State of the Union address in circumstances where the conflicts within and between the presidency, the intelligence agencies and the military are manifesting themselves openly as the fight over the political power becomes sharper and sharper.

The growing conflicts within the governing factions were in no way sorted out by the presidential election. Thus, the predominant fear today, expressed by all contending forces, is that the on-going state of civil war, which always exists behind the scenes in the United States, will break out in open violence. Trump thus used the State of the Union to demand "the unity we need" to prevent such a development.

He threatened Americans to stand together or face punishment. Reiterating several times the need for unity to "Make America Great Again," he said this is necessary to avert civil war. He gave his definition of an American and threatened that those who do not adhere to this definition will be branded terrorists and enemy combatants and treated accordingly. This includes the Guantánamo torture camp, which he will increasingly use.

From the beginning of his speech, Trump addressed the warring factions within the ruling class. "Tonight, I call upon all of us to set aside our differences, to seek out common ground, and to summon the unity we need to deliver for the people we were elected to serve," he said.

The reference to "the people we were elected to serve" sounds much broader but the State of the Union speech is delivered to the joint houses of Congress, which is filled with millionaires and is, in large part, comprised of people who represent private interests.

Speaking of his administration he said, "Together, we are building a safe, strong, and proud America." Later he said, "Tonight, I want to talk about what kind of future we are going to have, and what kind of Nation we are going to be. All of us, together, as one team, one people, and one American family."

Note the reference to "family," not to a polity, which signifies a people with political rights, including the right to political power.

He goes on to define just what it means to be part of this "American family."

"We all share the same home, the same heart, the same destiny, and the same great American flag. Together, we are rediscovering the American way," Trump says.

He explains this "American way:"

"In America, we know that faith and family, not government and bureaucracy, are the center of the American life. Our motto is "In God We Trust." And we celebrate our police, our military, and our amazing veterans as heroes who deserve our total and unwavering support... Young patriots like Preston [a boy who put flags on the graves of veterans] teach all of us about our civic duty as Americans. Preston's reverence for those who have served our Nation reminds us why we salute our flag, why we put our hands on our hearts for the pledge of allegiance, and why we proudly stand for the national anthem."

Here Trump is not only calling for unity among the factions, but also targeting all those who may support a different flag, such as the flag of peace, which the U.S. flag certainly does not represent. Recent polls again confirm that the large majority of people in the U.S. are anti-war and stand against U.S. wars of aggression and occupation.

Trump also specifically targeted all those who have stood against police brutality and killings as well as the African American athletes and the many youth and people across the country

who have joined them in refusing to stand for the anthem. These forces have all targeted the government and demanded that action be taken to end police impunity and inequality and to defend the right to speak out and resist.

The national anthem represents the Republic, its wars and constitution, which are thoroughly racist and founded on genocide of the Indigenous peoples and the enslavement of Africans. All those who refuse to pledge and stand are not part of the “American family,” Trump implied. He backed this emphasis by promoting guests from the military, Immigration and Customs Enforcement (ICE) and police, applauding them as the country’s heroes.

### **Demands for Powers to Fire Federal Workers “At Will”**

In his State of the Union, Trump also called for the destruction of federal workers’ unions through “at-will” contract arrangements. “[...] I call on Congress to empower every Cabinet Secretary with the authority to reward good workers and to remove federal employees who undermine the public trust or fail the American people,” Trump said.

Trump bragged of having fired 1,500 Veterans Affairs (VA) health care workers for allegedly not providing proper care for veterans. He also alluded to the fact that the “right” of health care workers not to provide medical service on grounds of religious or moral belief has been imposed in the name of defending religious freedom. This is said to permit and protect those who do not believe in abortion to refuse to provide the service.

The paradox lies in saying that workers have the right to affirm their conscience on religious/moral grounds but when it comes to working conditions it is another story. The firing of VA workers was the segue to declaring that to honor veterans means eliminating the right of workers not to be fired arbitrarily and without cause. This aspect of Trump’s anti-worker, anti-union actions was generally ignored in the monopoly media’s coverage of Trump’s State of the Union speech as well as in the official response of the Democratic Party.

The notion of loyalty to veterans and soldiers Trump gave in his State of the Union is used to justify the government’s ability to fire federal workers “at will.” This would establish what is called “at will workers.” He basically said that in order to have accountability, workers must be deprived of all rights and that this will ensure veterans and others get what they need.

“At-will” employment is a term used in U.S. labor law for contractual relationships in which an employee can be dismissed by an employer for any reason (that is, without having to establish “just cause” for termination), and without warning.[1] This notion is typically traced to a treatise published by H.G. Wood in 1877, called *Master and Servant*. [2] As if 140 years of the struggle for rights never took place, it is an argument advanced today within U.S. ruling circles to make the reintroduction of slave-labor official legal policy with penalties for non-compliance.

