

[Boom! Lawyered: There Are Concentration Camps for Kids at the Border. Is Any of This Legal?](#)

Imani G.: Hello, fellow law nerds. Welcome to another episode of Boom! Lawyered, a Rewire.News podcast hosted by the legal journalism team that can't believe that it's time for Democratic primary debates already. I feel like we just did this. I want to crawl into the ocean and live there forever. I'm Imani Gandy.

Jessica P.: I'm Jess Pieklo. Rewire.News is dedicated to bringing you the best reproductive rights and social justice news, commentary, and analysis on the web and the Team Legal podcast is part of that mission, so a big thank you to our subscribers and a welcome to our new listeners.

Imani G.: Last week, a lawyer for the Trump Department of Justice stunned a panel of Ninth Circuit judges when she argued that it is safe and sanitary to confine immigrant children in facilities without soap, toothbrushes, and to make them sleep on concrete floors under bright lights with nothing but aluminum blankets to shield them.

The woman who made this astonishing statement is Sarah Fabian. She is the senior attorney in the DOJ's Office of Immigration Litigation. In this episode, we are going to talk about Flores v. Reno. The case that sets out the government's duty to immigrant kids in their custody, including what it means to require that children be housed in quote, "safe and sanitary conditions."

We're also going to explain why the Trump Administration is so intent on undoing Flores v. Reno and what it means if they are successful? Here's the hint, they could continue caging children like animals for starters and continue holding them in concentration camp like conditions.

Jessica P.: It's true.

Judge #1: It's within everybody's common understanding that if you don't have a toothbrush, if you don't have soap, if you don't have a blanket, it's not safe and sanitary. Well, wouldn't everybody agree to that? Do you agree to that?

Sarah F.: Well, I think it's... I think those are... There is fair reason to find that those things may be part of safe and sanitary.

Judge #1: Not maybe, are a part. Why do you say maybe? You mean there are circumstances when a person doesn't need to have a toothbrush, toothpaste, and soap for days?

Sarah F.: Well, I think in CBP custody there is frequent...it's frequently intended to be a much shorter term, so it may be that for a shorter term stay in CBP custody that some of those things may not be required.

Judge #2: Yeah, but I don't think that was the situation the court was confronted. I mean it wasn't as though those people were there for 12 hours and they moved on to the Hilton Hotel. No, they were there for a fairly sustained period.

Imani G.: What the hell is going on, Jess? How is this happening? How are we at a point where we're arguing that it's okay to keep kids in cages without toothbrushes and soap?

Jessica P.: It's a disaster, and it's all because the Trump Administration is trying to get rid of a decades old settlement agreement called the Flores Agreement.

That agreement sets standards for how the government is to treat minors who are in federal custody. The settlement was reached in a case back in 1997, but the case actually began more than a decade before that. Are you ready Imani? Here is the story.

Imani G.: Yeah, I feel like I'm already getting irritated to be honest, but keep going.

Jessica P.: All right, so remember the eighties? We got to go back to the eighties.

Imani G.: Do I remember the eighties? I had multiple Swatch watches. I wore Tretorns.

Jessica P.: Tretorns.

Imani G.: Remember Tretorns? You remember wearing those bright neon pink fluorescent sweatshirts, but backwards, so the V was in the back. Oh, God. It was a fashion travesty.

Jessica P.: And pegging your Jibo jeans. Did you peg?

Imani G.: Oh my God, Jibo Jeans, acid washed. Ah, it's too much.

Jessica P.: Okay.

Imani G.: But, it was also a shitty time for civil rights and for people of color and immigrants in this country, so let's talk about that.

Jessica P.: Let's talk about that. Back in 1985 during the Reagan Administration, a 15 year old Salvadorian child named Jenny Lisette Flores entered the United States. She was detained after leaving El Salvador to escape the country's civil war. She spent two months at a facility in California where she was confined with adult strangers in poor conditions, and Imani listen to this, subjected to regular strip searches.

Imani G.: I cannot fathom what is going on in the mind of a person who thinks that it's okay to put a 15 year old girl in confinement with adult strangers, including men.

