
ORGANIZING FOR ABOLITION IN ICE CUSTODY

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Rather than focus on the multiple ways in which lawyers guide movement activists through the thickets of law, we want to focus on the ways in which movement activists and a mobilized community can change thinking about the content of law and thus the horizon of the possible and sustainable.¹

—Lani Guinier and Gerald Torres

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¹ Lani Guinier & Gerald Torres, *Changing the Wind: Notes Toward a Demosprudence of Law and Social Movements*, 123 YALE L.J. 2740, 2752 (2014).

INTRODUCTION

The final Immigration and Customs Enforcement (“ICE”) detainees were released from the Irwin County Detention Center in early September 2021.² A court did not order the end of ICE detention at Irwin. A social movement, led by people detained at Irwin, had a pronounced impact on the epistemological landscape and changed both normative principles and public opinion.³ Those detained at Irwin organized and acted to create new understanding of law and protect their rights in ways that courts and legislatures could not. This Essay tells the story of that demosprudential project; a dialectic between legal elites and people detained at Irwin that, I argue, can help dislodge sticky priors that dim the horizon of what is possible; indeed, I suggest that this project can help end ICE detention. Looking back on the closure of Irwin and the work people did there, one formerly detained woman reflected, “though many people say [closure of ICE detention centers is] not possible, I say it is possible.”⁴ This Essay tries to tell part of that story.

On March 11, 2020, when the World Health Organization first characterized COVID-19 as a global pandemic, Andrea Manrique (“Andrea”) was detained at Irwin.⁵ She and her fellow detainees were terrified; without personal protective equipment (“PPE”), they began to organize—both to keep themselves safe and to demand better protections.⁶ They used torn t-shirts and whatever they could find to fashion makeshift masks.⁷ A group of detainees stopped eating lunch, stopped buying commissary, and then went on hunger strike, all to protest the dangerous conditions and the lack of information they were receiving about their health and safety.⁸ Then, Andrea and several other women made a video on a jailhouse tablet, later released on Youtube, in which they pleaded for help: “[w]e’re very afraid of being incarcerated here, and dying here. We are daughters, we are mothers, we are wives, we need freedom. Please help us!”⁹

On April 9, 2020, immigrant women detained at Irwin surreptitiously passed a note to detained immigrant men in the Echo-7 unit: “We wanted to tell you

² Jeremy Redmon, *All ICE Detainees Moved out of South Georgia Jail*, ATLANTA J.-CONST., Sept. 4, 2021, at A13, <https://www.ajc.com/news/all-ice-detainees-moved-out-of-south-georgia-jail/XJ6XIUTVBFCN3IALTUCUFUNBX4/>.

³ *See id.*

⁴ Andrea Manrique, Remarks at the Boston University Law Review Panel III, The Past, Present, and Future of U.S. Immigration Law (Feb. 28, 2025).

⁵ Seth Freed Wessler, *Fear, Illness and Death in ICE Detention: How a Protest Grew on the Inside*, N.Y. TIMES (June 4, 2020), <https://www.nytimes.com/2020/06/04/magazine/covid-ice.html>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *See* Rachel Taber, *Women Detained at Irwin County ICE Processing Center Fight for Their Lives Against COVID19 4/13/20*, YOUTUBE (Apr. 13, 2020), <https://www.youtube.com/watch?v=aQt6QbkWsLI&t=2s> [<https://perma.cc/3F7T-H2V4>].

that we are going to go on a hunger strike. We ask you to join us.”¹⁰ In the background, traditional legal efforts to effectuate release for detainees at high risk of contracting—and dying from—COVID-19, were ongoing, but largely unsuccessful in court.¹¹ Meanwhile, inside the facility, hunger strikes and other forms of resistance continued.¹² Finally, officers within Irwin began taking detainees’ temperatures and isolating those who were sick.¹³ But by May, attorneys were needed back in court; at least one detained man in Georgia had died of COVID-19¹⁴ and attorneys representing immigrant detainees at Irwin hoped the judge would reconsider release. Regarding the immigrant detainees’ release, Judge Land, who had previously refused to order release despite the worsening pandemic, remarked: “I have not heard anything terribly persuasive to change my mind.”¹⁵ Irwin continued to hold immigrant detainees in ICE custody as the pandemic, and other abuses within Irwin, worsened.¹⁶

Several months later, in September of 2020, a visitation team of organizers and movement workers began meeting with immigrants detained at Irwin. This visitation team served to support the organizing already happening *inside* Irwin, but also to connect those inside with policy makers, lawyers, media and congressional offices on the outside—all in an effort to shut down Irwin. On May 20, 2021, the contract between ICE and Irwin County was finally

¹⁰ Wessler, *supra* note 5.