### **Trump’s Attempt to Use Immigration to Unite Factions and Divide Workers**



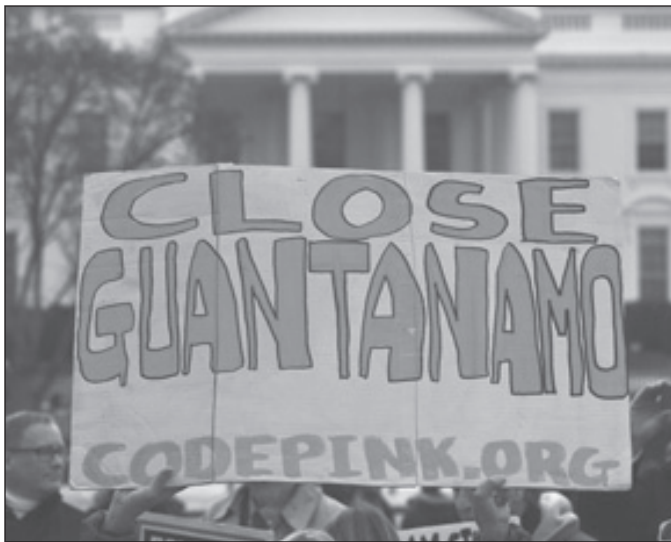
Trump used immigration to further set the stage to criminalize not only immigrants but those who support them, including at the level of state and local governments. He made a point of branding undocumented immigrants as criminals and gang members. By way of example he used the tragic killing of two young women from families with African American heritage:

“The savage gang MS-13 have [*sic*] been charged with Kayla and Nisa’s murders. Many of these gang members took advantage of glaring loopholes in our laws to enter the country as unaccompanied alien minors — and wound up in Kayla and Nisa’s high school.”

Here we see several aspects of how Trump operates. He is striving to win backing among the ruling factions for immigration laws that greatly increase enforcement and criminalization. He is also striving to divide workers, attempting to pit African American families against Hispanic families, particularly those targeted by current laws, especially Salvadorans who have been a significant portion of the immigrants coming into the country recently, many of them youth. He leaves out that the U.S. is responsible for conditions in El Salvador forcing many to emigrate, and that the MS-13 gang, now in El Salvador, has its origins in Los Angeles. Trump has removed Temporary Protected Status (TPS) for Salvadorans, meaning that many who have lived here for decades are now to be deported.

Workers originally from El Salvador, like many from Mexico, are an integral part of the U.S. working class. Both are a significant part of the resistance among U.S. workers and united efforts to defend the rights of all, such as at May Day demonstrations. Trump is hoping to block the further development of a political movement of the workers with these various attacks.

The many demonstrations involving hundreds and thousands of Americans from all walks of life, including the women’s marches and actions opposing Trump’s immigration bans, border wall and promotion of Nazis and KKKers, show the persistence of the people to build their united resistance for



their rights.

The Trump administration is also threatening to bring charges against city officials, such as those in California, Illinois and New York, who provide sanctuary cities for undocumented immigrants. These officials do not fully cooperate with ICE in holding or turning over immigrants who have been arrested on minor charges. Trump has already said sanctuary cities are a threat to national security. His State of the Union address raised the specter that if he does not secure the unity he demands, he may consider these government officials enemy combatants. He is already implying that those who defend immigrant rights and stand against police impunity should be considered “un-American” and treated accordingly.

### **Resurrecting Enemy Combatants and Guantánamo**

Trump specifically resurrected the use of the term “unlawful enemy combatant” and reintroduced the policy to use torture camps such as Guantánamo:

“Terrorists who do things like place bombs in civilian hospitals are evil. When possible, we annihilate them. When necessary, we must be able to detain and question them. But we must be clear: Terrorists are not merely criminals. They are unlawful enemy combatants. And when captured overseas, they should be treated like the terrorists they are...I am asking Congress to ensure that, in the fight against ISIS and al Qaeda, we continue to have all necessary power to detain terrorists, wherever we chase them down, wherever we find them. And in many cases, for them, it will now be Guantánamo Bay.”

This reiterates that the president alone determines who is and is not a terrorist, to be annihilated, and who is and is not an unlawful enemy combatant. The history of Guantánamo, its torture and illegal and indefinite detention, has shown this. The “wherever we chase them down” includes the U.S., as already occurred under Bush and Obama.

Trump is telling people at home and abroad that he is prepared to criminalize all who do not submit to his definition of being “American” and supporting “America.” He stated

this directly in relation to those abroad: “Around the world, we face rogue regimes, terrorist groups, and rivals like China and Russia that challenge our interests, our economy, and our values. In confronting these dangers, we know that weakness is the surest path to conflict, and unmatched power is the surest means of our defense.”

The “unmatched power” includes modernizing the U.S. nuclear arsenal and increasing the Pentagon budget still further, and further threats against Korea and Iran. Trump repeated the U.S. nuclear policy of “peace through strength,” saying: “We must modernize and rebuild our nuclear arsenal, hopefully never having to use it, but making it so strong and so powerful that it will deter any acts of aggression by any other nation or anyone else.”

“Perhaps someday in the future, there will be a magical moment when the countries of the world will get together to eliminate their nuclear weapons. Unfortunately, we are not there yet, sadly,” he added.

Trump also said that those who vote against the U.S. in the UN will be subject to this “unmatched power,” and deprived of U.S. aid. Referencing the UN vote where the large majority voted against U.S. plans to move its embassy in Israel to Jerusalem, he said, “I am asking the Congress to pass legislation to help ensure American foreign-assistance dollars always serve American interests, and only go to America’s friends. As we strengthen friendships around the world, we are also restoring clarity about our adversaries.”