Jessica P.: And subjecting them to strip searches. The thing is, it wasn't just her.

Imani G.: Ah, God.

Jessica P.: In July 1985, she and three other minors brought a class action lawsuit against the government agency in charge of immigration. Back then it was called the Immigration and Naturalization Service, INS. The lawsuit challenged the INS's has policies for the care and confinement of minors. The lawsuit was ultimately settled in 1997.

Imani G.: Jesus.

Jessica P.: 10 years later after the parties entered into an agreement called the Flores Agreement.

Imani G.: It's actually 12 years later.

Jessica P.: It is. Sorry, I did soft math.

Imani G.: Soft math, which is basically what you do in litigation because some of this litigation lasts so long, 10, 15, 20 years in some cases. That anything between 10 and 15 becomes either 10 or 15, and anything between 15 and 20 becomes fucking forever.

Jessica P.: Yeah.

Imani G.: This litigation really, really can be just exhausting and exhaustive.

Jessica P.: Yeah, so after 12 years we get the settlement agreement. What's in it?

Imani G.: Okay. The settlement agreement also called the Flores Agreement sets minimum standards for detention, housing, and the release of non-citizen minors. It requires, among other things, that the government hold minors in facilities that are quote, "safe and sanitary," and it's that safe and sanitary language that is very key, so keep that in your mind.

The agreement also requires that minors be released from confinement without delay whenever possible. Over the years, that has come to mean basically about 20 days, so kids are only supposed to be confined for about 20 days. The Flores Agreement is enforceable by the courts against the administration, so that means that lawyers can use this Flores Agreement that was entered into back in 1997 to challenge the detention conditions across the country today.

Jessica P.: That's important. What about this clip, Imani of the Trump administration attorney arguing that kids don't need soap and toothbrushes? I mean that seems pretty damn callous, but also why is she making this argument? How did this even come up?

Imani G.: Well, it certainly is callous, but it's also the only thing that the government could feasibly argue on appeal because this case is ongoing and generally speaking, parties to litigation are not allowed to appeal individual aspects of the case until the entire case is over.

Normally when you appeal, you appeal after there is a final judgment in the case. When you appeal an individual portion of the case while the case is still ongoing, that's called an interlocutory appeal.

Jessica P.: Interlocutory, huh?

Imani G.: An interlocutory appeal. An interlocutory appeal is an appeal of a trial court order while a case is ongoing and before the court enters a final judgment. Interlocutory appeals occur a lot when it comes to say, discovery, right.

Jessica P.: Okay.

Imani G.: Parties are battling about what discovery needs to be turned over and the trial court says, Hey, party A, you need to turn over all of these documents. And party A says, wait a minute, these documents are privileged. We don't want to have to turn them over. They're going to go ahead and appeal on that specific discovery issue, right.

Jessica P.: Sure.

Imani G.: It also comes up in situations like preliminary injunctions for example, right. We talk a lot about preliminary injunction when it comes to blocking, for example, abortion restrictions.

Jessica P.: Yep.

Imani G.: A party who is on the losing end of a preliminary injunction can appeal that order even though the preliminary injunction doesn't end the case. But because a preliminary injunction has the capability of causing irreparable harm to a party that's on the losing end of it, that party will appeal the preliminary injunction order in the hopes that an appellate court will reverse it, but the case is still ongoing, right. There is no final judgment there.

Essentially, if there is a question of law that needs to be answered before a trial may proceed, then a party can file this interlocutory appeal, so that the appellate court can answer that question of law. And then the case will go back down to the trial courts and the trial court will proceed with the trial, the litigation, what have you.

Jessica P.: Okay, that was amazing. And you know how much I love a good civil procedure nerdy explanation like that, but what does that have to do with these concentration camps that the Trump DOJ lawyer is defending here and arguing that kids don't need soap, and toothbrushes, or sleep? How are these things related?

