



The Society for the Study of Social Problems

Publishers of the Journal *Social Problems*

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June 26, 2018

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump:

We, the Board of Directors of the Society for the Study of Social Problems (SSSP), add our voices to those opposed to family separations, the indefinite detainment of migrants, and the criminalization of refugees and undocumented immigrants. While you issued an executive order, ostensibly ending the removal of children from their parents, after widespread public condemnation of the practice, including by members of your own party, the order fails to end your “zero-tolerance” policy, to recognize the due process rights of refugees and immigrants (as guaranteed by the 5th and 14th amendments), and to mandate a plan for reunification. We urge your administration to take every step necessary to reunite children with their families, to ensure that children in custody receive the best care possible, to end the criminalization of refugees and undocumented immigrants, to ensure that individuals seeking asylum receive fair and impartial hearings, and to cease the xenophobic rhetoric that serves only to divide us.

Even if these children are reunited with their families, the negative effects on them, experts agree, will be lifelong in some cases. As Dr. Colleen Kraft, President of the American Academy of Pediatrics, observed, the separation and conditions under which the children are being held often produces a condition called “toxic stress,” which “disrupts their brain architecture and keeps them from developing language and social, emotional bonds, and gross motor skills, and the development that they could possibly have.” The National Association of Pediatric Nurse Practitioners (NAPNAP), wrote in a statement, “Research clearly shows that traumatic life experiences in childhood, especially those that involve loss of a caregiver or parent, cause lifelong risk for cardiovascular and mental health disease.” This is not the first time we separated children from their parents. We did it during slavery and we did it when we ripped Native American children from their families to place them in boarding schools far from home. Many did not survive the experience, and we now worry that some of the children separated from their families may not survive their ordeal as well.

In a letter to Attorney General Jeff Sessions, seventy-five United States Attorneys who served under both Republican and Democratic administrations, noted that the law does not require separating children from their parents under these circumstances. No previous administration or Attorney General, they wrote, “has endangered children in order to deter illegal entry.” The former U.S. Attorneys criticized the administration’s misappropriation of limited resources and ended their letter with the following.

As former U.S. Attorneys, we know that none of these consequences — nor the policy itself — is required by law. Rather, its implementation and its execution are taking place solely at your direction, and the unfolding tragedy falls squarely on your shoulders. It is time for you to announce that this policy was ill-conceived and that its consequences and cost are too drastic, too inhumane, and flatly inconsistent with the mission and values of the United States Department of Justice

We have a moral obligation to reunite these children with their parents as quickly and as safely as is humanly possible. Unfortunately, the plan to separate children, including babies and toddlers, from their moms and dads, was executed without a plan to reunite them. In the first instance, it is immoral to take children away from their parents unnecessarily, but to do so without a plan to reunite them is unconscionable.

The following from a joint statement by twenty-two Catholic, Protestant, Evangelical, Islamic, and other religious bodies and organizations protesting your administration’s policy of separation, is consistent with the best social science research on families and immigration, and underscores succinctly the importance of reuniting these families.

The security of the family provides critical mental, physical and emotional support to the development and wellbeing of children. Our congregations and agencies serve many migrant families that have recently arrived in the United States. Leaving their communities is often the only option they have to provide safety for their children and protect them from harm. Tearing children away from parents who have made a dangerous journey to provide a safe and sufficient life for them is unnecessarily cruel and detrimental to the well-being of parents and children.

The abuse inflicted on these children will go unpunished, and the harm that has been done to them cannot be undone. What is equally disconcerting is that the criminalization of undocumented immigrants and refugees, and the policy of separating children from their parents, has been motivated, partially, if not principally, by racial and ethnic animus. This belief is buttressed by remarks that you and your surrogates have made about Latinos and other ethnic and religious groups, and their countries of origin, and your strategy to criminalize Central American and Mexican refugees and immigrants by conflating them with gang members, terrorists, murderers, and drug lords.

The strategy of playing on people’s racial fears and prejudices is reminiscent of the racist Willie Horton ad used thirty years ago for political gain, despite the fact that immigrants are less likely than native-born citizens to commit a crime, and undocumented immigrants commit crimes at a rate lower than other immigrants. MS-13 members constitute only a fraction of one percent of apprehensions at the border, but your administration persists in trying to create the impression that many of these families are members, when, in fact, they are much more likely to be fleeing MS-13, a gang conceived originally in

the United States. These international migrants and refugees overwhelmingly are fleeing unlivable and dangerous conditions in their countries, that we helped to create as a consequence of our political and economic policies and intervention in the region. Apart from the racial implications of this “zero-tolerance” policy, targeting undocumented immigrants for criminal prosecution diverts, as noted by the U.S. attorneys, resources from investigating and prosecuting much more dangerous crimes, like gun trafficking, public corruption, and white-collar crime. This policy is yet another measure shaped more by fear and stereotypes than by good, reliable empirical evidence. In the process, immigrants themselves are being criminalized as a class.

Your executive order, issued June 20, to stop the separation of families, while welcomed in principle, appears not to do what it purports. The following statement that you made the next day, June 21, gives credence to these doubts: “I signed a very good executive order yesterday, but that’s only limited. No matter how you cut it, it leads to separation ultimately.” The order, unfortunately, replaces the separation of children from their parents with the incarceration of both and indefinitely, reminiscent of the internment of Japanese-Americans during WWII, when tens of thousands of children were interned with their families. In fact, one of the detention sites currently being considered in Rohner, Arkansas is only two miles from a WWII Japanese-American internment camp. There are indeed ways to “cut it” to avoid separation and incarceration.

The *Flores* consent decree in 1997 established minimum conditions for the treatment of children in detention and required that children be released quickly. In 2016, a request by the Obama Administration, similar to the one your administration is making to relax the court order, was denied by the Court. The Obama Administration, however, responded by closing the centers, releasing the parents and children, and requiring them to appear in court at a later time. In effect, the Obama Administration decided to focus their limited resources on much more serious crimes. If your request is denied, which we expect it will be, we urge you to do the same. Despite claims to the contrary, only 25-30% of cases are decided in absentia. Providing families with counsel and better guidance, which we urge your administration to provide, results in a 98% appearance rate. Not only is separation not inevitable; it is the least desirable of the options at your disposal, if our goal is to be true to the principles and values on which this country was founded, including the right to due process.

Please feel free to contact Executive Officer Héctor L. Delgado if you wish to discuss these issues in more depth or simply to indicate receipt of this letter.

Sincerely,



Luis A. Fernandez, Ph.D.
President



David G. Embrick, Ph.D.
Vice-President



Héctor L. Delgado, Ph.D.
Executive Officer

Cc: Attorney General Jeff Sessions
Homeland Security Secretary Kirstjen Nielsen