Trump once again presented the use of force as the solution to deal with all those who his administration cannot control, whether at home or abroad.

At a time the old arrangements of the Constitution are no longer adequate to resolve conflicts within and between the warring factions, which are striving to control the political power for themselves, the conditions lead to open civil war and U.S.-led imperialist war. At the same time the striving of the American people and the peoples of the world is increasing to find solutions that serve their interests.

Trump is attempting to contend with the problem faced by U.S. rulers of open, violent civil war among the factions, coalitions and cartels and its spillover into broader imperialist war where the U.S. cannot predict the outcome. He is calling for unity based on a pledge of allegiance to the U.S. state, its military and police powers, while using “unmatched power” against those at home and abroad who refuse to submit.

How he thinks this will happen or how it would solve any problem facing the United States at this time has become a matter of much diversionary speculation. What the working class and people need is an anti-war government and a new direction for the economy that such a government would require.

### **Notes**

1. “At Will Employment,” Wikipedia.
2. A Treatise on the Law of Master and Servant: Covering the Relation, Duties and Liabilities of Employers and Employees. H. G. Wood, Albany, N.Y., J.D. Parsons, Jr., 1877.



# Trump Has Already Broken All of the Promises He Made to Workers During the State of the Union

*Karla Walter and Alex Rowell, February 1, 2018, TalkPoverty.org*

Tuesday night, January 30, President Donald Trump gave his first official State of the Union speech. The script was as expected: He bragged about his tax bill, repeated some promises about infrastructure, and promoted his administration's latest wish list of anti-immigrant policies. He even claimed to be concerned for "America's struggling workers." But a lot was conspicuously absent from the speech — including all the ways his administration has harmed those very workers.

When he was a candidate, Trump pledged to turn the Republican Party into a "worker's party." He claimed that each of his policy decisions would hinge on whether it creates "more jobs and better wages for Americans" and promised to side with workers instead of "special interests" and the "financial elite." But throughout his first year, he sided with corporations and the wealthy instead.

In 2017, Trump used his executive authority to pare down worker safety protections, make it harder for workers to receive the pay they earned, and hamstringing their ability to collectively bargain for decent wages and benefits. His administration took action to weaken mine inspection rules, undermine the quality and pay of apprenticeship programs, and delay and roll back rules that will prevent construction and agricultural workers from being exposed to toxic chemicals.

Under Trump's watch, the Department of Labor has signaled that it will use its regulatory power to roll back overtime coverage and protections for millions of workers and allow companies to legally confiscate employees' tips. It withdrew guidance that held corporations accountable for wage theft. And the National Labor Relations Board is trying to slow the process for workers to request a union election.

Already, Trump's agency appointees overturned a 2015 precedent that protected workers' rights to bargain with companies that influence their workplaces. These so-called "joint-employer" protections are increasingly important since large corporations are more often relying on temporary staffing agencies, labor subcontractors, and franchises to supply their labor force. Now corporate interests are pushing even more extreme legislation: A bill to roll back protections for minimum wage, overtime, and child labor violations by joint employers has already passed the House.

Trump's attack on workers extends to the public sector as well. The Trump administration has backed union opponents that want to eliminate fair-share fees in the public sector, attempting to overturn a 40-year-old Supreme Court precedent and weaken public sector unions. And in his State of the Union, he promised to make it easier for political appointees to fire federal public sector employees.

Just like last year's joint address to Congress, the president promised to create jobs with a new infrastructure program. However, his fiscal year 2018 budget shows that this "new plan" is

a shell game, since it would be paid for in part by cutting \$138 billion from the Highway Trust Fund, which currently funds highway and public transportation projects across the United States, and eliminating existing job-creating infrastructure programs like TIGER and New Starts grants.

And while Trump touted his infrastructure plan, he did not guarantee that the jobs created will actually support a family. While the federal government has upheld Davis-Bacon prevailing wage standards for nearly 90 years to ensure that construction jobs funded through federal spending provide decent wages, many on the right are pressuring the administration to leave out these protections. Trump failed to mention them last night. If the president really wants to help workers, he should guarantee that all jobs created by the infrastructure package include the prevailing wage protections and pay at least \$15 per hour, and expand contracting job quality protections broadly to ensure that all government spending creates well-paying jobs for workers.

The president also boasted about the performance of the U.S. stock market and the benefits of his tax cut bill. Yet neither today's market performance nor the tax bill will make substantial, long-term improvements in the lives of everyday Americans. The run-up in stock market value predominantly benefits the rich, as 80 percent of U.S. stock value is held by the wealthiest 10 percent of households. Meanwhile, despite Trump's false claim that "we are finally seeing rising wages," the average wage of production and non-supervisory workers rose by only four cents in 2017 when adjusted for inflation — a growth rate of just 0.17 percent, below the last four years of wage growth. And the tax bill — which Trump previously justified by saying working and middle-class taxpayers would "receive the biggest benefit — it won't even be close" — in fact gives the most to the richest taxpayers. This year, taxpayers making over \$1 million will bring home a tax cut 100 times larger than the average tax cut for families in the bottom 80 percent by income. And in 2027, once individual tax cuts expire, nearly 92 million families making less than \$200,000 annually will be paying more in taxes.