Imani G.: The lawsuit that prompted Sarah Fabian to make the argument that providing soap and toothbrushes didn't violate the Flores Agreement's requirement that kids be confined according to certain minimum standards. That lawsuit was actually filed in 2016 during the Obama Administration. It alleges that ICE and CBP were confining minors in conditions that were not safe and sanitary. In 2017 US District Court Judge Dolly Gee, I love that name, Dolly Gee. Dolly Gee, these concentration camps are the worst.

But, Judge Gee ruled that CBP was violating the Flores Agreement. She found that during the Trump Administration, CBP had not provided adequate food and water to minors that were in confinement. That it didn't maintain the facility at adequate temperatures. Meaning, they were either freezing cold or super, super hot, and that it

had deprived the minors of sleep by forcing them to sleep on cement floors under bright lights with nothing more than aluminum blankets.

By the way, I want to just mention that, that is something that people do for torture, right. That's something the CIA does. They'll take these people and they'll shove them in these concrete... in these rooms with concrete floors, shine bright lights on them, and then deny them sleep. Sleep deprivation is a form of torture, so I just want to get that out of the way.

Jessica P.: Yeah. For adults, not even when we're talking about young people who are in critical stages of their own neurological development too.

Imani G.: Right.

Jessica P.: All of it is so wrong and so fucked up, but this is why we have Judge Gee.

Imani G.: Judge Dolly Gee.

Jessica P.: Judge Dolly Gee.

Imani G.: Now here is the important part, here is where it all gets confusing and crazy and why Sarah Fabian made this horrific callous argument, Judge Gee also found that CBP's obligation to provide quote, "safe and sanitary," conditions included specifically providing soap, dry towels, showers, toothbrushes, and dry clothes. Now this seems fairly reasonable to me, right.

Jessica P.: Yeah. This is minimum basic stuff.

Imani G.: Exactly. When you think sanitary, what's the first thing that comes to mind? Soap.

Jessica P.: Right.

Imani G.: Maybe toilet paper, definitely a toothbrush. Oy vey. She then orders that the CBP appoint a monitor to make sure that they are bringing their facilities in compliance with the Flores Agreement, right. The Flores Agreement requires the CBP to do these certain things, and because Judge Gee found that the CBP was not doing those things she said, do you know what, I'm going to get this third party compliance monitor and they're going to come in and they're going to make sure that you're treating these kids as they're supposed to be treated under this agreement, under the Flores Agreement.

Jessica P.: That's important because it provided the basis for the government to file an interlocutory appeal with the ninth circuit. There is a quirk of legal procedure when it comes to settlement agreements. The DOJ wanted to appeal the judge's order, but it had to figure out a way to get around the general prohibition against interlocutory appeals.

Imani G.: And so, just to backtrack a little bit, right. We talked about interlocutory appeals. These are appeals to higher courts when the lower court case is not yet over, but here we have a settlement agreement, right. The Flores Agreement was a settlement agreement between the parties and normally a settlement agreement ends the case, right, so usually a settlement agreement is the same thing as a final judgment, is it not?

Jessica P.: Yeah, it can be. It depends on what the settlement agreement says. Often times the court will retain jurisdiction or hold on to a case, so that it can monitor whether or not the parties are complying with the agreement like we're seeing here, right, so if the judge has retained jurisdiction over a case, that judge can later order a compliance monitor to determine whether or not the parties are fucking around if that order is generally not appealable.

Imani G.: That's because the judge hasn't entered a final judgment, right. They've overseen this settlement agreement. They've decided that the parties have to adhere to these specific terms, and because the case isn't over, and because the court wants to make sure that the parties are actually doing what they're supposed to do, the court retains jurisdiction or as you said, it holds onto the case to make sure that the parties are in compliance.

We see this a lot with, for example, police brutality. When we were talking about police departments that are under federal investigation for police brutality, for mistreatment in of people of color and communities of color over policing, that sort of thing.

