

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEES ON CHILDREN AND YOUTH
AND EDUCATION

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, June 14, 2016
12:30 p.m.

PRESENT:

COUNCILWOMAN HELEN GYM, CO-CHAIR
COUNCILWOMAN JANNIE L. BLACKWELL, CO-CHAIR
COUNCILMAN DEREK S. GREEN
COUNCILMAN CURTIS JONES, JR.
COUNCILWOMAN CHERELLE L. PARKER
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA

RESOLUTION 160578 - Resolution authorizing the
Joint Committees on Children and Youth and
Education to hold hearings to discuss the
impact of twenty years of the "1996
Immigration laws" on Philadelphia's Immigrant
Community and their impact on the
school-to-Prison-to-Deportation Pipeline on
Philadelphia's Immigrant Youth.

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2 COUNCILWOMAN GYM: Good
3 morning, everybody. Good morning -- or
4 good afternoon actually. Good afternoon,
5 everybody. This hearing is now called to
6 order. This is a public hearing of the
7 joint City Council Committee on Children
8 and Youth and Education, and the purpose
9 of this public hearing is to hear
10 testimony on Resolution No. 160578.

11 I want to thank my colleagues
12 who are here today, Councilwoman Cherelle
13 Parker and of course my Co-Chair,
14 Councilwoman Jannie Blackwell, who is not
15 only the head and longtime head of the
16 Education Committee but has been an
17 enormous advocate for the immigrant
18 community, chairs the Mayor's Commission
19 on African and Caribbean Affairs, and has
20 long been an advocate for this.

21 Would you like to make any
22 opening statements, Councilwoman?

23 COUNCILWOMAN BLACKWELL: Thank
24 you.

25 Thank you all for coming. This

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2 issue is so very, very, very important,
3 and I want to thank Councilwoman Gym for
4 wanting to take this on and Councilwoman
5 Parker for always being here.

6 She mentioned the Commission on
7 African and Caribbean Immigrant Affairs
8 and Echoes of Africa, and for ten hours
9 on Odunde, for ten hours on one day,
10 yesterday, second Sunday in June, we
11 raised \$26.8 million. One day.

12 (Applause.)

13 COUNCILWOMAN BLACKWELL: Ten
14 hours.

15 So our city does a lot. It's a
16 \$40 million tax impact and 30 million
17 statewide. So you may not hear it
18 advertised on TV, but it's the real
19 thing. We're very proud, and proud of
20 any of you here who were involved.

21 Thank you.

22 COUNCILWOMAN GYM: Thank you so
23 much, Councilwoman Blackwell.

24 I also want to acknowledge my
25 fellow Councilmember, Councilman Mark

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2 Squilla, who represents the 1st District
3 and has been a stalwart supporter of
4 immigrant communities and issues
5 throughout his time here in Council. So
6 thank you, Councilman.

7 I am incredibly grateful to be
8 able to, with my Council colleagues, host
9 an incredibly important hearing. This
10 hearing is not just only about hearing
11 testimony; it's also about understanding
12 the impact of decades of laws that have
13 reverberating and deep impact many
14 decades later.

15 For years, immigrant
16 communities have been victimized by laws
17 that have unfairly targeted and penalized
18 them. Likewise in too many of our
19 schools, students encounter rules and
20 punishments that are overly punitive and
21 dolled out based on race.

22 In today's climate where
23 presidential candidates talk about
24 building walls and where just 60 miles
25 from here mothers, children, and families

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2 who fled unsafe, desperate, and dangerous
3 situations at home are illegally
4 detained, our country has a long way to
5 go to ensure that we live up to our
6 principles and respect the fact that our
7 nation is a nation of immigrants and that
8 it is to immigrants to whom we owe our
9 success. Odunde being another example of
10 that.

11 As Chair of Children and Youth,
12 I was honored to be approached by many
13 members of the immigrant community to
14 shine the light on the impact that
15 decades-old Draconian federal laws
16 continue to have on our immigrant
17 communities and our city as a whole.
18 Today, we will hear the stories of
19 Philadelphians, some of whom and many of
20 whom have been deported, and of the
21 activists who with little more than a
22 belief that all of us deserve justice
23 have been carrying on their message,
24 their name, the legacy, and have been
25 shouldering the work going forward.

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2 I want to thank my Co-Chair,
3 Councilwoman Blackwell, who has been such
4 a leader and a voice of conscience and
5 compassion for the immigrant community.
6 I want to thank all of the advocates who
7 are in this room who have been in
8 attendance. Many of us have worked
9 together for many years to advance this
10 issue. And I want City Hall and today's
11 hearing to be a welcome place to hear all
12 stories. So thank you very much.

13 Recognizing the presence of a
14 quorum of Committee members, I would like
15 to ask that the Clerk read the title of
16 the resolution.

17 THE CLERK: Resolution 160578,
18 authorizing the Committee on Children and
19 Youth and the Committee on Education to
20 hold hearings to discuss the impact of
21 twenty years of the "1996 Immigration
22 Laws" on Philadelphia's Immigrant
23 Community and their impact on the
24 school-to-Prison-to-Deportation Pipeline
25 on Philadelphia's Immigrant Youth.

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2 COUNCILWOMAN GYM: Thank you
3 very much. And will the Clerk please
4 call the first panel and witnesses.

5 THE CLERK: Mia-Lia Kiernan,
6 Chally Dang, Naroen Chhin.

7 COUNCILWOMAN BLACKWELL: Madam
8 Chair, only because I'm excited, let me
9 say that yesterday we also had the Ooni
10 of Ife, who is based in Nigeria and who
11 represents 250 million people, the Yoruba
12 folks across the country.

13 COUNCILWOMAN GYM: Thank you.
14 (Witnesses approached witness
15 table.)

16 COUNCILWOMAN GYM: Thank you,
17 Mia-Lia. Thank you, Naroen and Chally,
18 who is here on Skype from Cambodia. We
19 will be getting to all of your testimony.

20 If you could please state your
21 name for the record and proceed with your
22 testimony. Thank you.

23 MS. KIERNAN: My name is
24 Mia-Lia Kiernan. I am a Co-Director of
25 1Love Movement and also a Commissioner on

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2 Governor Wolf's Advisory Commission on
3 Asian American Affairs. Thank you and
4 good afternoon, Councilmembers, and
5 special thank you to Councilwoman Helen
6 Gym and Councilwoman Jannie Blackwell for
7 seeing the importance and urgency of this
8 issue. We thank you for bringing us
9 together to testify and uncover the
10 impacts of the 1996 immigration laws and
11 the school-to-prison-to-deportation
12 pipeline.

13 For those who don't know,
14 what's become known as the "1996
15 immigration laws" consisted of two
16 massive bulk immigration bills passed in
17 April and September of 1996, and those
18 bills were named the Antiterrorism and
19 Effective Death Penalty Act and the
20 Illegal Immigration Reform and Immigrant
21 Responsibility Act. I'll give a brief
22 overview of what these laws did, but
23 others will break it down further later
24 on in the hearing.

25 On paper, these laws, one,

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2 broaden the definition of aggravation
3 felony under immigrant law to include
4 everything from shoplifting to murder as
5 deportable crimes.

6 Two, they made deportation for
7 an aggravated felony mandatory, meaning
8 they stripped individualized review, due
9 process, and judicial discretion from
10 deportation cases and also took bond away
11 from people who were in detention.

12 Three, they made deportation
13 for an aggravated felony permanent,
14 meaning there was no right to return to
15 the U.S. ever.

16 Four, they made all of this
17 apply retroactively, meaning that you
18 could be permanently deported from the
19 United States for a crime committed
20 before these laws even existed.

21 In our communities, these laws
22 criminalized immigrant and refugee youth,
23 broke thousands of families apart, led to
24 the incarceration and removal of
25 countless community members, left a

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2 generation of kids without parents, and
3 all under the guise of protecting the
4 public for, quote/unquote, threats to
5 society.

6 We're talking about the 1996
7 immigrant laws today because this year,
8 2016, marks 20 years of our communities
9 living under these laws. It's time for
10 us to uncover the impact these laws have
11 had on people, families, and communities.
12 These laws were passed during a time when
13 the war on drugs, the war on crime, and
14 the war on terror converged and formed
15 the perfect political scapegoat, the
16 criminal alien.

17 Today we'll hear from people
18 who have been categorized criminal alien,
19 their families, and their supporters, and
20 we hope Council can see how these
21 oppressive laws have left the humanity of
22 our people in the shadows as we work to
23 bring them to light today.

24 I'll pass it off now to Chally
25 Dang and other deported Philadelphians

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2 who are joining us via Skype from
3 Cambodia.

4 COUNCILWOMAN GYM: Thank you
5 very much.

6 Before we proceed with
7 Mr. Dang's testimony, I just want to
8 acknowledge the presence of Councilman
9 Curtis Jones, Jr., who is Chair of Public
10 Safety, and it is an honor to have you
11 here. Thank you.

12 Mr. Dang, could you proceed.
13 Introduce yourself and proceed with your
14 testimony. Thank you.

15 MR. DANG: Yes. My name is
16 Chally Dang. I was a former resident of
17 Philadelphia myself. I was born in a
18 refugee camp after my family
19 (unintelligible) genocide of Cambodia
20 back in 1979. So when I was born in a
21 refugee camp, about a year later we were
22 pretty much, you could say, adopted by
23 America and were sponsored to live in
24 America.

25 I lived in Philadelphia all my

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2 life until I was about the age of 15. I
3 made a mistake, I committed a crime and
4 served five and a half years for that
5 crime, but since I was 15, because of the
6 nature of my crime, I was certified as an
7 adult.

8 So after serving my time, I was
9 detained by Immigration, and within six
10 months, I was released under supervision,
11 because at that time Cambodia was not
12 ready to accept Philadelphians back at
13 the moment. So for seven years while I
14 was under supervision, I became your
15 taxpaying civilian. I became that
16 transformed, that rehabilitated
17 individual who was given that second
18 chance to prove himself. So I had
19 employment. I paid my taxes. I chose to
20 have a family. I bought a house,
21 vehicles, all thinking I'm still this
22 American citizen who I always grew up to
23 believe I was.