Viewers also heard Trump boast about one-time bonuses from companies seeking favor with the administration. However, the fact that some of these companies laid off thousands of workers as they were announcing the bonuses failed to make it to the presidential teleprompter.

Trump's claims during his State of the Union speech cannot hide the truth: Month after month, the Trump administration took action to benefit wealthy donors instead of working people. From denying overtime protections for millions of people, to raising health insurance premiums, to weakening safety protections for workers, he has continually failed to stand up for those he claims to support. His pledge to lead a new "worker's party" was a bait-and-switch, and he should be held accountable for this failure.

FOR YOUR INFORMATION

# Federal Government Lawsuit Against California

Dara Lind

The Department of Justice (DoJ) has filed a lawsuit against California over three laws it passed in 2017 that limit government officials' and employers' ability to help federal immigration agents, and that give California the power to review conditions in facilities where immigrants are being detained by Immigration and Customs Enforcement (ICE) and Border Patrol. [...]

California, like any other "sanctuary" jurisdictions, is not stopping ICE agents from being able to arrest, detain, or deport immigrants. In fact, ICE has already responded to the 2017 laws in its own way — by escalating raids in California. [...]

The administration's new lawsuit does not address all of California's restrictions on cooperation — like limits on when local jail officials can agree to hold unauthorized immigrants for 48 hours after they would otherwise be released so federal agents can pick them up. Instead, it aims at pieces of three different laws California passed last year: one that strictly limits law enforcement cooperation with ICE, one restricting what employers can do when ICE engages in workplace raids, and one about reviews of immigration detention facilities.

**SB 54 (California Values Act):** The "sanctuary" law. The Trump administration is suing to allow local law enforcement officials in California to do two things that SB 54 now prevents them from doing: 1) tell federal agents when an immigrant will be released from jail or prison, or give them other "nonpublic" personal information other than the immigrant's immigration status; and 2) transfer immigrants directly into federal custody from local jails without a warrant from a judge for their arrest local officials are allowed to do this if an immigrant has committed certain serious crimes).

The Trump administration argues that the restrictions on what local officials can tell federal ones about a detained immigrant violate federal law — specifically, a provision that bars local and state governments from telling their officials not to share information about "the immigration status ... of any individual." This is the same provision the Trump administration has been using in its attempts to block "sanctuary" jurisdictions from getting federal grants.

California argues that sharing information about when someone will be released from jail or prison is different from sharing information about their "immigration status." That argument has been upheld by a federal judge in the state — though, notably, not in the same district where the Justice Department is suing.

The Justice Department is also arguing that California is restricting federal immigration enforcement by requiring a warrant from a judge to take an immigrant into custody. [...]

**AB 103: The detention review law.** The DOJ is suing to strike down a law that requires the California attorney general to review any facility where immigrants are being detained by federal agents while waiting for an immigration court date or their deportation (or where unaccompanied minors are being held while waiting to be placed with a relative).



**AB 450: The workplace-raid law.** Just like the DoJ is suing to let law enforcement cooperate more broadly with federal agents with its challenge to SB 54, it is suing to let employers cooperate with federal agents during workplace raids or audits. The federal government is suing to strike down provisions that prevent employers from letting ICE agents access "nonpublic areas" of the workplace during raids or giving ICE agents access to employee records without a judicial warrant. (Though ICE agents would still be allowed to look over an employer's I-9 files, the form to verify an employee's ability to work in the U.S. legally.) And it is suing to stop employers from having to notify their employees within 72 hours of getting a notice of inspection of I-9 files from ICE and notify them again within 72 hours of getting the results if the employee has been flagged in the system as working illegally.

The DOJ argues that these restrictions "have the purpose and effect of interfering with the enforcement of the [federal] prohibition on working without authorization." This is basically the heart of the lawsuit: that California passed laws that are designed to stop the federal government from enforcing its laws, and that is not permissible under the Supremacy Clause of the U.S. Constitution. [...] In the federal government's view, "California has no lawful interest in assisting removable aliens to evade federal law enforcement." [...]

Even as the Justice Department sues California, ICE is as visible in the state as ever. The workplace-raids law the DOJ is suing over did not stop ICE from raiding several 7-Eleven franchises in California in January, armed with notices to inspect their I-9 forms. Nor did California's laws stop ICE from arresting more than 150 immigrants in a massive "sweep" in Northern California in February, including some who allege they were approached at random in public by an ICE agent and asked for their papers (something ICE generally denies it does).

The Trump administration has vocally criticized California officials for trying to impede ICE — it was furious with Oakland Mayor Libby Schaaf for alerting the public that the February sweep was coming, for example. [...] (*Vox.com*)

# West Virginia Teachers' Strike Gains Respect, Secures Pay Raise



The teachers' strike in West Virginia, done without a union and waged despite being illegal, sustained itself for nine days. The teachers, who showed they would not back down despite repeated threats, gained respect across the country for their determination and the social responsibility they showed. They secured a 5 percent pay raise not only for themselves but for all public workers in the state. They also showed great care for their students, nearly 277,000 statewide, providing food for them and childcare assistance for the parents.

The strike began on February 22 and spread across the state. More than 20,000 red-shirted teachers, mostly women, took to picket lines in all 55 counties and created a massive presence in Charleston, the state capital. They chanted *5 for All*, and *55 United*, reflecting the unity of all 55 counties. Many teachers wore red bandannas as the miners did at the Battle of Blair Mountain in 1921 — the major battle waged by armed miners, with the leadership of the socialists and communists of the day.