A court will say, you know what, you have to do these specific things in order to bring your police department in line with the way civil rights are supposed to go in this country. And until you have shown that you have done that, I am going to keep this case. I'm going to retain jurisdiction over this case. And if the other side comes to me at some point and said, hey, you know what, any town police department is not doing what it's supposed to be doing according to this consent decree, then I'm going to come in and I'm going to say, you know what, any town police department, I'm appointing a compliance monitor and they're going to make sure you're doing what you're supposed to do.

That's why the case isn't over because the judge is still overseeing aspects of the consent decree or the settlement agreement to make sure that they're doing what they're supposed to do.

Jessica P.: Right. Because the party's only other option would then be to have to file a brand new lawsuit and start all over again. The courts don't want that. When they know the parties are... have a history of screwing around they want to make sure that this gets wrapped up rather than have a whole parade of new lawsuits.

Imani G.: And also, as we said earlier, some of these cases last 10 to 15 years, so imagine if after a decade of litigation you get this consent decree. The police department or the people who are running these immigrant detention centers are saying, yeah fine, we're absolutely going to comply with this shit. And so then the case is over, and then they absolutely don't comply with this shit and then they have to start all over. We're talking

10, 20, 30, 40 years of litigation just to get police departments or the people running these goddamn concentration camps to follow the law.

Jessica P.: This is exactly where Sarah Fabian's morally reprehensible arguments come into play, right, because a party can't appeal a judge's order requiring compliance with an existing order unless the judge modifies that order, right, so we've got competing orders here. We've got the judge ordering a party to comply with this other order, but then the party is going to say, no judge, you can't do that unless you've modified it. That's what the government argued before the ninth circuit.

Imani G.: What we have here is one order from 1997 that requires that confined kids be kept in certain minimum standards, right. That was 1997. Then in 2017, Judge Gees says, you know what Trump Administration, y'all are violating the Flores Agreement. You are not keeping these kids in safe and sanitary condition, and specifically you are not giving them soap. You're not giving them toothbrushes. You're not permitting them to shower, and you're not allowing them to sleep. She essentially says that this constitutes unsafe and unsanitary conditions.

Now here is where it gets a little bit interesting. The original order says what it says, right. The government is not allowed to appeal what the original order says because it already says what it says. But, by specifying that the original order, the safe and sanitary language specifically includes things like providing soap, providing toothpaste and toothbrushes, providing a comfortable sleeping environment. Because Judge Gee said that, that specifically constituted unsafe and unsanitary conditions, the government is arguing that she issued a new order.

Jessica P.: Yep.

Imani G.: This new order therefore can be appealed. That's where this interlocutory appeal comes in. The reason that Sarah Fabian is arguing that providing toothbrushes and providing soap is not necessarily part of living in a safe and sanitary condition, it's because it's the only thing that she could argue. She could only argue that this new order somehow modify the old order, therefore opening it up for this interlocutory appeal.

Jessica P.: That's what Fabian argued before a panel of Ninth Circuit judges last week. One of whom is Judge A. Wallace Tashima. As a child during World War II, Tashima was confined to an internment camp with other Japanese Americans. And needless to say, Imani, probably not the dude you want to be in front of arguing that Trump's kid concentration camps are totally fine and that nobody needs soap or toothbrushes.

Imani G.: Yikes. They really get the short end of the stick on that panel, Jesus.

Jessica P.: Yeah, they were pretty incredulous.

Imani G.: It's not just Tashima, right. The entire panel was incredulous. I mean, it's really shocking to get up in front of a court and say, you know what? Safe and sanitary conditions doesn't necessarily mean that they need soap and toothbrushes. And by reading into

safe and sanitary conditions these particular requirements you have quote, "substantially altered the legal relations of the parties by reading new requirements into the agreement."

Jessica P.: Yeah, that's just ridiculous.

Imani G.: It's ridiculous. I mean, on the one hand she was, and I'm not defending this woman by any stretch of the imagination, but because the Trump Administration is as fucked up as it is they're requiring people to make arguments just so that they can continue to carry on treating people like animals. And so they pick the only thing that they could argue in order to get before the Ninth Circuit in order to fast track this shit to the Supreme Court because as we've said in the past, the Trump Administration has no respect for institutions-

Jessica P.: Nope, none.

