

***Illegal In An Unjust World:  
What, To The Undocumented Immigrant, Is the Fourth of July?***

By TED QUANT

NEW ORLEANS – July 4, 2011

In 1852, Frederick Douglass spoke at a 4<sup>th</sup> of July celebration in Rochester, New York. In a speech that captured the storm of his era, Douglass asked the crowd: “What, to the American slave, is your Fourth of July?” He insisted that Americans open their eyes to the injustice staring them in the face: while they celebrated their freedom, millions of African people were enslaved.

Two years before Douglass spoke in Rochester, the federal government had started to strictly enforce the Fugitive Slave Act of 1793. This law demanded that white citizens in free states help capture runaway slaves, and return them into slavery.(1) The law criminalized anyone who helps a “fugitive slave” escape “directly or indirectly” or “harbors, conceals” an escaped slave. (2) White abolitionists, conductors of the underground railroad, and religious leaders who recognized the dignity of the enslaved African were all criminals according to this law – along with the runaway slaves.

Five years after Douglass’ speech, the Supreme Court upheld the Fugitive Slave Act. In the Dred Scott decision, the Court said: “The Negro lies so far below whites on the scale of created beings that they have *no rights that whites are bound to respect.*”

These were the laws of the land that Fredrick Douglass was expected to celebrate on the 4<sup>th</sup> of July. Slavery was legal. The Fugitive Slave Act was legal. The Dred Scott decision was legal.

And who was illegal? Runaway slaves, their resistance movement, and the whites who acted in the true spirit of the 4<sup>th</sup> of July – for “liberty and justice for all”

So I ask you, in the spirit of Fredrick Douglass: what does our Fourth of July mean today, to those who American society designates as illegal?

In New Orleans, where I live, thousands of undocumented immigrants – the “illegals” – are targeted by racist policies and practices under the pretext of rule of law. In state after state, millions of “illegal” immigrant workers and their families are under attack from racial profiling bills. And as the federal government carries out the highest rate of deportations under any administration, the daily humiliations of immigrants across the country have overwhelmed the imagination: women are afraid to give birth in hospitals, because immigration may be there. Students back from school have returned to empty homes, turned on their tv sets, and watched news reports of their parents caught in immigration raids. In my own city, the immigrants who arrived after Katrina to help us rebuild our city, now live in terror because a broken tail-light, a traffic violation, or just being Latino can lead to their deportation.

What does our 4<sup>th</sup> of July mean to these immigrants?

What does it mean to Josue Diaz, a grassroots leader of the Congress of Day Laborers in New Orleans? Josue arrived in New Orleans after Hurricane Katrina. When Hurricane Gustav hit

Texas, a contractor recruited Josue from a day labor corner in New Orleans to do clean-up work. The employer housed Josue in a labor camp, and he became a captive worker. The employer refused him and other Latinos the safety equipment given to the white workers and refused to pay him. When Josue led a strike, the employer retaliated, and called the police. *Josue and the other strikers were incarcerated for four months for demanding their dignity* – and turned over to immigration. Josue and the other strikers now face deportation.

What does Fourth of July mean to Jose Luis Gomez Castor? Jose has been a civil rights worker with the Congress of Day Laborers on New Orleans' day labor corners since Hurricane Katrina. He has defended day laborers from the national guard, police, and immigration agents. One morning, Jose was targeted by immigration officers who came to the day labor corner camouflaged as employers. They claimed to be looking for painters. When he got in their car, they drove around the corner, introduced themselves as immigration, and arrested him. He now faces deportation.

What does Fourth of July mean to Gerson Diaz? Gerson, another member of the Congress of Day Laborers, participated in a hunger strike to end inhumane conditions in a Louisiana immigration detention center. Gerson faces deportation after ICE and Border Patrol agents illegally entered his home without a warrant. They pulled him out of bed early one morning, arrested him, and detained him. While he was incarcerated, he played the role of a human rights monitor and his hunger strike contributed to a national debate on detention standards.

What does the 4<sup>th</sup> of July mean to Joaquin Hernandez, another member of the Congress of Day Laborers? Joaquin was standing on the day labor corner when Border Patrol agents racially profiled him, and started to chase him down the street. In order to apprehend Joaquin, Border Patrol collaborated with a vigilante citizen who ran in pursuit, tackled him, and held him down until Border Patrol arrived. When Border Patrol got there, they arrested Joaquin and then lied about what happened in the arrest record to cover up the vigilante's action. Joaquin recently exposed Border Patrol's collusion with the vigilante – but he's still headed for deportation.

What does the 4<sup>th</sup> of July mean to Marlon Oriel Santos Reyes and Jose Monterrubio, facing deportation from retaliatory ICE raids of corners organized by the Congress of Day Laborers? They were arrested based on racial profiling and now face deportation.

Does "liberty and justice for all" include Jorge Molina, a member of the leadership committee of the Day Labor Center in Gretna, Louisiana? Jorge and the day laborers of Gretna successfully negotiated with the Mayor and Chief of Police for a designated center for day laborers. Jorge wants nothing more than to contribute to the community he is part of – he wants to help run the day laborer center he helped convince the city to open. But ICE agents arrested him in his front yard as part of an illegal home raid, and he now faces deportation.

Should these members of my community here in New Orleans – all of whom are grassroots labor leaders and modern civil rights workers – be included in the spirit of the 4<sup>th</sup> of July? Or should "liberty and justice for all" be amended to exclude today's "illegals" just as we who are African American were excluded by the Dred Scott Decision?

And so I ask, what does it mean to be illegal in an unjust world?

On that day in 1852, when Fredrick Douglass spoke in Rochester, he was an illegal. My ancestors were fugitives from an immoral system. They built a resistance that was illegal. The white families who hid them, and the pastors who gave them safe harbor, chose to become illegal with them.

Today, laws being passed in state after state can only have taken their wording from the fugitive slave laws of 150 years ago – criminalizing anyone who assists, harbors, employs, transports or conceals undocumented immigrants.

The same actors that are leading the fight to criminalize immigrants, are also decertifying unions, and passing laws to make it more difficult for African Americans, poor people and students to register and to vote. They are attacking gay people and women's rights, and going after social security, medicare and medicaid. They are privatizing prisons and passing laws to fill them – primarily with people of color.

We have powerful adversaries. But we also have choices. And we will be judged by the choices we make on this 4<sup>th</sup> of July. Will we betray the legacy of those who risked their own lives to fight for our liberty – those who became illegal for our freedom? By December this year, Josue, Jose, Jorge, Gerson, and Joaquin may all be deported. When will we decide that they, and others like them, have the right to remain in the communities they have helped build; and that none of us are free until they are?

On the 4<sup>th</sup> of July, the defense of the immigrant worker is the defense of a deeply-held belief: that human dignity cannot be at odds with the law – and when it is, the law is wrong, not us.

*Ted Quant is a long-time labor and civil rights organizer, and the Director of the Twomey Institute for Peace Through Justice at Loyola University in New Orleans. He is a member of the Board of the New Orleans Workers' Center for Racial Justice. Ted can be contacted at [quant@loyno.edu](mailto:quant@loyno.edu).*

*Josue Diaz, Jose Castor, Gerson Diaz, Joaquin Hernandez, Marlon Reyes, Jose Monterrubio and Jose Molina are members and leaders of the Congress of Day Laborers, a grassroots organization of low-wage immigrant workers and families. The Congress is a project of the New Orleans Workers' Center for Racial Justice. To contact the Congress of Day Laborers, email Jacinta Gonzalez, Lead Organizer at [jgonzalez@nowcrj.org](mailto:jgonzalez@nowcrj.org)*