On March 5 the capitol building was briefly shut down due to the large numbers of striking teachers and supporters filling its halls. By 11 a.m., the capitol, which was built to accommodate 3,700, had amassed more than 5,000 people, with the line snaking into the building stretching for at least half a mile. Chants of "55 United," repeatedly rang out.

Teachers were on strike demanding a pay raise and a fix for the Public Employees Insurance Agency (PEIA), which provides healthcare coverage for state workers. Rising premiums and benefit cuts in recent years have meant a significant pay cut for many public employees. West Virginia teachers rank among the lowest paid in the nation.

Faced with great persistence and a complete shutdown of the schools, on March 7 the legislature passed a law providing

for the 5% raise for all public workers. West Virginia, despite its long and militant history of struggle for the rights of miners and all workers, is today a right to slave (work) state. Public employees do not have contracts and collective bargaining. Instead, the state legislates their pay and working conditions. Given this reality the strike also demonstrated that unity can be built and resistance organized despite these difficult conditions. The teachers themselves organized the picket lines and ensured the strike spread to all 55 counties.

As one teacher put it, "We've been here for nine days but long before that it started to kind of rumble. We are very hopeful and I think that we made our voices heard and the legislators and the senators heard what we have to say. I don't think they took us very seriously in the beginning, but we've literally been going to their offices three to four times in a week's time to tell them how we feel. I think they finally realized that we truly are not backing down."

The issue of the insurance premiums is still not settled. The Governor established a task force to work on it. A number of the teachers have their doubts and many are remaining vigilante that action actually is taken.

Another strike supporter said, "We've had 25 years of taking from the poor and the working class people and giving to the rich. To me, that's what this strike is all about. Yes, it's about education, but it's also about reversing that and taking from the rich to give to us, the poor. That's the only way forward for me, is to take from the rich and give to the poor and that's what this is all about."

Like the miners before them, teachers recognize that this is one battle and they are continuing to strengthen their united organizing.

# West Virginia Teachers Walk Out

*Sarah Jaffe, Dissent Magazine, February 23, 2018*

When Logan County special education teacher Leah Clay Stone entered the West Virginia capitol building on February 2, she saw a sea of teachers from the chamber doors of the Senate and House all the way back to the rotunda. Her county was part of the first work stoppage this month that saw public school teachers flock to the capitol building in Charleston to protest continued low wages, spiking insurance premiums, and poor working conditions.

The teachers flooding the galleries that day came from schools in just three counties. But since February 2 the rebellion has spread. February 23 marks the second day of a statewide work stoppage, with schools closed in all fifty-five counties. The teachers — who do not even have legal collective bargaining — wear red T-shirts with the outline of West Virginia and the word UNITED emblazoned across them, a visual that calls to mind not only the Chicago teachers' strike of 2012 but also the Wisconsin capitol occupation in 2011, against Governor Scott Walker and the legislature's move to take away collective bargaining rights from the state's public employees. Now West Virginia public employees are showing that even without collective bargaining rights, they too can make a heck of a lot of noise.

On February 23, thousands of teachers headed to the capitol, carpooling because the walkout included bus drivers. Others stayed close to home to make sure they had a presence in their schools, where they were met with support from students and parents. That support has been building over recent weeks: Ashlea Bassham's ninth- and tenth-grade students and others had already held their own walkout in Logan County, wielding signs that read "I'm in the bleachers for my teachers." Parents have held informational pickets and walk-ins, standing outside schools in the cold and the snow to support the teachers. The movement has spread from county to county, neighbor to neighbor, as teachers who live in one county and work in another talk to friends at home and on the job. "It literally was like a fire just catching and going," says Stone, who is the local vice-president for the Logan County Education Association, one of the two associations in the state.

At the beginning of the legislative session, the executive committee of the association called an emergency meeting to discuss changes being made to their insurance plan and other bills being introduced in the legislature. The teachers called for a vote to walk out. "I don't think there was anybody still seated. It was a resounding yes," Stone said. She then put her production-management background to use pulling together a voting process, getting representatives from every school to collect ballots. "We managed to get ballots into every school and all three bus garages and had them back into my hands and counted in twenty-four hours," she said.

The teachers were trying to avoid the district getting an injunction to halt their action, but instead the superintendent closed the schools, a pattern that would repeat itself in every county across the state as teachers stood up to join the statewide



day of action. [...]

## Teachers' working conditions are students' learning conditions

Like other teachers who have resorted to stopping work in recent years, the West Virginia teachers have emphasized that their goal is to make education better for every child in West Virginia. "Teachers' working conditions are students' learning conditions" has become the byword in these campaigns. The West Virginia teachers have demonstrated this commitment not only with their demands — for filling teacher vacancies, for smaller class sizes — but with immediate action. "As soon as we called the work stoppage for Thursday and Friday our locals took it upon themselves to start working with churches and food banks and different places to provide day care for the parents who needed it, to provide meals for the many students who get their hot meals at school," said Dale Lee of the West Virginia Education Association (WVEA).