Imani G.: ... and the way the rule of law is supposed to work and the way legal procedure is supposed to work. They just love jumping straight to the Supreme Court and trying to figure out a way to get this five, four majority to rule in their favor. It's just very, very frustrating. But now that we've gotten all that out of the way, why don't we tell our listeners... I mean honestly, I'm ready to jump out a closed window. This stuff is so-

Jessica P.: Please don't.

Imani G.: ... is so distressing to me. I'll do it after the podcast is over.

Jessica P.: Thank you.

Imani G.: But why don't you explain why this case matters? Why do our listeners care that not only is this woman arguing that kids don't need toothbrushes and soap, but why do they care about the Flores Agreement, specifically, this standard setting agreement?

Jessica P.: Well, the Trump Administration is trying to wipe out the Flores Agreement and maybe that sounds like it's wouldn't be a bad thing, right. I mean after all, we've got lawyers arguing that, hey, maybe soap and toothbrushes aren't part of sanitary convict conditions, but the reality is without the Flores Agreement, then we have the administration indefinitely detaining kids and families and that is terrible.

Imani G.: That's what they want. I mean, that is what they want to do. That is absolutely the end game. The Trump Administration has proposed these updated regulations to replace the Flores Agreement with this new program that's going to allow ICE to detain families for the duration of their immigration proceedings. Immigration advocates are saying that this is going to lead to the indefinite detention of families.

Jessica P.: And I mean, rightly so. We have been spending this whole episode so far talking about litigation that runs in the decades, right.

Imani G.: Right.

Jessica P.: We would be talking about kids actually fully growing up in facilities during this.

Imani G.: Absolutely. Yeah, it's distressing. It's distressing. It's horrific. And all of it frankly, I think is Bush's fault. I mean, when you think about it, Congress passed these laws in the 2000s after Bush created the Department of Homeland Security in response to the War on Terror panic.

These laws required DHS to put kids in the care of ORR, which is the Office of Refugee Resettlement. Jess, you remember, we've talked about about ORR.

Jessica P.: Oh, we've talked about ORR.

Imani G.: Yeah. I mean, why don't you refresh our listeners about the joy that is ORR.

Jessica P.: Our listeners might remember the Office of Refugee Resettlement from our discussions about the Garza case and that was the case that involved the undocumented minor in the care of the Trump Administration. They were trying to block her access and access for basically any minors in their care to abortion services after judges had already granted them the bypass order to get it.

The Trump Administration used ORR as a way to roll out some really draconian and regressive repro policy on the backs of immigrant kids. Shocker there. That buddy, Scott Lloyd who was tracking periods of the girls in custody for example. They are one of the parties to blame here. Who else do we have?

Imani G.: We've got Lindsey Graham.

Jessica P.: Yeah.

Imani G.: Lindsey Graham has turned out to be a real prat, if I may use a British terminology. He's a numpty. He's just a straight up numpty. He's got this Secure and Protect Act, which would end the Flores Settlement Agreement. And as I mentioned earlier, over the years, courts have interpreted the agreement to require that non-citizen minors be released within about 20 days, right. They say with all due haste, with no delay. That turned out to be about 20 days. Lindsey Graham wants to raise that limit to 100 days. He wants to be able to confine minors for three months or more. We're talking about minors. We're talking people, little kids as young as two years old.

Jessica P.: Yeah.

Imani G.: I mean three months in the development of a toddler is a long time and these kids can be traumatized in 100 days. I mean, just what the fuck really? I asked that in all sincerity. Just what the fuck is going on?

Jessica P.: I mean, the bill would also give the DHS secretary sole discretion to determine standards for detention relating to migrant children. Really Imani, what could go wrong there with the Trump Administration giving some lackey the sole determination for the standards of care? I mean, their attorneys are already arguing they don't need toothbrushes. Can you imagine what they would do if left to their own devices?

Imani G.: Yeah. I mean, I can imagine because Trump already fired that one lady because she refused to be as much of an asshole as he wanted her to be, Kirstjen Nielsen.