24 So one day I was -- I received
25 a call from Immigration Office

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2 headquarters in the 16th and Callowhill
3 and they told me to come in for a review.
4 At that time, my then-wife, she was eight
5 months pregnant with my last baby. And I
6 went there in the car with my other two
7 children. I went to check in, reviewed
8 my case, and unfortunately I was not
9 allowed back out. I made a collect call
10 from the cell, and right then and there,
11 she knew that I was never coming back
12 home. She was left with two kids at the
13 moment in the car and herself eight
14 months pregnant and not knowing what to
15 do, because me being the breadwinner, I
16 was immediately ripped apart from my
17 family. I was -- at that moment, my
18 children became statistics. They became
19 the children who were living off of
20 welfare, again, because I provided -- I
21 made sure my family didn't have to depend
22 on welfare or anything else, but because
23 I was ripped -- I was ripped away from my
24 family, my kids are now one parent less,
25 and now I'm considered in the eyes of

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2 some as a deadbeat because I'm not there
3 to be able to physically provide for my
4 children, and it really hurts, because I
5 knew nothing about Cambodia. I was not
6 born in Cambodia, never stepped foot in
7 Cambodia. But the law, because of what
8 Mia said, that was retroactive, something
9 I committed back in 1997 followed up on
10 me until 2010, and because of that label,
11 because I was still a criminal under the
12 government's eye, they said I had to
13 leave the country and go back to
14 Cambodia.

15 I went back to somewhere I've
16 never been, to a place I didn't
17 understand the language, and it's just --
18 I had to adapt. But it's been hard being
19 away from my children, being away from my
20 family, having no one here.

21 Five years here already and I
22 feel like I haven't achieved what I
23 should in life. Philadelphia is where my
24 heart is, even though I do believe in
25 love for Cambodia. I just -- at times I

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2 just feel lost. I feel like this is a
3 dream, but one day I could wake up and
4 I'll get an e-mail or someone can give me
5 a call and say, You're allowed back to go
6 home, you're allowed to go back home,
7 you're allowed to go back with your
8 children.

9 Because of this issue, because
10 of this situation, I had to leave five
11 children behind. The oldest is only 11
12 years old. My youngest hasn't even met
13 me physically in person. Because of the
14 distance, it has created a lot of tension
15 between the mother and my children, where
16 I rarely get to talk with my kids.

17 So I do what I can. I try to
18 get by, but at the same time, I just wish
19 I could be back in Philly.

20 MS. KIERNAN: Chally, you want
21 to introduce anybody else?

22 MR. DANG: Yes. I'm going to
23 let the other brothers here, who also are
24 all from Philadelphia who has been
25 deported themselves, share a little word

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2 about how they feel and how they've been
3 impacted by the whole situation.

4 MR. IV: Good morning,
5 Philadelphia. My name is Mout Iv. I was
6 arrested in Philadelphia living in the
7 Logan area from 1986 until 2011 when I
8 got deported and -- yeah. I've been
9 deported back to Cambodia since 2011.

10 When I was in Philadelphia at
11 the age of 21, I committed a crime and I
12 was incarcerated, and I had paid for the
13 crime, but during my incarceration, I
14 earned my GED, I earned my fiberoptic
15 degree, my barber license, and then I was
16 released on parole due to good behavior,
17 due to rehabilitation. And when I was
18 released, ICE took me in, formerly known
19 as INS. They held me for an additional
20 year because of my status of not being an
21 American citizen, even though I was
22 living in America for all of those years.

23 Sorry, but there's an echo.

24 So, yeah. During my
25 incarceration, I was paroled and then I

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2 was released on good behavior and
3 rehabilitation status, and then ICE took
4 me in for a year. They couldn't deport
5 me because of document issues, and then I
6 was released under supervision in 2004.
7 From 2004 to 2010, I was, you know,
8 checking in, doing what I was supposed to
9 do. I was able to save up from cutting
10 hair. From earning my barber license in
11 prison, I was able to open my own barber
12 shop up in Olney. And, yeah. I mean,
13 you know, I was a community leader. And
14 I look back to the community because I
15 believe in the community and I believe in
16 just, you know, being a part of something
17 positive.

18 So, yeah. Now I'm back in
19 Cambodia, and I left a daughter behind.
20 She'll be six years old on the 21st of
21 this month. And my mom is present and
22 right now she's there. And so, yeah. I
23 mean, you know, I just, you know, want to
24 be back to my family, you know,
25 especially for my mom, because she's not

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2 well.

3 So I'll pass this on to my next
4 Philadelphian who is also here. Thank
5 you.

6 MS. KIERNAN: You guys have
7 about four minutes.

8 MR. CHAMBER: Good morning,
9 Philadelphia. My name is Rack Chamber
10 (ph), and I caught my case -- I came to
11 the United States, it was 1996 and I
12 caught my case when I was 25 years old.
13 Then they gave me a sentence to five or
14 ten years. Did my time. Never went
15 home. Got deported from after my time.
16 And I'm here, leaving a daughter behind
17 with no parents, because her mom just
18 passed away. And I'm in a situation
19 where my daughter don't have no parents
20 because her mom recently passed away.
21 And my charges was technically delivery
22 of cocaine and gun possession. And never
23 able to go home, and I'm here in Cambodia
24 for two years already, and I'm in a
25 situation where my daughter don't have no

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2 parents. And I need my daughter -- I
3 need my daughter to see me, because she
4 has nobody. I can't even imagine what
5 she going through right now. So I'm in a
6 situation where I can't do nothing
7 because I'm here in Cambodia.

8 MR. SANG: How you doing,
9 Philadelphia? My name is Lan Sang (ph).
10 I've been convicted as -- I've done
11 possession, attempted delivery,
12 possession of firearm in 2004 and was
13 ordered removal in 2007. Got deported in
14 2011. Been here five years now, you
15 know. Since I've been over here, it's
16 been a long struggle. Been a long
17 struggle. It's hard to get jobs, missing
18 my daughter, not got a chance to watch my
19 daughter grow, you know. But through
20 these years, I still fight. I still
21 strive. Now I'm a manager at two jobs
22 and starting my own clothing brand like
23 (unintelligible) clothing, you know.
24 Just inspire those that we still have
25 faith, we still have hope.

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2 It's been a hard ride for me,
3 but, I mean, my daughter about to start
4 school in September and I would love to
5 be there for that, because I missed her
6 first everything already, and I really,
7 really need to be out there or, you know,
8 like -- I believe that everybody is
9 capable of changing, because I did it. I
10 never used to work and now I manage two
11 jobs as a manager and starting my own
12 brand. And this is stuff that I want to
13 give back to my Philadelphians youth,
14 because I know what they going through,
15 and if they see the change in me,
16 hopefully it motivates them to do the
17 same.

18 Thanks for letting me share.
19 Thanks for listening. I appreciate
20 y'all.

21 MR. DANG: In closing, we just
22 want to thank you for having us and
23 blessing us with your presence. In all,
24 we just want to say we made mistakes.
25 Everyone makes mistakes. We're all

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2 human. But it takes another human to
3 give another person a second chance, and
4 that's all we're asking for, a second
5 chance. So, once again, we just want to
6 thank all of you, Philadelphia. We love
7 you all the way from Cambodia.

8 Good morning. Good night.

9 (Applause.)

10 COUNCILWOMAN GYM: Thank you.

11 Thank you so much. Thank you, Chally,
12 and thank you to other members of our
13 Philadelphia family who are in Cambodia
14 in exile because of some of these unjust
15 deportation laws that are forcing our
16 Philadelphia residents, after they served
17 time that have been applied
18 retroactively, even before the law was
19 enacted, and are pushing people, many of
20 them, back to a country that they do not
21 know or remember, and we're struggling to
22 fight for justice from our City Hall.

23 Could I just acknowledge the
24 family members of those who testified
25 today from Cambodia. Could you just

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2 stand up so we can recognize you.

3 (Applause.)

4 COUNCILWOMAN GYM: Thank you so
5 much for being here.

6 I want to recognize my
7 wonderful colleague Councilwoman Blondell
8 Reynolds Brown, also long an advocate of
9 children and youth, of serious issues in
10 that the City is committed not only to
11 second chances but to a real approach
12 towards reforming some of these unjust
13 laws that are condemning many of our
14 young people.

15 Mr. Chhin, you can proceed with
16 your testimony. Thank you.

17 MR. CHHIN: Good afternoon,
18 Council. Thank you, Councilwoman Helen
19 Gym, for making this happen, and
20 Councilwoman Blackwell as well. I want
21 to say hello to my Councilman here,
22 Curtis Jones.

23 My name is Naroen Chhin. I am
24 a Co-Director of 1Love Movement. I
25 represent the brotherhood of university

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2 employee SEIU Local 612 as a shop steward
3 in Temple University. I serve
4 Philadelphia as a Board member of the
5 Mayor's Police Community Oversight Board
6 on top of my full-time job as a
7 housekeeper for Temple University, aka,
8 custodial engineer. Previously I chaired
9 the Philadelphia Northwest Neighborhood
10 Advisory Committee. I am also a refugee
11 from Cambodia and I have a felony
12 conviction. I am a U.S. citizen and I
13 did not have to face the consequence of
14 deportation, but I have supported my
15 friends and their family and other
16 community members as they have gone
17 through the deportation process.

18 I am here today to speak on my
19 community experience in Philadelphia on
20 the local impacts of the 1996 federal
21 immigration law. Our organization, 1Love
22 Movement, started because there was a
23 deportation crisis in our community in
24 2010. Several members of our community
25 who came to the U.S. as refugees were

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2 rounded up by deportation agents because
3 of the offense that they committed when
4 they were only teenagers. They had
5 already served their time, left prison,
6 and transformed themselves. They were
7 giving back to the community. They had
8 built families, bought homes, started
9 businesses, and all of that was taken
10 away from them.

11 We witnessed the ability of our
12 friends and family members to turn their
13 lives around, but even though they had
14 transformed themselves, they were still
15 subjected to a second level of punishment
16 for mistakes they made in the past when
17 deportation became involved.

18 I want to speak more today
19 about the transformative justice, the
20 right to reenter and the right to return.
21 We know that violence and harm happens in
22 our communities every day. As Cambodian
23 refugees who fled the genocide, we know
24 very deeply the impacts of violence. We
25 know very deeply the impact of the most

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2 violent crime - murder. We also know
3 deep in the system that create situation
4 for us to cause harm to each other, and
5 we know the power of our hearts and
6 humanity to have compassion, to forgive,
7 to heal, and to transform our past
8 actions into leadership, belief,
9 solidarity, and love. It is because of
10 this that we cannot divide up our
11 community between criminal versus
12 non-criminal and even violent versus
13 non-violent offenders. Our movement has
14 to address all harms in real ways abroad
15 so that there are community members in
16 every city in America will be empowered
17 to roll back the 1996 laws. This
18 revealing is what inspire us today, to be
19 here today.

20 With the influx of refugees
21 coming into Philadelphia from
22 Afghanistan, from Iraq, Liberia, Syria,
23 and Bhutan, much of which is due to U.S.
24 military and foreign policy around the
25 world, Philadelphia can take a stand to

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2 push back against the 1996 laws. Let's
3 today be a testament of our
4 Philadelphia-Cambodia community
5 experience of the impact of the 1996 law
6 so other communities won't experience
7 what my community went through, the
8 Cambodian community.