The legislature and the board of the Public Employees Insurance Agency (PEIA) have begun to make some noises about conceding some to the teachers' demands, but nothing is concrete and the work stoppage is set to continue at least through February 26.

The teachers began to notice trouble in January, right at the beginning of the legislative session. In that first session, there were over thirty bills introduced that seemed ominous. When it comes to salaries, West Virginia teachers are already some of the worst off in the country — forty-eighth, according to Lee — and their health-insurance premiums had increased so much over the last year that it amounted to a pay cut. "I keep seeing this number thrown around—\$45K is the average teacher salary. I've been teaching for seven years and I am nowhere near that," Stone said. O'Neal added, "I moved here in 2015 and my second

year teaching, I made less than my first.” The state has a shortage of certified teachers because it is hard to convince people to enter a job when starting salaries for people with advanced degrees are still in the \$30–35,000 range.

The pay cut came from a change to how PEIA insurance was calculated—it shifted from being based on the individual teacher’s income to total family income. That could effectively double the already-high premiums for insurance that used to be seen as a counterbalance to low wages. On top of that, the teachers would be penalized if they did not participate in a wellness program.

These issues came on top of legislators proposing bills that threatened public education — such as introducing charter schools, “education savings accounts” (giving parents public funds to spend on educating their children, or a “backdoor voucher” in Lee’s words), so-called “paycheck protection,” which restricts the ability for automatic deduction of union dues, and other attacks on the already deeply restricted unions. Anger at the anti-union proposals opened the door to bring up other issues that had been frustrating teachers for much longer, like sky-high class sizes in secondary schools and a lack of electives for students.

Despite it all, Lee noted, “We have great schools. We’re right at 90 percent graduation rate, and for a rural state that is exceptional.” To him, legislators’ complaints about spending are disingenuous — the state is paying for past underfunding of retirement benefits and counting those dollars as education spending. Because West Virginia’s population is quite spread out, that also means that transporting students costs more than it would in more densely populated states.

Leah Clay Stone is a second-generation member of the West Virginia Education Association (WVEA) — she walked picket lines with her mother during a 1990 teacher strike. Her father was a coal miner through the 1980s. West Virginia is a state with a proud labor history that gets lost in the “Trump Country” profiles. Many of the teachers in today’s fight have personal experiences like Stone’s. It was not lost on anyone that the first teachers to stop work were from coal country, from Mingo and Logan Counties, the sites of the great mine wars.

Stone also recalls, as a teenager, going to party with friends on top of the infamous Blair Mountain, the site of what historian Elizabeth Catte, in her new book *What You Are Getting Wrong About Appalachia*, calls “the largest show of armed resistance in the United States since the Civil War — and the most significant labor uprising in the United States.” Immortalized in part in the 1987 movie *Matewan* and in memorable labor ballads, the Battle of Blair Mountain pitted workers and their allies against a “private army” that would later be praised by the National Rifle Association. [...]

Today’s action is the first statewide walkout of teachers in almost thirty years. “If you look at what teachers and their allies are posting on social media, you can see that they are connecting the upcoming action to the state’s important history of labor uprising, from Blair Mountain to Widen,” Elizabeth Catte told me via email. She pointed to a tweet from Richard Ojeda, a candidate

for Congress from the state, who posted a photograph of himself in a red bandanna with the caption, “The term redneck started when WV coal miners tied red bandanas around their necks during the bloody battle of Blair mountain to unionize. Today, our teachers channeled their history. #UnionStrong”

Stone said, “For the past few years we’ve struggled to keep membership even in our organization. But in this moment and this movement people have been finding out that they are the movement. If they want something done they have to speak up.” [...]

With collective bargaining banned for West Virginia teachers and public-sector workers, unions are voluntary associations — meaning that teachers at any given school might be members of the WVEA or the American Federation of Teachers-West Virginia (AFT-WV), or neither. Without collective bargaining, the WVEA’s Dale Lee explained, mostly the associations fight to get work issues that unions might bargain over — like duty-free lunches and planning periods — written into state law.

There is a separate association for school service personnel, the West Virginia School Service Personnel Association, who have also backed the job action — cooks, custodians, maintenance workers, and bus drivers. Beyond that, teachers are standing for all public employees who are struggling. “It’s not just a teacher issue, it’s not just a school issue, it’s our state not wanting to take care of the people who are trying to make our state a better place.” [...]

West Virginia’s government has long been dominated by coal and other extractive industries. In fact its sitting governor, Jim Justice, is a second-generation coal tycoon and a billionaire who owes his own state millions in back taxes. But Jay O’Neal, the Charleston teacher and organizer, is heartened that teachers and their supporters — including the mine workers’ union — are now calling for raising taxes on those extractive companies in order to fund education. In a literal sense, the teachers are fighting the same companies that the coal miners were, decades ago.

On February 22, teachers from all three education workers’ associations took to the streets and the capitol halls, dressed in red, bearing handmade signs, some of them wearing those red bandannas. They waved to passing drivers and marched with other unionists. Schools throughout the state remained shuttered February 23, and at an afternoon press conference, union representatives said they were prepared to continue the walkout until the state commits to address their demands: higher pay, fully funded insurance benefits, and rejection of the regressive bills. Stone cautioned, there is “quite a bit of grandstanding. . . . They want you to think that they’re doing everything they can for you but their voting record doesn’t show that.”