¹¹ *See id.* (noting “[i]n court, the warden said he had implemented additional cleaning measures; he wrote in the affidavit that detainees are ‘repeatedly advised by staff to practice social distancing measures in addition to C.D.C. recommended hand-washing procedures.’ ‘Unfortunately,’ he noted, ‘detainees often choose not to follow this protocol.’ . . . The judge, Clay D. Land, denied the request for the detainees’ release. The facility, he wrote, could fix the problems and alleviate any constitutional violations without letting these eight people out.”); Amended Petition for Writ of Habeas Corpus and Pursuant to 28 U.S.C. § 2241 and Complaint for Declaratory and Injunctive Relief Pursuant to 28 U.S.C. § 1331, *A.S.M. v. Donahue*, No. 7:20-CV-62, 2020 WL 1847158 (M.D. Ga. Apr. 10, 2020), https://www.splcenter.org/sites/default/files/documents/0020_04-24-2020_amended_1_petition_for_writ_of_habeas_corpus_against_matthew_t_albence_michael_donahue_thomas_g1.pdf (seeking injunctive relief to ameliorate poor conditions in facilities harboring COVID-19).

¹² Wessler, *supra* note 5.

¹³ *Id.*

¹⁴ *See* Press Release, U.S. Immigr. & Customs Enf’t, Guatemalan Man in ICE Custody Passes Away in Georgia (May 25, 2020), <https://www.ice.gov/news/releases/guatemalan-man-ice-custody-passes-away-georgia> [<https://perma.cc/R3Z8-K6NH>].

¹⁵ Wessler, *supra* note 5.

¹⁶ *Id.*

terminated, with an end date of September 17, 2021.¹⁷ The last woman at Irwin was moved—transferred to another jail—on April 22, 2021.¹⁸

Using the organizing and activism that took place at Irwin as a case study, this Essay explores the demosprudential project of organizing for abolition in ICE custody and the ways in which directly impacted communities—including those in and around Irwin—“restructured the politics of the possible”¹⁹ to create space for what might be achievable if justice were to be made real.²⁰ This Essay explores how the social movement within, and around, Irwin was able to make and interpret law in ways that are distinct—and often undervalued—as compared to the role played by lawyers, judges, and legislators.²¹

Too often the legal community has relied upon the narrative that lawyers and judges are the purveyors of social change. This Essay emphasizes not just the ways in which those inside and around Irwin were able to imagine and advance social change, but also the democracy enhancing potential of that work.

This Essay builds on the idea of “immigration disobedience” advanced by Jennifer Lee.²² Lee explains that immigration disobedience falls into three

¹⁷ See Press Release, U.S. Dep’t of Homeland Sec., ICE to Close Two Detention Centers (May 20, 2021), <https://www.dhs.gov/news/2021/05/20/ice-close-two-detention-centers> [<https://perma.cc/Z5C2-KUN6>] [hereinafter DHS Press Release]; Memorandum from Peter E. Mina, Senior Off. Performing the Duties of Officer for C.R. & C.L. to Tae D. Johnson, Acting Dir., U.S. Immigr. & Customs Enf’t, regarding Irwin County Detention Center Complaints (Sept. 12, 2022) <https://web.archive.org/web/20230510134227/https://www.dhs.gov/sites/default/files/2023-02/rec-memo-ice-irwin-icdc-09-12-22.pdf> [<https://perma.cc/C6Z7-3ZVK>].

¹⁸ See Molly O’Toole, *ICE to Close Georgia Detention Center Where Immigrant Women Alleged Medical Abuse*, L.A. TIMES (May 20, 2021), <https://www.latimes.com/politics/story/2021-05-20/ice-irwin-detention-center-georgia-immigrant-women-alleged-abuse> [<https://perma.cc/4NQY-C3WX>].

¹⁹ Guinier & Torres, *supra* note 1, at 2797.

²⁰ *Id.* at 2798 (discussing heroic accomplishments of Montgomery desegregation activists in changing rules as well as cultural norms).

²¹ Of course, this is not to downplay the extraordinary work done by many lawyers, elected officials, and advocates who participated in efforts to hold Irwin and ICE accountable. Nor is it to downplay the work of scholars who are writing about deportation abolition work on the part of lawyers. See, e.g., Angélica Cházaro, *The End of Deportation*, 68 UCLA L. REV. 1040, 1113-16 (2021) (noting pro-immigration scholars’ arguments against deportation are practically limited to deportation being maldistributed); Angélica Cházaro, *Beyond Respectability: Dismantling the Harms of “Illegality,”* 52 HARV. J. ON LEGIS. 355, 357 (2015) (critiquing current “legalization” strategies); César Cuauhtémoc García Hernández, *Abolishing Immigration Prisons*, 97 B.U. L. REV. 246, 251 (2017) (calling for rejection of viewing migrants as outlaws); Laila L. Hlass, *Lawyering from a Deportation Abolition Ethic*, 110 CALIF. L. REV. 1597, 1602 (2022) (comparing similarities between immigrant detention and American carceral system); Shiu-Ming Cheer, *Moving Toward Transformation: Abolitionist Reforms and the Immigrants’ Rights Movement*, 68 UCLA L. REV. DISC. (LAW MEETS WORLD) 68, 71 (2020).