9 One Love Movement and the
10 Southeast Asian Freedom Network, SEAFN,
11 urge Philadelphia City Council to take
12 the lead for local communities around the
13 country, as it has many times in the
14 past, and pass a resolution in support of
15 rolling back the 1996 immigration laws
16 and ending the
17 school-to-prison-to-deportation pipeline
18 that these laws created.

19 Thank you for your time.

20 (Applause.)

21 COUNCILWOMAN GYM: Thank you
22 both so much, and thank you for that
23 powerful testimony and all the work
24 you've done to advance this issue. I
25 just want to especially acknowledge that

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2 your voice is not only heard here in
3 Philadelphia but you've made it loud and
4 clear in the halls of Washington, DC and
5 in our federal government, and we'll be
6 right with you all the way. Thank you.

7 MR. CHHIN: Thank you,
8 Councilwoman.

9 MS. KIERNAN: Thank you,
10 Councilwoman.

11 (Applause.)

12 COUNCILWOMAN GYM: Could the
13 Clerk please call the next panel.

14 THE CLERK: Miguel Esteban
15 Andrade, Ben Ndugga-Kabuye, and Romeeka
16 Williams.

17 (Witnesses approached witness
18 table.)

19 COUNCILWOMAN GYM: Welcome.
20 Thank you so much for being here today.
21 We appreciate you and your testimony and
22 your work. If you could start and
23 introduce yourself prior to speaking and
24 then proceed with your testimony. Thank
25 you.

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2 MR. ANDRADE: Good afternoon,
3 everybody. My name is Miguel Andrade and
4 I am the former youth organizer for
5 Juntos, a Latino American-led community
6 organization based out of South
7 Philadelphia.

8 First, I want to thank you,
9 Councilwoman Gym and Councilwoman
10 Blackwell, for co-hosting this important
11 hearing and letting us speak on this
12 important issue that is relevant for a
13 lot of people here in Philadelphia.

14 While I was working at Juntos,
15 I primarily worked with undocumented
16 young people in the Philadelphia public
17 school system, and for almost five years,
18 I worked with Latino immigrant young
19 people on many issues, but one of the
20 main ones that always seemed to come up
21 was the issue around college,
22 specifically access to college.

23 It is not uncommon for
24 immigrant youth to hear this phrase or
25 one similar to it at home: "We came here

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2 to give you a better future." I should
3 know. I'm an immigrant myself who came
4 to the U.S. at the age of five, and I
5 hear this phrase often in my own home.

6 For a lot of our parents, a
7 better future means an education, an
8 education that maybe they themselves
9 weren't able to get. It means that we
10 might possibly be the first ones in our
11 families to graduate college or even high
12 school.

13 From a young age, we as young
14 immigrants are told that one of the main
15 reasons we are here, away from our home
16 countries, is because of our future.

17 Even the government tells us
18 that to be considered worthy of being
19 here, we have to be perfect students.
20 President Obama's Deferred Action for
21 Childhood Arrivals, commonly known as
22 DACA, makes it a requirement for us to be
23 either enrolled, have graduated or have
24 gotten a GED to be able to stay in this
25 country and not fear being torn away from

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2 our loved ones.

3 What we are not told is that in
4 reality we will often receive little to
5 no support from the institutions we
6 attend. What we are not told is that due
7 to the very nature of us not having been
8 born in this country, we'll be
9 marginalized, bullied, discriminated, and
10 criminalized.

11 It's a terrifying time to be an
12 immigrant in this country right now.
13 Hate and violence are rampant nowadays,
14 and schools are supposed to be
15 sanctuaries for our young people.
16 Instead, a steady stream of budget cuts
17 have pretty much decimated our public
18 schools, and the over-policing of them
19 have turned what are supposed to be safe
20 havens of learning into prison and
21 detention-like environments. We have
22 allowed these violent systems of
23 oppression to seep into our classrooms.
24 Our city's immigrant youth go
25 to schools that are criminally

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2 underfunded. They go to schools where
3 there aren't enough textbooks for each
4 student to have their own. They go to
5 schools where the bilingual aide that is
6 supposed to help translate for them and
7 their parents isn't present because
8 they've either been let go or they are at
9 one of the other five schools that they
10 have to be at. They go to schools where
11 their counselors aren't prepared enough
12 to help an undocumented immigrant go
13 through the college application process.
14 They go to schools where there are more
15 cops in the building than there are
16 counselors. All of these things are acts
17 of hate and violence towards young
18 people.

19 Instead of supporting and
20 helping our young people, we are actively
21 pushing them out of school and into the
22 school-to-prison/deportation pipeline.

23 For immigrant young people who
24 arrive in this country before the age of
25 14, 28 percent of them do not complete

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2 high school. That number jumps up to 46
3 percent for those who arrive when they
4 are older than 14.

5 The school-to-prison/
6 deportation pipeline is an active act of
7 violence against our immigrant
8 communities and communities of color.
9 This act of violence isn't random. It is
10 calculated and systemic. It shares its
11 roots with the same systems that force
12 our black brothers and sisters to scream
13 out that their lives matter. It shares
14 its roots with the systems that allow a
15 woman to be raped and her rapist to only
16 serve months even after being found
17 guilty. It shares its roots with the
18 system that allowed 50 of our Latino
19 LGBTQ familia to be taken from us.

20 We as a society can and must do
21 better. If what our parents believe is
22 true, that they came here for a better
23 future for us, then we must ensure that
24 these violent systems are eradicated and
25 that we are all able to learn, live, and

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2 thrive freely.

3 I strongly urge Philadelphia
4 City Council to take the lead for local
5 communities around the country, as it has
6 many times in the past, and pass a
7 resolution to support a rolling back of
8 the 1996 immigration laws and ending the
9 school-to-prison-to-deportation pipeline
10 that these laws have created.

11 Thank you for your time.

12 (Applause.)

13 COUNCILWOMAN GYM: I just want
14 to also acknowledge the presence of
15 Councilman Derek Green who is here.
16 Thank you very much, Councilman Green.

17 Please proceed. Thank you.

18 MR. NDUGGA-KABUYE: Hello. My
19 name is Benjamin Ndugga-Kabuye and I'm a
20 member of the Black Alliance for Just
21 Immigration, and I'm here to speak to the
22 national scope of the Fix '96 Campaign
23 and particularly in the spirit of the
24 movement for black lives, touch on the
25 impact of the 1996 laws on black

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2 immigrants and the broader black

3 Diaspora.

4 Before I begin, I would like to
5 thank Councilwoman Helen Gym, the
6 Committee on Children and Youth, the
7 Committee on Education for sponsoring
8 this hearing, and the coalition that has
9 gathered to bear witness to the legacy of
10 the last 20 years. For those of us in
11 this coalition, we're here because we
12 remember freedom. We know it like our
13 own reflection intimately, yet strangely
14 distant. We are here to take a measure
15 of freedom and to give an account of the
16 cages that have been built over decades
17 of black un-freedom.

18 The stories you have heard
19 today write social death into the record.
20 Twenty years ago this country laid the
21 foundation of the modern immigration
22 enforcement system, a cage founded on a
23 slave society and whose welcome mat was
24 and still is the criminal justice system.

25 This is the anti-black

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2 underbelly of American politics that
3 we're currently assessing on the national
4 stage. While 1994 had a federal crime
5 bill that added 100,000 police officers
6 to local law enforcement across the
7 country, 1996 was a year of cages that
8 saw the signing of the Antiterrorism and
9 Effective Death Penalty Act and the
10 Illegal Immigration Reform and Immigrant
11 Responsibility Act. These laws created
12 over 50 crime categories that became
13 aggravated felonies that could be
14 retroactively applied, with mandatory
15 detention and deportation, all while
16 legal representation for non-citizens in
17 immigration court was eroded.

18 The aggravated felony category
19 in particular is one of the government's
20 most powerful tools for deportation,
21 because it strips an immigrant of most
22 choices in the deportation process. An
23 immigrant, including a lawful permanent
24 resident with a green card, who is
25 convicted of an offense categorized as an

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2 aggravated felony is subject to no bond,
3 meaning mandatory and indefinite
4 detention, and no possibility of relief,
5 meaning mandatory deportation.

6 This term was first created
7 during the war on drugs by the 1988
8 Anti-Drug Abuse Act, but Congress
9 expanded this term numerous times over
10 the years and most extensively in 1996.

11 The impact has been severe.
12 For example, in 1993 to 2002, criminal
13 deportations of black immigrants ranged
14 between 57 to 75 percent, reaching the
15 peak of 75 percent in 1996. A
16 significant proportion of criminal
17 deportations are due to drug-related
18 convictions. Therefore, the war on
19 drugs, which is a war on black
20 communities, is also a war on black
21 immigrants.

22 In these two decades since
23 1996, the majority of our people have
24 been processed through local jails and
25 prisons, interacting first with police

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2 officers before being deported. In the
3 shadow of America's criminal justice
4 system, we have seen African and
5 Caribbean immigrants have some of the
6 highest proportions of criminal alien
7 deportations. Black immigrants make up
8 only 7 percent of the immigrant
9 population, but over 21 percent of those
10 deported because of contact with the
11 criminal justice system.

12 Black immigrants who make up 16
13 percent of the black workforce have a 40
14 percent wage gap with their white
15 counterparts. That is to say, despite
16 high levels of schooling, black
17 immigrants make 60 cents to the dollar of
18 white Americans. And unlike other
19 immigrants, these economic barriers do
20 not lessen with the wisdom of time in the
21 American system. With severe economic
22 barriers and the unrelenting criminal
23 justice system, it is no wonder
24 undocumented black immigrants are
25 deported at five times their population

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2 in the undocumented community.

3 Even across the diverse social
4 classes within our wide Diaspora, we bear
5 witness to a number of strange social
6 phenomenon. In cities and towns across
7 the country, including Philadelphia,
8 wealthy black children are now more
9 likely than poor white children to go to
10 prison, much, much more.

11 Black people are seen as
12 criminal, not because of what they do but
13 because of who they are. While the
14 federal government has committed itself
15 to building a jail-to-deportation
16 pipeline, local municipalities have
17 poured an increasing amount of supposedly
18 meager resources into local jails and
19 police forces while cutting budgets for
20 housing, education, and jobs and all the
21 things that make our communities strong.
22 In fact, institutions like schools are
23 themselves being remade into way places,
24 allowing the various deportation
25 pipelines. So while we have a

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2 school-to-prison-to-deportation pipeline,
3 there is a
4 cradle-to-prison-to-deportation pipeline
5 along with a supportive
6 housing-to-prison-to-deportation
7 pipeline, and on and on and on.