Public-employee strikes in West Virginia, as state Attorney General Patrick Morrisey has stated, are illegal. And yet the teachers have gone out anyway. These teachers recall that there were no laws protecting the mine workers in the 1920s. Stone said, “West Virginians have a long background of doing what’s expected until it gets to be too much, and then we make sure we do what’s right, and we really want our legislators to do what’s right instead of what’s expected.”

# Battle of Blair Mountain: Federal Troops were Called Against 10,000 Miners

Brandon Weber

Have you ever heard of the West Virginia mine wars? Maybe they were mentioned in your high school history class, or maybe they were skimmed over, or even left out entirely for one reason or another. Too often, these stories are deemed not “important” enough to warrant the time and attention they deserve.

The Battle of Blair Mountain, for example, was — and still is — considered the most violent labor confrontation in U.S. history, in which union-supporting coal miners, black and white, fought against local government and a coal company-funded militia, eventually involving the U.S. Army.

In the late 1800s in West Virginia, it was not easy to be a coal miner. For starters, mining was not just a job, it was a way of life — and a hard way of life. You lived in a company town, bought all your food and supplies at the company store, were paid in company money called “scrip,” sent your kids to the company school, read the company paper, obeyed the company-employed police ... on and on.

Because the coal companies controlled every aspect of the miners’ lives, they could do whatever they wanted: pay as little as they felt like, teach what they felt like, and trap the miners in a cycle of bare-bones survival as they saw fit. Tennessee Ernie Ford’s “Sixteen Tons” paints a good picture of the life of a coal miner (see words p.24). The job was rife with danger. Fatal accidents were frequent, and illnesses such as black lung disease claimed miners and their families alike.

As the decades wore on, the owners of these coal companies kept raking in the profits. The fledgling United Mine Workers of America (UMWA) started to gain a foothold in many parts of the country — and even in many parts of West Virginia — to fight for a better way of life. [The UMWA was integrated at the time and West Virginia became a state in part to resist the institution of slavery, which was widespread in Virginia — VOR



Ed. Note]

But southern West Virginia stayed mostly non-union, and the coal companies were quite determined to keep it that way.

The stakes were high and so was the tension building between workers and their bosses. And that tension built and built until it eventually exploded into what is to this day the largest armed insurrection since the Civil War.

*“Bloodshed Reigns In Virginia Hills!”*

That was the terrifying newspaper headline that described how those tensions erupted into violence during the Paint Creek-Cabin

Creek strike of 1912, near Charleston, West Virginia. It was the first major demonstration of the violence to come as the workers stood up for their rights.

Coal miners were fed up with the low wages and the poor working conditions — loading tons of coal for weeks, months, years on end in the cramped, dark mines, only to find themselves deeper in debt at the end of each day.

The miners demanded the right to unionize, the right to free speech and assembly, the right to be paid accurately and in real U.S. dollars rather than the company scrip. They were tired of being cheated out of their already meager wages. You see, being paid by the ton and having no access to scales, they had no choice but to take their earnings at the word of the company weigh men. “16 tons? Nah, that’s only 12 today.”

When nearly 10,000 miners finally went on strike, their protests were largely nonviolent. Until, that is, the mine operators called in the notorious Baldwin-Felts Detective Agency to break up the strike. Over 300 armed men descended on the area on behalf of Baldwin-Felts.

Beatings were common. Sniper attacks and sabotage were also used. Miners were forcefully taken from their homes and tossed into the street to live in tents. Inside these tents, people were starving.

### Miners called it the “Death Special.”

The tent colonies were soon subject to a new tactic from the company goons — a heavily armored train that the miners called the “Death Special” was sent through the tent colony, firing machine guns and high-powered rifles at tents.

In a Senate committee investigation that followed, reported by the *Wichita Times*, one woman described her encounter with the train:

Mrs. Annie Hill, who limped into the committee room, told how she shielded her three little children from the bullets by hiding them in the chimney corner of her little home at Holly Grove when the armored train made its appearance. She said she had been shot through the limbs and the bullet had gone through the Bible and hymn book on her parlor table.

Martial law was declared. [...]

After nearly 12 months, at least 50 people lay dead. The number grew when others succumbed to starvation and sickness from the near siege-like conditions in the tents and on the streets.

### Massacre in Matewan

Six years later, unionized miners in other parts of the country were seeing huge victories — like a 27 percent pay increase. This inspired the miners around Matewan, West Virginia, to join the United Mine Workers of America in record numbers. By the spring of 1920, 3,000 Matewan miners had joined.

But the Stone Mountain Coal Company retaliated.

This time, the miners had key public officials on their side: both the mayor and Sheriff Sid Hatfield.

So when the coal company called in the Baldwin-Felts (or the “Baldwin Thugs,” as the miners knew them), Sheriff Hatfield met them at the train station. After a brief verbal tussle, the Baldwin Thugs carried on, throwing six mining families and all of their possessions out of their homes and into the rain.

Word spread fast, and soon an enraged group of miners headed to the train station where Sheriff Hatfield had promised to arrest the Baldwin men.

The two forces came together on the steps of the Chambers Hardware Store. When the dust settled, the mayor was shot, seven Baldwin-Felts detectives were killed, and two miners were dead.