Jessica P.: Yes.

Imani G.: I mean, it's like they're trying to find the absolute worst people to implement the absolute most dehumanizing policies possible. I don't understand why they're doing this. Why are they doing this, Jess?

Jessica P.: Because they're assholes, Imani. I mean, that's sincerely my answer.

Imani G.: I mean that's as good an answer as any. I've got another one for you.

Jessica P.: What's that?

Imani G.: Capitalism.

Jessica P.: Oh, they tend to go hand in hand.

Imani G.: They really do. Being an asshole and being a capitalist somehow tend to go hand in hand. But, the government would rather detain families together for as long as it takes to remove entire families because the current policy of separating kids from their families is not only horrific and terrible, but it also costs the government a lot of money because there ended up being separate removal proceedings, or separate deportation proceedings for kids and then separately for their parents.

Jessica P.: The Trump administration then is offering up indefinite detention of immigrant families as this alternative policy to family separation. This obviously has its own due process concerns, but I just want to sit with the bullshit choice that the administration is giving us here.

Imani G.: Right.

Jessica P.: Enact this completely horrific, clearly unconstitutional family separation policy and oh, if you don't like this, then here is the answer, we'll just go to indefinite detention.

Imani G.: Yeah, yeah. It's appalling. I mean, it reminds me of the, to bring us to abortion, but-

Jessica P.: It all comes back to abortion always.

Imani G.: It really does, abortion and admin law, right.

Jessica P.: Did you hear me?

Imani G.: Did you just get excited?

Jessica P.: I just visibly gasped audibly, visibly same, same.

Imani G.: Same thing, same thing. Visual podcast, it's a new rage. But, it reminds me of the interplay between six week abortion bans and 20 week abortion bans, right. You say, hey, we're going to pass a six week ban because we really think that embryos deserve life and yada, yada, yada. And then when people freak out and say, no, well, six weeks bans are ridiculous. You say, okay, six weeks bans, but what about this 20 week man? 20 week bans aren't so bad. It's the same thing. It's like, oh, you don't want us to detain kids, well what about if we detain entire families indefinitely?

Jessica P.: Right. That's a really excellent example because it's exactly what they're doing here. It's the same crap. I mean look, Flores has its flaws. It definitely does, but there are a couple important points to remember. One, it's enforceable by the courts, right.

Imani G.: Yes.

Jessica P.: That's what we're seeing here, so that creates a vehicle for holding this and frankly future administrations accountable for their treatment of immigrants in their custody. The reason we even know about these horrible arguments right now, cameras in the courts and hearings all around the settlement agreement's enforceability. This is the courts and the law working. It's doing its job, so it may be imperfect, but sincerely it's doing its job and obviously is better than indefinite detention, right. There is no oversight that is just by design.

Imani G.: Absolutely. We're hearing stories about how media are not being allowed to enter into these camps. I mean, it's like we're living in some Orwellian nightmare. And frankly, a policy of processing families is always going to be better than detaining them. Just process them, figure out a way to process them. Monitor them.

There are studies that show that most immigrants actually do show up for their immigration proceedings, so they're basically creating a mountain out of a mole hill. They're creating a problem where a problem doesn't exist. The bottom line is we don't need to be putting kids in fucking cages in order to process people seeking asylum.

Jessica P.: We don't. We don't.

Imani G.: No, we don't. We don't.

Jessica P.: No.

Imani G.: Court whisperer.

Jessica P.: Yes.

Imani G.: What happens next? Is this the kind of case that's going to land before SCOTUS? What do you think? Read the tea leaves for us.

Jessica P.: Okay. Honestly, I don't think this particular case is not going to land before the Supreme Court absent some kind of emergency posture. The Supreme Court isn't really in the business of enforcing settlement agreements. Now I say that, and we've also seen the administration run right to John Roberts whenever they want for whatever kind of relief, so take that with a grain of salt because norms have no longer have any meaning. Upside down is where we live, all of that.

Imani G.: Right.