8 Black immigrants landing in
9 America's ever-moving current of
10 anti-blackness have been devastated by
11 the added consequences of detention and
12 deportation, along with the inhumane
13 ruthlessness of the criminal justice
14 system.

15 In the spirit of anniversaries
16 and carving black resistance into the
17 record, I would like to take some time --
18 to take some of the time we are
19 contending with right now to remember
20 David Felix, a Haitian immigrant who was
21 killed by the police last year. After
22 arrests, prison, immigration detention,
23 and homelessness, David Felix was killed
24 in the lobby of his supportive housing.
25 For 21 days, the body of David Felix was

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2 unclaimed, in part because whether
3 through the immediate death of police
4 brutality or the prolonged slaughter of
5 deportations and detention, the death of
6 black immigrants has become normal and
7 mundane, background noise to the passing
8 of time.

9 The Fix '96 Campaign is an
10 effort to undo and dismantle a moment in
11 time. Twenty years ago this country
12 built the cages we live in today, and in
13 the presence of the living and the dead
14 and the many absent witnesses who we hold
15 in our testimonies here today, we are
16 calling for local and national Fix '96
17 support to repeal the 1996 legislation
18 that has dominated the last 20 years of
19 local policies and national legislation.

20 The Black Alliance for Just
21 Immigration urges the Philadelphia City
22 Council to take the lead for local
23 communities around the country, as it has
24 many times in the past, and pass a
25 resolution in support of rolling back the

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2 1996 immigration laws and ending the
3 school-to-prison-to-deportation pipeline
4 that these laws created.

5 Thank you for your time.

6 (Applause.)

7 COUNCILWOMAN GYM: Thank you
8 very much.

9 Welcome. Thank you.

10 MS. WILLIAMS: Thank you. Hi.

11 My name is Romeeka and I work with the
12 Youth Art Self-Empowerment Project, and
13 we work with youth who are being tried as
14 an adult and held in adult jails each and
15 every Saturday. We do art, poetry, and
16 music workshops with young people held in
17 adult jails up on Philadelphia's State
18 Road. We visit RCF for the young women
19 and PICC for the young men. We're also
20 currently trying to repeal Act 33, a 1995
21 amendment to the Pennsylvania Juvenile
22 Act that directly sends our youth to
23 adult prisons. Act 33 was passed in 1995
24 and gave prosecutors the power to start
25 youth off in adult court and put all the

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2 pressure on the public defenders to try
3 to fight to get them back down in
4 juvenile court. Before Act 33, young
5 people could only be automatically tried
6 as adults in Pennsylvania for murder
7 charges. Now hundreds of young people 15
8 and older are sent directly into adult
9 jails and prisons every year.

10 The passage of Act 33 in
11 Pennsylvania was part of the national
12 "tough on crime" movement in the mid
13 1990s. Between 1994 and 1997, Congress
14 introduced numerous pieces of legislation
15 that encouraged harsher penalties and
16 punishment for young people, broader
17 measures for trying young people as
18 adults, and promised funds to states that
19 adopt policies that further criminalized
20 young people and pushed them into the
21 adult system. Almost every state
22 followed this trend, enacting new
23 criminal codes that would allow young
24 people to face harsher penalties in their
25 criminal justice systems. This

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2 legislation came on the heels of racist
3 media hype about the coming wave of youth
4 super predators, the high profile cases
5 such as the Central jogger case,
6 attacking the women in Central Park, were
7 later proven innocent and released, that
8 the damage was already done, and
9 continues to be done every day to young
10 people tried and incarcerated as adults
11 in Philadelphia and across the country.

12 Over our ten years of workshops
13 with young people in Philadelphia adult
14 jails, YASP has worked with numerous
15 youth from different countries who came
16 to the U.S. when they were five or six
17 years old and don't know any other
18 country but the U.S. Unlike the juvenile
19 system, when young people who do not have
20 full U.S. citizenship are tried as an
21 adult, they can be deported, even after
22 they paid their debt to society. They
23 are punished twice, serving their prison
24 sentence and then getting sent to a
25 country they haven't been to in years and

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2 have no family or even know the language.

3 Right now we are supporting one
4 of our members, Fran, who is from
5 Liberia, is currently challenging
6 deportation proceedings. Fran came to
7 the U.S. from Liberia when he was five
8 years old as a refugee from the country's
9 civil war. When he was 15, Fran was
10 arrested and tried as an adult under Act
11 33. He was convicted as an adult in
12 adult court and sentenced to six and a
13 half to 13 years upstate. Fran
14 participated in YASP's workshops in the
15 Philadelphia jails for a year and a half
16 while he awaited trial, and we've seen
17 him transform his mindset while he's been
18 incarcerated. Fran has so much to offer
19 our organization and this city, and we
20 think it would be a huge loss for all of
21 us if ICE deports him to a country he
22 barely knows.

23 Being held in adult jail
24 already prevents youth from meeting their
25 basic needs, like education and

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2 rehabilitation to get them on the right
3 track. The criminal justice system is
4 only focused on punishment and not
5 designed for rehabilitation. I was one
6 of those young people arrested and
7 charged as an adult, and it was hard for
8 a young woman to experience that type of
9 trauma, especially after what I already
10 experienced in my life. Being held there
11 is just teaching youth to be even more
12 experienced in crime than they already
13 are. Youth deserve a second chance, and
14 there are studies out stating that their
15 minds are not fully developed until their
16 mid 20's. Sentencing youth as adults is
17 not healthy, and targeting our
18 communities shows that racism is still
19 alive, and it's up to us to make a stand.
20 Separating families by sending young
21 people into the adult system and
22 deporting them is not only destroying
23 homes, not making the streets safer. We
24 need to come up with a better solution
25 than to ship our young people who paid

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2 their debt to society back to somewhere
3 they have not been since they were a
4 child.

5 YASP urges Philadelphia City
6 Council to take the lead for local
7 communities around the country, as it has
8 many times in the past, and pass a
9 resolution in support of rolling back the
10 1996 immigration laws and ending the
11 school-to-prison-to-deportation pipeline
12 that these laws created.

13 Thank you.

14 (Applause.)

15 COUNCILWOMAN GYM: Thank you so
16 much for your riveting testimony. All
17 three of you have brought so much to the
18 table in terms of expanding our views and
19 bringing a level of humanity and power to
20 it. I'm incredibly grateful. Thank you.

21 Will the Clerk please read the
22 names of the third panel.

23 THE CLERK: Francis Togba, Kong
24 Iv, and Chin Dang.

25 COUNCILWOMAN GYM: For the

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2 record, Mr. Togba couldn't be here today,
3 but his testimony will be read into the
4 record by an advocate.

5 (Witnesses approached witness
6 table.)

7 COUNCILWOMAN GYM: Welcome.

8 Thank you for being here today and thank
9 you very much. If you could just state
10 your name formally for the record.

11 MR. ST. LOUIS: Numa St. Louis.

12 COUNCILWOMAN GYM: Thank you.

13 And proceed with your testimony, and
14 you'll be speaking on behalf of
15 Mr. Togba; is that right?

16 MR. ST. LOUIS: Correct.

17 COUNCILWOMAN GYM: Thank you
18 very much for doing that.

19 MR. ST. LOUIS: Thank you.

20 Good afternoon, Councilmembers.

21 Thank you, Councilwoman Helen Gym,
22 Councilwoman Jannie Blackwell,
23 Councilwoman Reynolds Brown, for hosting
24 this important hearing today on the 1996
25 immigration laws and the

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2 school-to-prison-to-deportation pipeline.

3 My name is Numa St. Louis and I'm a

4 member of the Mayor's Commission on

5 African/Caribbean Affairs.

6 COUNCILWOMAN GYM: Mr. St.

7 Louis, can you just pull the mic a little

8 bit closer to you as you read. Thank

9 you.

10 MR. ST. LOUIS: Is that better?

11 COUNCILWOMAN BROWN: Yes.

12 MR. ST. LOUIS: Thank you.

13 My name is Numa St. Louis and

14 I'm a Commissioner on the Mayor's

15 Commission on African/Caribbean Affairs.

16 I'm reading testimony today on behalf of

17 Francis Togba, a permanent resident, a

18 green card holder of Liberian background,

19 who is a member of the Youth Art and

20 Self-Empowerment Project. Francis

21 unfortunately could not be here today in

22 person because he is currently detained

23 in York County Prison facing deportation

24 to Liberia. His story represents the

25 school-to-prison-to-deportation pipeline

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2 experience that we are uncovering here
3 today. And what I'm about to read is a
4 letter that he penned.

5 To whom it may concern,
6 greetings. My name is Francis Togba. I
7 am 22 years old and I'm currently being
8 detained by Immigration and Custom
9 Enforcement here at York County Prison.
10 Though I frequently proclaim myself as
11 being unique, however, my story is
12 much -- isn't much different from many
13 individuals who migrated to this country
14 at a very young age to live the so-called
15 American dream, but are now being
16 threatened with deportation because of
17 thoughtless juvenile mistakes and
18 decisions that we made before our brains
19 could even develop enough to fully
20 rationally understand the consequences of
21 those mistakes and decisions.

22 If I may, I'd like to tell you
23 a little about myself. I migrated to
24 this country as a refugee at the tender
25 age of five and have not been back to my

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2 country of birth since then. Not to
3 mention that all of my family, friends,
4 and loved ones in every place I've been
5 are right here in the U.S. So just
6 imagine how unprepared and foreign and
7 lost I would be to be deported back to a
8 place I left since five years old, a
9 possibility that would not exist had I
10 not been charged and tried as an adult
11 for a regrettable error that I made when
12 I was 15 years of age, an age that,
13 according to lawmakers, is too young to
14 get a driver's license, to vote or even
15 schedule and report to doctors an
16 appointment on my own, but yet not too
17 young to be tried as an adult in the
18 criminal justice system. If I had been
19 tried as a juvenile, I would not be
20 classified as deportable today.

21 Understand that in no way,
22 shape or form am I saying that when found
23 guilty of my charges I should have not
24 gotten a slap on the wrist. No. What I
25 am saying is that because of my age and

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2 the prematurity of my brain, there should
3 have been other options that were more
4 suitable for a minor. I should not have
5 been tried as an adult. After all, was
6 the juvenile court system not created for
7 minors such as myself? Did I magically
8 turn 18 the moment I was arrested?

9 At the tender age of 15, it
10 wasn't safe for me to enter a bar or a
11 club, but it was considered safe for me
12 to enter an adult prison where the
13 definition of having fun is by stabbing,
14 beating, and sometimes even raping one
15 another. That does not seem to make much
16 sense to me.