Sheriff Hatfield — who claimed credit for the deaths of two Baldwin Thugs — became a hero. This was the first time the seemingly invincible “Baldwin Thugs” had been defeated, which gave the miners hope. [...]

In the spring of 1921, charges against Hatfield and his men were either dismissed or they were found not guilty. The enraged Baldwin-Felts crew swore vengeance, and just a few months



Teachers rally in Charleston, with many wearing their red bandanas

later, they killed Sheriff Hatfield and his deputy on the steps of the county courthouse.

Nearly 2,000 people marched in their funeral procession. It wound its way through the town of Matewan and to the cemetery in Kentucky. As the rage built among the miners, it headed toward a final confrontation — the Battle of Blair Mountain.

Matewan was “a symbolic moment in a larger, broader and continuing historical struggle...”

*“Actual War Is Raging In Logan”: The Battle of Blair Mountain*

Another newspaper headline described the outbreak of violence, the culmination of decades of mistreatment by the mining companies and years of rising tensions. This was the Battle of Blair Mountain.

It was just after the Matewan Massacre, and thousands of miners began pouring out of the mountains to take up arms against the villains who had attacked their families, assassinated their hero, and mistreated them for decades. The miners wore red bandanas around their necks to distinguish themselves from the company men wearing white patches and to avoid getting shot by their own troops. (The red bandanas also symbolized for many their support for socialism, including the socialist and communist miners participating in the struggles. It should be remembered that the Great October Socialist Revolution had occurred in 1917 and workers everywhere saw examples of Soviet power, where workers in the Soviet Union had power and defended their interests and the fierce defense of their revolution being waged at that time. It is also thought that the term redneck comes from this battle, as a means to denigrate the miners and their support for the communists and socialists of the day. Red bandanas however are worn proudly by many

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## SALUTE WEST VIRGINIA TEACHERS

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of those in struggle in the state, including teachers involved in the recent wildcat strike. *VOR* Ed. Note)

The sheriff of Little Coal River sent in law enforcement to keep the miners at bay, but the miners captured the troopers, disarmed them, and sent them running. The West Virginia governor also lost his chance for a peaceful resolution when, after meeting with some of the miner's leaders, he chose to reject their demands. The miners were 13,000 strong as they headed toward the non-union territory of Logan and Mingo counties.

They faced Sheriff Chafin — who was financially supported by the coal companies — and his 2,000 men who acted as security, police, and militia. Chafin stationed many of his troops in the hills around Blair Mountain, West Virginia. From there, Chafin dropped tear gas and pipe bombs on the miners.

For a moment, it seemed like the confrontation might come to an end when a cease-fire agreement was made, and many of the miners began to head home. But the cease-fire broke when Sheriff Chafin's men were found shooting miners and their families in the streets of Sharples, West Virginia, just beyond Blair Mountain.

### Federal troops were called in to break the strike

*"Fighting Continues In Mountains As Federal Troops Reach Mingo; Planes Reported Bombing Miners,"* reported a *New York Times* headline shortly after August 25, 1921, when the battle escalated to a new point in U.S. history — with tactics that have not been seen before or since.

On August 30, President Warren Harding intervened, placing all of West Virginia under martial law. Harding sent 14 planes to West Virginia that were fully armed for combat but were only used for surveillance. According to Robert Shogan, "the Federal force that mattered most were the infantry units that began arriving ... [on] September 2, some 2,100 strong."

The miners never made it through Chafin's lines — and it is hard to say what would have happened if they had. After one



million rounds were fired, the miners retreated. It was time to go home and fight another day.

Over 100 people had been killed — about 30 on Chafin's side and 50-100 on the union miners' side. Almost 1,000 of the miners were indicted for murder and treason, and many more lost their jobs. [...]

But a single battle does not tell the whole story of the larger fight for justice. Each battle led to the next. Each fight solidified the resolve and desire of the miners and their families to stand up for their rights. In the end, the coal companies lost more than they gained. [The example of the miners] allowed a number of other unions, like the United Automobile Workers and the United Steelworkers of America, to flourish as well.

Ninety-four years after workers laid down their lives fighting for their rights, their story is taking root inside the building that used to be the Chambers Hardware Store in downtown Matewan. The first museum to tell the story of these brave people opened in May, 2015.

## Sixteen Tons

*Some people say a man is made outta mud  
A poor man's made outta muscle and blood  
Muscle and blood and skin and bones  
A mind that's a-weak and a back that's strong*

*You load sixteen tons, what do you get?  
Another day older and deeper in debt  
Saint Peter don't you call me 'cause I can't go  
I owe my soul to the company store*

*I was born one mornin'  
when the sun didn't shine  
I picked up my shovel and I walked to the mine  
I loaded sixteen tons of number nine coal  
And the straw boss said  
"Well, a-bless my soul"*

*You load sixteen tons, what do you get?  
Another day older and deeper in debt  
Saint Peter don't you call me 'cause I can't go  
I owe my soul to the company store*

*If you see me comin', better step aside  
A lotta men didn't, a lotta men died  
One fist of iron, the other of steel  
If the right one don't a-get you, then the left one  
will.*

*You load sixteen tons, what do you get?  
Another day older and deeper in debt  
Saint Peter don't you call me  
'cause I can't go  
I owe my soul to the company store*