Jessica P.: But, we do have some interesting legal fights shaping up around this. You mentioned the updated regulations to replace Flores. That could set up an entirely different legal fight and that would be over whether or not the administration can undo the Flores Settlement via rule making, and Imani, you know what that means.

Imani G.: Administrative law.

Jessica P.: That's an administrative law fight. We'd get an APA fight, the Administrative Procedure Act. Did the administration act arbitrarily and capriciously when issuing these new regulations? I'm already beaming with joy over the idea that, that is something, but ultimately long term this requires a political answer as much as it does a legal one. I mean, we've been talking about a case and a settlement agreement that has... that it itself was a product of over 10 years of litigation and is still the product of litigation and enforcement, so I don't see the courts being able to really do an adequate job of wrapping this up. This is a political answer.

Imani G.: If it's a political answer and we're not quite sure what the courts are going to do, is there something that we the people can do to urge the politics of concentration camps in a direction where we're not putting kids in cages?

Jessica P.: Right.

Imani G.: Can we figure out a way to get the politics to work in our favor and in the favor of marginalized people?

Jessica P.: I mean, we can start first with advocacy, right. Demand Congress investigate and frankly, shut down the camps. It's good to see folks paying attention now and drawing consistent attention to it, but keep the pressure up. And absolutely, get out on the street for that too. What else?

Imani G.: Yeah, I mean, getting out on the streets is one thing. I see a lot of people wondering what to do and where we should go? There are folks that are just starting to line up at the border. Head to El Paso, head to some of these places on the border where they are treating these human beings like they are animals and demonstrate that this is not

acceptable. This is not who we want to be. I'm not going to say this is not who we are because it very clearly is who we are.

Jessica P.: Yeah.

Imani G.: But, it's not who we want to be. And if you can't put your body on the line, you can't go to Texas, if you have money that you can donate to certain immigrant advocacy organizations, you can, for example, figure out how to provide bail funds for folks who are picked up in ICE raid.

Jessica P.: Absolutely. This is a huge thing.

Imani G.: If you see an ICE raid going on, if you see, if you're on a bus for example, and ICE is doing a sweep, you can ask them questions. You can say, why are you only checking the IDs of Brown people?

Jessica P.: Pull out your phone and film them.

Imani G.: If you're white, use your white privilege to their advantage.

Jessica P.: Yes.

Imani G.: You've got to help. You've got to be a co-conspirator. You can't just be a cheerleader. You've gotta be a co-conspirator.

Jessica P.: Absolutely. All of those are great suggestions because it feels helpless and hopeless right now, but it doesn't have to be.

Imani G.: It absolutely doesn't have to be. And on that note, we're going to end with a little bit of positivity. We're going to end with how you can help, how you can join this fight, how you can basically force the government to start recognizing that Brown people are people to dammit. Ah, Jesus. We're going to take next week off.

Jessica P.: It's been a lot. We're out.

Imani G.: It's been a lot. If you can't tell we are tired, we are irritated, we are angry.

Jessica P.: I'm grumped.

Imani G.: We're grumpy. Next week is the 4th of July. We hope you have a lovely 4th, notwithstanding what the 4th stands for. Make it stand for drinking beer and eating hot dogs. Go out. Have a good time with your friends and family. We'll see you the following week.

If you want to continue any of the conversation about this issue, you can follow me @angrybacklady on Twitter. You can follow Jess @hegemommy, H-E-G-E-M-O-M-M-Y.

You can follow Rewire.News on Twitter at Rewire underscore News. You can join our Facebook group, Boom! Lawyered, answer the question. We will let you write in.

Jessica P.: A very happy birthday to our producer, Marc Faletti. Happy Birthday! Everyone wish him Happy Birthday. Do it now. See you on the tubes.

Imani G.: See you on the tubes.

Jessica P.: Boom! Lawyered is created and hosted by Jessica Mason Pieklo and Imani Gandy. This episode was produced by Marc Faletti who is also our executive producer. The Rewire.News editor in chief is Jodi Jacobson.