17 It's a well-known fact that
18 prisons do not rehabilitate. They
19 incarcerate. Prison is not a
20 correctional institution. It is a
21 university for criminals. The State Pen
22 is a criminal version of Penn State. So
23 sending a juvenile there is like saying
24 to them, Go learn how to commit even more
25 crime so we can keep sending you back

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2 until you earn your Ph.D. in being a
3 criminal. Thus, encouraging us to throw
4 away our future as well as a chance at
5 becoming a productive citizen.

6 Prison is a place where judges
7 send criminals to learn how to become
8 bigger criminals, hence making them
9 repeat offenders, and then they, meaning
10 the political class, do not understand
11 why the recidivism rate is so high.

12 Prison is the home of shattered
13 dreams, and the criminal justice system
14 is one big corruption that's invented to
15 take money and take advantage of the
16 ignorant and those more ignorant of the
17 laws than juveniles.

18 My reason for writing this
19 letter isn't to shift blame or point
20 fingers or make excuses for the youth or
21 target the politicians and lawmakers in
22 the same way it feels they're being
23 targeted by the youth. My reason for
24 this letter is to beg to whoever is
25 responsible for passing these bills which

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2 prevent youth from prospering and
3 reaching our full potential to please
4 stop. If you truly believe that the
5 children are the future, then please act
6 like it. Start investing more into the
7 educational system instead of the prison
8 industrial complex. Start making laws
9 that make it harder for children to get
10 expelled instead of laws that make it
11 easier for them to go to jail. Please.
12 Honestly, I'm not a bad person, not now,
13 not when I was 17 years old and when I
14 got arrested. I'm just a good kid that
15 got caught in a bad situation.

16 I remember when I used to
17 believe that the sky was the limit. I
18 now know that for many of us, the sky
19 isn't the limit, but prison is.

20 I was once a kid who had many
21 goals, dreams, and aspirations, many
22 which no longer exist because I can no
23 longer accomplish them due to my
24 conviction and the extent of my
25 incarceration, not to mention the threat

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2 of possible deportation. The threat of
3 life as I know it is being swept from
4 under my feet. I cannot afford for that
5 to happen. I have people who are
6 depending on me. I can't and I do not
7 want to let them down.

8 If the process of progression
9 is slow for a felon in America, then how
10 am I supposed to progress in a third
11 world or developing country that's having
12 a difficult time progressing itself?
13 This is akin to torture.

14 I've completed my sentence, but
15 yet I'm not allowed to go home to my
16 family and show them the changes and
17 growth that I have made to do better in
18 my life. I feel like I'm being punished
19 for not being born in this country. I
20 feel like I'm being tortured for not
21 becoming a U.S. citizen, as if I was old
22 enough to even do that on my own.

23 This place is slowly draining
24 the youth out of me. At my age, I am
25 supposed to be out there working,

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2 learning, experiencing things, not going
3 through this. This is akin to torture.
4 This is torture that I have not been
5 tried as an adult. Wouldn't exist for
6 me.

7 So to whom it may concern,
8 please stop trying young people as
9 adults. This is what happens.

10 Thank you for your attention to
11 this very serious issue. Lives depend on
12 it.

13 (Applause.)

14 COUNCILWOMAN GYM: Thank you so
15 much, Mr. St. Louis, for giving us the
16 words of Francis who is currently
17 awaiting deportation, as I understand it.
18 The members that you see in front of you
19 as well as some of our colleagues have
20 written a letter to the U.S. Justice
21 Department making an appeal on Francis's
22 behalf. We'll continue to do so, and
23 just wanted to say that Councilwoman
24 Blackwell, Councilwoman Blondell Reynolds
25 Brown, Councilman Green, Councilman

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2 Jones, Johnson, Domb, and
3 Quinones-Sanchez as well as myself all
4 signed a letter in full support, and
5 we'll continue to push on that, and that
6 you hope -- we hope that you will let
7 Francis know that there are people who
8 have not forgotten and will continue.

9 MR. ST. LOUIS: And I think
10 it's important to underscore that he's
11 not looking for any excuses. He
12 acknowledges what he did was wrong. He
13 paid his price. He paid his debt to
14 society. All that he's asking for is an
15 opportunity to return home after he paid
16 his debt to society and not go somewhere
17 where he doesn't understand the language,
18 does not have a support network.

19 COUNCILWOMAN GYM: Thank you.

20 The Chair recognizes
21 Councilwoman Blackwell.

22 COUNCILWOMAN BLACKWELL: Thank
23 you.

24 We want to say thank you,
25 because you've been an advocate from the

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2 very beginning, always fighting to help
3 others and your people. Thank you.

4 MR. ST. LOUIS: Thank you.

5 COUNCILWOMAN GYM: Good
6 afternoon. Welcome. And if you could
7 just state your name for the record and
8 then proceed with your testimony.

9 (Ms. Iv testifying not in
10 English.)

11 (Applause.)

12 COUNCILWOMAN GYM: Thank you so
13 very much for reading that. That was
14 incredibly moving, and I know that this
15 Council is making spaces for the voices
16 of our families who have lost their loved
17 ones to this unjust deportation process,
18 and it means so much to us to hear you.
19 Thank you.

20 MS. SAUN: Good afternoon,
21 Councilmember. On behalf of Ms. Kong Iv,
22 I'm going to read her statement in
23 English.

24 COUNCILWOMAN GYM: Just
25 introduce yourself.

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2 MS. SAUN: Sure. My name is
3 Rang Saun (ph) and I'm a longtime
4 organizer within the Cambodian community,
5 and through my experience, I have seen
6 family being torn apart, and through
7 that, I have seen and witnessed the
8 stress put on the family and the
9 community socially, economically, and
10 emotionally, and that's what we hear and
11 see today also. So I'd like to read Ms.
12 Kong Iv's statement in English.

13 My name is Kong Iv. I am Mout
14 Iv's mother, who you met earlier on
15 Skype. I came to U.S. because a war in
16 the Khmer Rouge genocide. While I was in
17 the United Nation refugee camp, I got
18 sponsored to come to America. Because we
19 had so little food and we were
20 malnourished and live in poverty, we
21 decided to go to America. We were
22 sponsored by three Americans in Vermont
23 who helped our family apply for resources
24 such as welfare and healthcare. I live
25 with middle-class farm workers for three

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2 months. We moved to Philadelphia because
3 there was more family that move here.
4 There were a lot of other Cambodian
5 refugee here, many from my same village
6 back in Cambodia.

7 The Lutheran Church and
8 Nationality Services Center help us a lot
9 as we settle. In 1996, I became -- I
10 began working even more because my kids
11 were a little older and a wound that my
12 husband sustained as a soldier during the
13 war in Cambodia came back to hurt him. I
14 was the sole breadwinner, and my husband
15 watched the children. We live in a
16 poverty-stricken neighborhood with other
17 Southeast Asian refugee. We didn't
18 understand the language, and I was not
19 educated enough to teach my son after
20 school.

21 It was hard raising kids
22 because we were so poor and we were so
23 new to the community. I never neglect my
24 children. I took care of them and work
25 around the clock doing laboring jobs like

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2 housekeeping, cashier, sewing, and some
3 healthcare, sometime with only two hours
4 sleep, to provide for my kids and my
5 family. We got paid very little. So we
6 had to work many jobs to provide for our
7 family.

8 In the home with the family, we
9 are happy together, but once my kids left
10 the house and went to school, it was hard
11 for them. My son was bullied from the
12 moment he stepped outside. In 1989, my
13 son was 12 years old and he was riding
14 his bike outside. A glass bottle was
15 thrown at him and his body was cut up and
16 he was bleeding. He was in a cast for
17 three months and could not walk. The
18 language barrier made it hard for him to
19 connect with other kids too.

20 I still don't understand the
21 law that deport my son. I know he was in
22 a fight with other teens his age, but he
23 kept the court process from me because I
24 didn't understand English well and he
25 didn't want me to worry. It was very

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2 hard on me and my husband. There was no
3 one to let us know that he might be
4 deported at a later time because of his
5 incident that happened so long ago.

6 He came out of prison in his
7 20's. He was incarcerated for three and
8 a half years. I had no bail money and
9 did not understand the law or the
10 process. And then seven years later
11 after he came home, he was deported. No
12 words can describe the feeling of having
13 your child deported, but it is like a
14 knife cutting through my heart and it is
15 being ripped out. He is my only son. He
16 is the beating of my heart. Without him
17 here, it is like I have no soul.

18 It is wrong and inhumane. He
19 came here as a child. He grew up here.
20 His family is here. He made his mistake
21 and paid for it, but for him to be ripped
22 apart from his family and get punished
23 again, this is not right.

24 It is really sad and hard for
25 me, because when they deported him, he

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2 had nothing but the clothes he was
3 wearing. They sent him there with
4 nothing. It is not a day that goes by
5 since they deported him that I don't cry
6 worrying about him, his welfare, and if
7 he can eat.

8 I miss my son. I miss that
9 every time I cook, I would always call
10 him to come eat and he would always look
11 forward to it. I miss him eating my
12 food. Every time I walk by his old
13 barber shop, I cry. His daughter was
14 just three months when he left. I miss
15 him dropping my granddaughter off in the
16 morning. I miss how he clean.

17 My granddaughter growing up
18 without a father and knowing that my son
19 won't be there to raise his daughter. He
20 was always there to protect me and
21 support me. He was great son to me. It
22 is a void and emptiness that will never
23 be filled until he return to us.

24 I want him to come back so we
25 can be whole again as a family or just

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2 visit, even if it is just for a month,
3 just to see his face. I'm getting older
4 and I want him to be near to me before my
5 death.

6 My family is ripped apart
7 because of this and other family too. It
8 is wrong to do this to people. The laws
9 must change to stop other family or
10 parent from being ripped apart from the
11 children. Family and children are
12 suffering because of these laws.

13 We have to come together to
14 talk about the negative impact of this
15 law and how it rips family apart. We can
16 come up with good ideas together. We
17 must speak up and not stay silent. We
18 must fight against this unjust law that
19 not only rips my son from me, but also
20 rips my granddaughter from her father.
21 To me, it's a double punishment. When
22 one family lives with deportation, it
23 impact the entire community. Your
24 suffering become my suffering. My
25 suffering become your suffering.

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2 City Councilmember, please
3 raise your voice and help us stop this
4 suffering.

5 Thank you.

6 (Applause.)

7 COUNCILWOMAN GYM: Thank you.

8 Thank you so much.

9 MR. ST. LOUIS: I would just
10 like to say on behalf of the Mayor's
11 Commission on African and Caribbean
12 Affairs, I strongly urge Philadelphia
13 City Council to take the lead for local
14 communities around the country, as it has
15 many times in the past, and pass a
16 resolution in support of rolling back the
17 1996 immigration laws and ending the
18 school-to-prison-to-deportation pipeline
19 that these laws have created.

20 Thank you.

21 COUNCILWOMAN BLACKWELL: Thank
22 you. We thank you, and certainly we're
23 willing to do everything we can.

24 MR. ST. LOUIS: I know you are.

25 COUNCILWOMAN BLACKWELL: And we

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2 thank you for your leadership and your
3 commitment. Thank you so much.

4 MS. SAUN: Councilmember, if I
5 have a moment, I wanted to bring another
6 mom who was not on the panel, but she
7 would like to share her short testimony,
8 if that is okay with you. Just a
9 brief --

10 COUNCILWOMAN GYM: So one thing
11 that we can do is, we could do it at the
12 end. We do have to finish by 2:00 p.m.
13 We have to be out of Council Chambers.
14 So why don't we call up the last panel
15 and then we'll allow an opportunity to
16 have time. Thank you so much, Ms. Saun.

17 MS. SAUN: Thank you.

18 MR. MATH: Good afternoon.

19 COUNCILWOMAN GYM: Good
20 afternoon.

21 MR. MATH: My name is Bunrath
22 Math. I work for Philadelphia Commission
23 on Human Relation with the Community
24 Relation Division.

25 My name is Bunrath Math. I'm a

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2 former political refugee myself. I'm
3 reading this statement prepared by
4 Chally's dad, who you saw on the Skype
5 earlier. He could not be here because
6 he's off his disability.

7 Good afternoon, Councilmembers.
8 My name is Chin Dang. I am Chally Dang's
9 father, who testified earlier on Skype.
10 My family come here because they have
11 nothing to eat in Cambodia because of the
12 war. We were starving. We went to
13 Khao-I-Dang refugee camp because it was
14 the only place where we could seek
15 refuge. I brought my family there and
16 eventually we got sponsorship to America
17 in 1980 in the camp for six years.

18 So in 1986, I went to the
19 state. I knew nothing. I came here not
20 ever knowing the language. They settle
21 us in a poverty-stricken neighborhood.
22 Like we were dropped off and left to fend
23 for ourselves. Welfare system was there,
24 but only help with a little bit. My wife
25 worked so hard to provide for us and

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2 family, because I am disabled from the
3 war. We had to make sure rent was paid
4 and bills was paid.

5 Because of the poverty and
6 violence in the neighborhood, it made it
7 hard to raise the kids. It was a lot of
8 racial tension, bullying towards our
9 community, said we were the newcomers.
10 My son experienced that. It was hard on
11 him growing up in the neighborhood. He
12 was falling through the crack.

13 My son was involved in a fight
14 when he was 15. He paid his debt to
15 society. He made a mistake and he paid
16 for it. After that, he should have been
17 allowed the right to be with his family.
18 But instead he was deported to Cambodia
19 15 years later.

20 At the time he was deported, I
21 couldn't even speak about it. I was out
22 of words. I was angry and asked myself,
23 Why, America? You brought me here. I
24 made a home here. And when my son made a
25 mistake, he paid for it. But then you

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2 also rip him apart from me.

3 This law reminds me of the
4 Camaro's (ph) law. It's not right. It
5 is inhumane for families to be separated
6 like this.

7 In the beginning after he was
8 deported, it was hard. I was always
9 worrying about him. I wonder if he have
10 a place to stay or anything to eat. He
11 didn't know the language or the culture
12 of Cambodia. He's been here since he was
13 a baby. At the time, we couldn't talk
14 too much because calling to Cambodia was
15 expensive.

16 I miss my son very much. I
17 wish he here to support me or anything.
18 We all miss his humor and laughter. And
19 he had a family of his own here. His
20 children miss him. My family will never
21 be the same. It makes me physically ill.
22 Every day that goes by, I stress about
23 it. My grandchildren without a father.
24 It hurts them. I know. I take them to
25 school every day.

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2 I want my son to be back here
3 with his family. It would be a rebirth
4 for me again. I would rather be deported
5 to Cambodia if my son can come back and
6 be with his family and his kids.

7 I want this law to be changed.
8 I want my son to return to me. This is
9 not justice.

10 To the other family going
11 through this, I share your struggle.
12 You're not alone. We have to come
13 together as a community and make sure
14 lawmakers understand our experiences.

15 City Councilmembers, we can
16 change this. We cannot be silenced.
17 Please use your words and power for all
18 the family going through this trauma.

19 Thank you.

20 COUNCILWOMAN GYM: Thank you so
21 much, Mr. Math, for reading Chally's
22 father's words into the record. I
23 appreciate it and all the work that you
24 do.

25 The Chair recognizes Councilman

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2 Green.

3 COUNCILMAN GREEN: Just
4 listening to the stories, I'm thinking
5 I'm starting to get a pattern, a
6 perspective.

7 So what I'm understanding based
8 on what I'm hearing is that you and some
9 of the other people who have testified
10 came to the United States either from
11 Cambodia or other countries and although
12 your children were young, were born not
13 in the United States but were born in a
14 foreign land, came here and then may have
15 taken an unfortunate step as a young
16 person, may have been convicted of a
17 crime as a felony, and then after serving
18 their sentence, because of the way the
19 '96 immigration law was written, has a
20 retroactive perspective, that any offense
21 that they may have committed prior to the
22 legislation going into effect, that can
23 cause them to be deported at some point
24 in the future, and that deportation
25 process can occur if they come in any

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2 contact with the police at any time.

3 MR. MATH: Right.

4 COUNCILMAN GREEN: And I wanted
5 to hear some of the perspective from
6 different families before I -- I kind of
7 got that perspective. I mean, that
8 clearly to me shows one of the problems
9 with our country's immigration laws,
10 whereas a person can come to this country
11 at a very young age and be a contributing
12 part of society and then have an
13 unfortunate situation and then pay their
14 debt, but then we're still holding them
15 accountable for something that they've
16 already -- to me, it seems almost like
17 double jeopardy perspective where you're
18 sentencing someone for an offense twice
19 even though they've served their debt to
20 society, and you're not giving them an
21 opportunity to really take a step on the
22 right path.

23 From the stories I've heard, it
24 sounds as young people, sometimes we get
25 caught up in situations either through

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2 peer measure or concern for public safety
3 perspective and feeling we may need to
4 take or do certain things just by being
5 young and not realizing the impact of
6 their actions.

7 And so to me, this is
8 definitely an indictment of our
9 immigration laws in this country, how
10 we're not providing opportunity for all
11 people who have come here for whatever
12 reason and have an opportunity to
13 continue the right to liberty and the
14 pursuit of happiness, and it's
15 unfortunate that these things have
16 happened to your children.

17 MR. MATH: Thank you,
18 Councilman.

19 (Applause.)

20 COUNCILWOMAN GYM: And if I
21 could just add a little bit to the
22 Councilman's words. I do believe that a
23 number of people have been picked up even
24 without proactive engagement with the
25 police. That is, the Immigrations and

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2 Customs Enforcement is actually going
3 through old records and picking people
4 up. And that has been one of the
5 concerns that was raised by Mr. Dang's
6 family, to be picked up over a decade and
7 a half after a crime has been committed
8 and time is served, that this is not in
9 any way a process that is seeking to
10 really give our -- make our communities
11 safe or any of the things that are done
12 under the pretense of the law, and that
13 we as a city have to own what has
14 happened to our own residents who live in
15 deep, deep poverty. And particularly for
16 many vulnerable immigrant communities, we
17 have to recognize what we do when we
18 aren't fully supportive or our state is
19 not fully supportive of our school
20 system, when we're putting people in
21 desperate situations and in unsupported
22 conditions within our city, and in part
23 it's why you're seeing a City Council
24 that is deeply committed to restoring the
25 vitality of our neighborhoods and

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2 investing deeply in them, and that will
3 include our immigrant communities as
4 well. So thank you.

5 Could the Clerk please read the
6 final panel.

7 THE CLERK: Abraham Paulos,
8 Djung Tran, and Rabbi Linda Holtzman.

9 COUNCILWOMAN GYM: Thank you
10 very much and welcome. We've had an
11 amazing day of testimony. One of the
12 things that we have also is just a little
13 bit of a time constraint. So to the
14 extent that you could summarize your
15 testimony -- we will absolutely have it
16 within the record and make it part of the
17 public record -- we would appreciate it.
18 Thank you very much.

19 (Witnesses approached witness
20 table.)

21 MR. PAULOS: Thank you. I'm
22 going to do my best to summarize. Like
23 the young man said, my name is Abraham
24 Paulos. I'm Executive Director of a
25 human rights organization in New York

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2 City called Families for Freedom.

3 Basically what we are is a membership
4 organization for those that have been
5 directly affected by these two systems,
6 the criminal justice system and the
7 deportation system.

8 I want to address just a couple
9 of things that I've been hearing. One of
10 the things that I really want to address
11 is this notion that the deportation
12 machine deports criminals. That is
13 inaccurate. It deports people that
14 weren't born here that are not citizens,
15 right? Because if the system was to
16 deport criminals, Rikers would be empty
17 right now, Attica, your York County
18 Prison, Pike would be empty right now.
19 They do not deport criminals. They
20 deport people that weren't born here.
21 And in particular, poor black and brown
22 people, right, which is the great
23 majority of those that have felonies, the
24 great majority of those that are in
25 prison. And so it all starts in our

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2 communities that are very underresourced.

3 We get overly targeted by the police.

4 They bring us to court. Ninety-two to 97

5 percent of us plead guilty. That's

6 nationwide. That's nationwide, meaning

7 that if you get arrested and you're in

8 front of a judge, you are going to walk

9 out with a conviction that is going to

10 exclude you from civil, economic, and

11 political life. And if you weren't born

12 here, there's the physical exclusion,

13 right?

14 And so deportation is not this

15 system that stands on its own. It is an

16 extension of mass incarceration. It is

17 an extension of poverty, right? I just

18 really want to clear that up.

19 And then a couple points about

20 the 1996 laws.

21 (Applause.)

22 MR. PAULOS: Thank you.

23 So it came out of a context.

24 I'm coming from New York City. This is a

25 city in which one in three are foreign

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2 born, one in nine has been convicted of a
3 crime in the last nine years, right? And
4 so we are that nest egg, and I don't want
5 that to happen to Philly, because you
6 guys seem a little bit more progressive
7 considering your City Council.

8 The 1996 laws, the three major
9 things that it did is that it increased
10 crimes to make people deportable, right?
11 It started off with four categories. It
12 went up to 50, right? Things like
13 shoplifting, selling marijuana or
14 what-have-you.

15 The second thing that it did is
16 that it instituted mandatory detention
17 and mandatory deportation. That language
18 was used during the war on drugs for
19 mandatory sentencing, right?

20 And then last, but not least, I
21 think, City Councilperson, you mentioned
22 retroactivity, right? And this is
23 essentially the trap, and what that means
24 is that there are hundreds, if not
25 hundreds of thousands, of people in the

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2 United States of America that have green
3 cards, that are not citizens, that have
4 committed a crime before 1996, such as I
5 have. I have a felony, right? Before
6 1996 it wasn't deportable then. It
7 became deportable after. So these are
8 crimes that, oh, all of the sudden we
9 were able to sneak out of a system and be
10 able to get home and raise our families
11 and go to school and live our lives that,
12 oh, we didn't get you then. Absolutely
13 not. This is an issue around the 1996
14 laws. This is an issue in which they
15 purposefully did to criminalize our
16 communities, which are poor black and
17 brown people during the '90s, right,
18 which was when they had a war on drugs,
19 the war on poverty, and essentially the
20 war on black and brown people.

21 Deportation is a consequence of
22 that war. So we need to end the drug war
23 and we need to end this war on black and
24 brown people.

25 Thank you.

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2 (Applause.)

3 MS. TRAN: Good morning -- good
4 afternoon. My name is Djung Tran. I'm
5 here on behalf of the Asian Pacific
6 American Bar Association of Pennsylvania.
7 And actually Abraham took a lot of the
8 material that I was going to cover, so
9 thanks. So that cuts out a lot of
10 duplication here.

11 But I did want to point out
12 that the Antiterrorism and Effective
13 Death Penalty Act and the Illegal
14 Immigration Reform and Immigrant
15 Responsibility Act, which in immigration
16 circles we call IIRIRA, these acts by
17 their very nature carry out injustices,
18 especially the retroactive application of
19 deportation consequences and the lack of
20 due process safeguards.

21 Now, these are federal laws
22 passed by Congress, not by City Council.
23 However, members of Congress are elected
24 to represent our interests and to do what
25 is good for our nation as a whole, and it

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2 is important for all of us to understand
3 the effect of these laws and to be able
4 to lobby our federal representatives for
5 changes needed to promote prosperous and
6 stable, family-centered communities,
7 including the communities that developed
8 due to an influx of refugees fleeing
9 disasters in their countries of origin.

10 From 1976 to 1996, under
11 immigration law, lawful permanent
12 residents convicted of serious crimes
13 could ask an immigration judge to weigh
14 the equities of their lives in deciding
15 whether to issue a deportation order.
16 This judicial discretion was not always
17 exercised to terminate a deport order.
18 It did, however, allow judges to evaluate
19 the entirety of an immigrant's life
20 against the crime or crimes committed and
21 to decide if that person deserved a
22 chance to return to his or her community
23 after serving that criminal sentence
24 rather than being further punished by
25 deportation to what for many was a

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2 foreign land.

3 By 1996, however, a backlash
4 had grown in response to this discretion
5 and IIRIRA removed it, making it
6 mandatory to deport any immigrant
7 convicted of, quote, an aggravated
8 felony, and these two 1996 laws, as
9 Abraham mentioned, vastly expanded the
10 list of crimes that made an immigrant
11 subject to mandatory deportation.

12 Before, the only convictions
13 that triggered mandatory deportation were
14 crimes involving violence and a term of
15 imprisonment greater than five years.
16 Now aggravated felonies under the
17 immigration laws include convictions that
18 might neither be aggravated nor felonies
19 under state law.

20 For example, all drug
21 convictions, almost all, very, very small
22 exception, all drug convictions, all
23 theft convictions and all crimes of
24 violence with a sentence of more than one
25 year, as opposed to five years before,

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2 are now, quote, aggravated felonies. And
3 again as Abraham mentioned, compounding
4 the seriousness of the consequences of
5 these laws on those it affects, these
6 provisions were made retroactive. So
7 this created a greatly expanded class of
8 immigrants subject to mandatory
9 deportation, at the same time eliminating
10 the discretion of immigration judges to
11 weigh the equities in that person's life.

12 So this ex post facto
13 retroactive nature of convictions that
14 happened before 1996, there's no way that
15 defendants could have foreseen, there's
16 no way that their legal counsel could
17 have legally advised about voluntarily
18 pleading to such an offense could mean to
19 them down the road, and that is unfair
20 and an injustice.

21 As an immigration attorney, I
22 can tell you that being convicted of a
23 crime that is, quote, now an aggravated
24 felony is a death knell in a deportation
25 case. It does not matter how good a

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2 person my client is now, how much family
3 and community support he has, what he has
4 done to turn his life around since the
5 conviction, does not matter who depends
6 on him or whose lives would be so much
7 worse without him. It does not matter
8 that he served a sentence for his
9 conviction or whether or not he's
10 remorseful. His worth is reduced only to
11 the fact of the conviction. That
12 conviction trumps every other factor in
13 his life, and that's the effect of these
14 1996 immigration laws on our communities.

15 Now, in addition, if that
16 immigrant was a refugee, that makes his
17 deportation even more problematic, in my
18 view. To deport a former refugee back to
19 his country of origin means sending him
20 back to a place he or his family fled in
21 fear of their lives. Former refugee
22 status is the type of factor that
23 pre-1996 an immigration judge could take
24 into account in deciding whether to
25 deport someone convicted of a serious

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2 crime. Under the present laws,
3 post-1996, no such consideration is
4 allowed.

5 So I want to talk just a little
6 bit about due process from the legal
7 perspective. So in a country subject to
8 the rule of law, due process is an
9 important safeguard to prevent injustice.
10 Due process requires that notice be given
11 before the government takes away a right
12 or imposes a penalty, and it guarantees
13 that the individual affected be given the
14 opportunity to respond. The retroactive
15 application of newly created classes of
16 aggravated felonies coupled with the
17 elimination of judicial discretion to
18 take into account positive factors in an
19 immigrant's life means that non-citizen
20 defendants entering pleas before 1996 had
21 no way to understand the future
22 deportation consequences of these pleas.

23 Retroactive application of the
24 law is rare, should be used sparingly, if
25 at all. Here it was imposed with a broad

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2 brush and, as a result, has affected so
3 many, without adequate notice, which is a
4 violation of due process.

5 So, finally, I wanted to just,
6 on behalf of the Asian Pacific American
7 Bar Association of Pennsylvania, call on
8 City Council to pass a resolution in
9 support of rolling back these provisions
10 of the law that have negatively affected
11 our communities in so many ways and have
12 contributed in so many -- in these
13 individuals. And we should never forget
14 that these are the individuals affected.
15 The school-to-prison-to-deportation
16 pipeline, these have affected the most
17 vulnerable and troubled youth in our
18 communities, and they deserve more from
19 us.

20 Thank you.

21 (Applause.)

22 COUNCILWOMAN GYM: Thank you
23 very much.

24 The Chair recognizes Councilman
25 Green.

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2 COUNCILMAN GREEN: From a legal
3 perspective, I'm just thinking about --
4 because I've been thinking about some of
5 the legal issues and the lack of due
6 process, and it seems like prior to '96
7 the judiciary had an opportunity to make
8 an equity decision based on the offense
9 that occurred, whatever restitution that
10 was made by an individual, and what's
11 going on now. And I guess my question
12 is, the '96 legislation takes away that
13 due process and discretion opportunity,
14 and my assumption is that's based on the
15 fact that the person that's being
16 deported is not a citizen of the United
17 States, so they're not -- they don't have
18 the opportunity and they're not afforded
19 the full power of the Constitution, so
20 they don't have that due process.

21 MS. TRAN: Due process is not
22 limited to just citizens of the United
23 States. Due process extends to people
24 who are subject to the jurisdiction of
25 American laws. And so we don't limit it

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2 just to actual citizens.

3 COUNCILMAN GREEN: Right. So
4 from that perspective, I think there's a
5 constitutional issue, that if a person
6 who has been convicted of a felony and
7 that felony occurred prior to the passage
8 of subsequent legislation, then how would
9 you be able to be deported based on
10 legislation that occurred after you have
11 committed the actual act and you're
12 sentenced for that?

13 MS. TRAN: That's what I argue
14 is the due process violation. There's no
15 way that you could predict that this
16 could happen, and you should -- when
17 you're deciding whether to plea,
18 voluntarily plea, you need to understand
19 what the full consequence is.

20 COUNCILMAN GREEN: The full
21 ramifications, right. And that's, I
22 guess, my question from a constitutional
23 argument. Couldn't a -- well, you got to
24 get a vehicle to get it to the U.S.
25 Supreme Court, but I would think that is

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2 a constitutional challenge, that when a
3 person, especially for those who
4 committed an offense and plead guilty to
5 the offense prior to the '96 legislation,
6 that you have to be afforded the right
7 from defense counsel that the decision to
8 make a plea, you can make an argument
9 that the judge violated jury instruction
10 because -- I mean, not jury instruction;
11 the instruction to the defendant when a
12 plea is made that you could be subject to
13 future penalties that you didn't even
14 know about. So that's a violation right
15 there.

16 MS. TRAN: The Supreme Court
17 has opened a small door to try to -- for
18 defendants to challenge convictions based
19 on inadequate assistance of counsel,
20 because people couldn't know what future
21 consequences were.

22 COUNCILMAN GREEN: Right. So
23 challenge not the deportation, but the
24 actual conviction?

25 MS. TRAN: Yeah, to challenge

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2 the conviction.

3 COUNCILMAN GREEN: And using
4 the conviction as a way to challenge the
5 deportation?

6 MS. TRAN: Yeah. So if you can
7 undo the conviction, then you're not
8 subject, hopefully, to deportation. The
9 actual deportation itself, the mandatory
10 deportation, no, we have not progressed
11 on that.

12 COUNCILMAN GREEN: So you're
13 using the conviction angle as a way to
14 get to the deportation.

15 MS. TRAN: I'm sorry. Say that
16 again.

17 COUNCILMAN GREEN: Using the
18 angle that ineffective assistance of
19 counsel in reference to the plea to the
20 conviction as a way to address the
21 deportation.

22 MS. TRAN: Yeah, to challenge
23 the conviction. But it does not help
24 with the mandatory deportation
25 provisions.

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2 COUNCILMAN GREEN: Is there any
3 current cases that are vehicles that can
4 be used for a Supreme Court challenge?

5 MS. TRAN: I am not aware. I
6 don't know at this point.

7 COUNCILMAN GREEN: Okay. Just
8 from a pure equity perspective, I mean,
9 it just seems that once getting to a
10 Supreme Court level, I think someone
11 should be able to make the equity
12 judgment that a body -- that this is not,
13 just from a pure equity perspective, is
14 not fair, that you're pleading guilty to
15 something --

16 MS. TRAN: I think it's a due
17 process violation.

18 COUNCILMAN GREEN: Right. And
19 then when you think of the history of
20 this country, you have many people that
21 if this type of legislation was in effect
22 when the country was founded, they would
23 have been deported from this country.

24 MS. TRAN: Oh, this would be a
25 very different country.

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2 COUNCILMAN GREEN: Exactly.

3 It's unfortunate that people don't have
4 the resources to defend themselves in
5 this type of situation in order, one, to
6 get citizenship so they don't get into
7 this trap or --

8 MS. TRAN: And also in the
9 immigration context, you are not
10 guaranteed counsel. You have to go out
11 and find your own counsel and pay for
12 them. So it's not like in the criminal
13 context where you have the right to
14 counsel.

15 COUNCILMAN GREEN: Right. We
16 don't have an immigration Gideon.

17 COUNCILWOMAN GYM: Thank you
18 very much, Councilman Green.

19 Good afternoon, Rabbi.

20 RABBI HOLTZMAN: Good
21 afternoon. My name is Linda Holtzman and
22 I am Rabbi of a group called the Tikkun
23 Olam Chavurah and I'm on the Board of the
24 New Sanctuary Movement. And I'm
25 approaching this from a different angle.

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2 I'm approaching this from the fairly
3 simple statement in the Book of Genesis
4 that says that God created humans in
5 God's own image. In the image of God,
6 God created them. Male and female God
7 created them. I believe that that refers
8 to all humans.

9 I'm not a perfect person, but
10 I've been a very lucky one. I was born
11 in the United States. I've chosen to
12 live here. I was raised in a
13 middle-class household. I'm white. So
14 while I've made mistakes in my life, I've
15 neither been arrested nor incarcerated.
16 I know that my life could be very
17 different because I live in a country
18 that values white, middle class,
19 native-born people, a country that claims
20 to be fair and to treat everyone equally,
21 a country that claims to appreciate the
22 remarkable roles that immigrants have
23 played in its history, yet one that does
24 not live that out.

25 All of us who have ever read

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2 any of the Bible assert frequently that
3 everyone is created in the image of God.
4 So, of course, the law has to apply
5 equally to all.

6 Throughout the Hebrew Bible,
7 the Israelites proved to be a problematic
8 people. They give God a very hard time.
9 They complain. They struggle. They even
10 say we want to go back to Egypt, we'd
11 rather be slaves than wander here. And
12 repeatedly God says to Moses, I've had
13 enough of these people. I'm getting rid
14 of them.

15 And Moses says, Look, you can't
16 do that. Remember, God, you are kind and
17 compassionate, slow to anger, ready to
18 forgive. Remember?

19 And God sighs and looks at the
20 people and remembers that they're created
21 in his image. How can he not treat them
22 with compassion and respect and
23 forgiveness and love?

24 I'm here today because I cannot
25 imagine the country that I live in would

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2 possibly treat some of his residents as
3 less than, as unworthy of compassion and
4 forgiveness. I'm here today because the
5 immigration laws of 1996 are, as we have
6 seen over the past two hours, quite
7 clearly unjust, forcing people to be
8 punished over and over, often
9 retroactively, in completely unfair ways
10 for things that they have done wrong.

11 I learned as a child that if I
12 disobeyed the law, I could be punished.
13 I could be fined. I could be
14 incarcerated. But I learned that once I
15 was fined or the incarceration was
16 complete, I would be free to return to my
17 community and it was genuinely finished.

18 We don't punish people twice
19 for the same crime. We don't continue to
20 imprison or fine people endlessly for a
21 crime that had a limited sentence. Of
22 course, this is true. How else could we
23 act toward the human beings who live in
24 our country?

25 But somehow with the case of

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2 immigrants in our supposedly fair and
3 just country, their unjust treatment no
4 longer exists. Someone can be punished
5 for something they did years ago for
6 something that they've long since
7 completed their sentence. And in the
8 course of this treatment, their lives are
9 thrown upside down. Families are torn
10 apart. Spouses are left on their own.
11 Children are left without a parent. Is
12 this something a just and compassionate
13 people would do if we are really created
14 in the image of a just and compassionate
15 God?

16 I expect to get a second chance
17 if I make a mistake and deal with the
18 consequences of that mistake. I expect
19 to be able to change and grow and be
20 treated by others who believe that that
21 change and growth is possible. I expect
22 to be treated fairly. But if I were an
23 immigrant, would I suddenly no longer be
24 able to have those expectations?

25 God was willing to forgive the

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2 Israelites over and over and over again,
3 because God was modeling, belief in the
4 possibility of change and growth for all
5 people. Don't all people today deserve
6 to be treated in the same way?

7 I'm here today because I'm
8 appalled. I'm appalled that in this
9 country, this state, this City of
10 Brotherly and Sisterly Love, we could
11 even consider this harsh, demeaning, and
12 unjust treatment of anyone in our
13 community. And I'm here to ask you to
14 stand up firmly against such treatment.

15 When we read that God created
16 all people in God's own image, he was
17 telling us how to behave toward all human
18 beings. May we all learn this lesson.

19 I urge Philadelphia City
20 Council to take the lead for local
21 communities around the country, as it has
22 so many times in the past, and to pass a
23 resolution in support of rolling back the
24 1996 immigration laws and ending the
25 school-to-prison-to-deportation pipeline

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2 that these laws created.

3 I thank you so much for your
4 time, for your attention, and for being
5 present for this whole community today.
6 Thank you.

7 COUNCILWOMAN GYM: Thank you so
8 much, Rabbi.

9 (Applause.)

10 COUNCILWOMAN GYM: Thank you,
11 Rabbi.

12 The Chair recognizes Councilman
13 Squilla.

14 COUNCILMAN SQUILLA: Thank you,
15 Madam Chair.

16 I have not a question, but some
17 comments too, because as we go through
18 with the deportation, I think another
19 thing we need to do in the country and we
20 could be a proponent of is to work to
21 make it easier to be citizens of this
22 country. It's a process that we made so
23 difficult that it's hard for people --
24 you know, people when they came in the
25 '40s and '50s and they just wrote their

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2 names down and worked their way into
3 citizenship doesn't happen anymore. And
4 so what we need to do is, as a parallel
5 mission of this, would be to give people
6 a second chance, but also enable them to
7 become citizens easier so that we could
8 then go forward and they be American
9 citizens and they would have the same
10 rights as everybody else, and then this
11 issue would go away. Because we know how
12 difficult we make it for certain people
13 that try year after year after year, and
14 then unfortunately we have some
15 unscrupulous people out there that try to
16 help people become citizens and end up
17 taking their money and making it even
18 more difficult for them, but then they
19 don't get reported because they're
20 afraid. So we have this vicious cycle
21 going on right now.

22 So I think as advocates of City
23 Council that we could work with our state
24 and federal officials to look at this
25 avenue to say what can we do as a country

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2 to -- our country was built on
3 immigration. Everybody who came here
4 came from somewhere else. So at that
5 time, it was easier, and now it's more
6 difficult. What can we do to make it
7 easier.

8 So that's my statement, and I
9 think it's something we need to look
10 forward to.

11 COUNCILWOMAN GYM: Absolutely.
12 Thank you so much, Councilman Squilla.
13 I'm grateful to you.

14 I want to thank everybody who
15 came out here today to testify. I did
16 want to ask if there was anyone else who
17 would like to testify today.

18 (Witnesses approached witness
19 table.)

20 COUNCILWOMAN GYM: Because of
21 time constraints, we're going to have to
22 ask that you limit your testimony to no
23 more than three minutes. And we thank
24 you for being here today.

25 MR. SALM: Hello.

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2 COUNCILWOMAN GYM: Could you
3 please state your name first.

4 MS. LANG: Saren Lang (ph).

5 COUNCILWOMAN GYM: Thank you.
6 Welcome.

7 MR. SALM: I have one son who
8 is deported.

9 COUNCILWOMAN GYM: Could you
10 also explain your name -- state your name
11 for the record, and then if you could
12 pull the mic a little bit closer to you
13 so we can hear you better. Thank you.

14 MR. SALM: My name is Sombert
15 Salm (ph). I'll be translating what she
16 have to say.

17 COUNCILWOMAN GYM: Thank you.

18 MR. SALM: I have a son who
19 already deported. I only have one son.

20 I'm very old and I want to see
21 my son back. I only have one son.

22 Thank you.

23 COUNCILWOMAN GYM: Thank you
24 very much.

25 (Applause.)

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2 COUNCILWOMAN GYM: Thank you
3 very much for being here.

4 As we conclude with this
5 hearing, I want to say how much it means
6 to have so many diverse communities
7 coming together today to raise awareness
8 about this issue. Hearing directly from
9 those who are affected changes the
10 narrative, and I think everybody who has
11 come forward to talk about their stories,
12 who have shared their pain have helped
13 change the narrative for those of us
14 today.

15 We understand that many of us
16 who are farthest away from the issues can
17 only look at this from a theoretical
18 perspective, but those who are close to
19 us know that this is fundamentally a
20 human rights issue that we're hearing
21 today in City Hall. It's one that
22 ripples through all of our communities
23 and it impacts us very deeply at the
24 core.

25 When families are ripped apart,

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2 it is a violent act. When children have
3 their parents taken away from them, that
4 too is a violent act. When we
5 incarcerate without mercy for our
6 youngest and most vulnerable juveniles,
7 that too is a violent act. And today
8 your voices have shown us that we cannot
9 continue to mass incarcerate and deport
10 our way out of situations and call that
11 justice. An unjust law is never a law,
12 and Philadelphia is helping lead the way
13 on leadership on these issues.

14 I thank everybody who came
15 today. We heard your stories. We are
16 committed to standing with you.
17 Councilwoman Blackwell and I are
18 committed to sponsoring, along with any
19 of our Council colleagues, a resolution
20 calling upon the U.S. government to
21 repeal the 1996 laws.

22 (Applause.)

23 COUNCILWOMAN GYM: And we will
24 take this fight and your voices with us
25 to Washington, DC, if necessary.

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2 So thank you.

3 (Applause.)

4 COUNCILWOMAN GYM: Thank you.

5 Thank you.

6 If there is no one here to
7 testify on this resolution, this
8 concludes the business of the joint
9 Committees on Children and Youth and
10 Education for today. The public hearing
11 on Resolution No. 160578 is recessed to
12 the call of the Chair.

13 Thank you all for your
14 attendance.

15 (Applause.)

16 (Committees on Children and
17 youth and Education concluded at 2:30
18 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
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