²² Jennifer J. Lee, *Immigration Disobedience*, 111 CALIF. L. REV. 71, 72 (2023) (exemplifying immigration disobedience via “defiant acts such as blockading streets to

categories: direct action, deportation resistance, and hunger strikes.²³ As Lee tells it, activists “use immigration disobedience to create new spaces of contestation.”²⁴ Bypassing traditional institutional channels, immigrants act as political agents to help shape the agenda, “shifting the existing discourse about legal reform.”²⁵

Not only are immigrants acting as political agents, but, I argue, immigrant activists are mobilizing to protect their rights in ways that traditional lawyering cannot and in ways that have a democracy enhancing effect. Ultimately, I argue that, in the case of Irwin: (1) the women’s participation had a democracy-enhancing impact, insofar as it opened up space for them to participate in decisions that shaped their lives; (2) the work, organizing and advocacy of the women inside provided additional sources of both accountability and authority; and (3) durable social change is neither produced nor sustained through litigation.

Theorist and legal scholar Lani Guinier asks us to “focus on the ways in which movement activists and a mobilized community can change thinking about the *content* of law and thus the horizon of the possible and sustainable.”²⁶ This Essay contributes to the growing scholarship around demosprudence, abolition, and organizing by articulating the ways in which the women inside Irwin and the organizers acting in coalition with them changed one group of lawyers’ thinking—and community thinking—both about what was possible and what constituted justice.²⁷

I. WHAT IS DEMOSPRUDENCE, AND WHY DEMOSPRUDENCE?

Demosprudence is “the study of the dynamic equilibrium of power between lawmaking and social movements”; it “focuses on the legitimating effects of democratic action to produce social, legal, and cultural change.”²⁸ Lani Guinier and Gerald Torres first theorized demosprudence in 2010.²⁹ Put in its simplest terms, demosprudence focuses on the way that people³⁰ can influence and contribute to the meaning and making of law.³¹ While Guinier and Torres frame

abolish ICE, hunger striking for release from civil immigration detention, or defying deportation orders by seeking church sanctuary”).

²³ *Id.* at 73.

²⁴ *Id.*

²⁵ *Id.* at 74 (citing Amna A. Akbar, *Toward a Radical Imagination of Law*, 93 N.Y.U. L. REV. 405, 432 (2018)).

²⁶ Guinier & Torres, *supra* note 1, at 2752.

²⁷ *See id.*

²⁸ *Id.* at 2749.

²⁹ *See* Lani Guinier, *Courting the People: Demosprudence and the Law/Politics Divide*, 89 B.U. L. REV. 539, 545 (2009) [hereinafter Guinier, *Courting the People*].

³⁰ Demos means “common people” (historically, the common people of ancient Greece). *Demos*, MERRIAM-WEBSTER (2024), <https://www.merriam-webster.com/dictionary/demos#:~:text=1,of%20an%20ancient%20Greek%20state> [https://perma.cc/93H2-SNU5].

³¹ Guinier & Torres, *supra* note 1, at 2749.

demospudence in terms of constitutional interpretation and rights, it's not limited to that sphere.³² Demospudence “builds on the idea that lawmaking is a collaborative enterprise between formal elites—whether judges, legislators or lawyers—and ordinary people.”³³ Moreover, the “foundational hypothesis of demospudence is that the wisdom of the people should inform the lawmaking enterprise in a democracy.”³⁴ Demospudence advances the idea of engaging nonlegal actors in the process of making and interpreting law over time.³⁵ In a traditional civil rights or immigrants’ rights context, noncitizens would bring their claims before a court, who would then vindicate those claims (or not). Civil litigation has played an important role in the advancement of certain rights, though there is certainly debate about how expansive its role has been.³⁶ Increasingly, scholars remind us that courts are just “one voice” in the national discussion.³⁷

Guinier and Torres explain that “demospudence requires us to ask two overarching questions: (1) How and when do disadvantaged or weak minorities . . . mobilize to protect their own rights in a majoritarian democracy?; and (2) Does the mobilization of these constituencies have a democracy enhancing effect?”³⁸

Demospudence rejects the idea that courts and lawyers are the sole sources of authority, especially when we know that so often, and perhaps increasingly, marginalized groups cannot rely on courts to vindicate their rights.³⁹ Instead of privileging these “formal” sources of authority, demospudence centers the role of social movements, activists, organizers, and directly impacted people so that they can “name their own reality and give that reality a heart, a soul, and a story.”⁴⁰

The women inside Irwin and the organizers and activists working with them helped us change how we thought about “the content of law and thus the horizon of the possible and sustainable.”⁴¹ The women inside Irwin told an important

³² *Id.* at 2803 (discussing the Montgomery Bus Boycott as involving demospudence).

³³ Guinier, *Courting the People*, *supra* note 29, at 545.

³⁴ *Id.*

³⁵ *See id.*

³⁶ Justin Hansford, *Demospudence on Trial: Ethics for Movement Lawyers, in Ferguson and Beyond*, 85 *FORDHAM L. REV.* 2057, 2061-62 (2017) (noting “that civil litigation has (1) attracted financial resources from those who want to donate to the legal effort, (2) provided legitimization for the movement’s agenda, and (3) opened up new claims and cultivated friendly venues and good precedent for future litigation” while acknowledging more pessimistic views on litigation’s role).

³⁷ *See id.* at 263.

³⁸ Guinier & Torres, *supra* note 1, at 2749.

³⁹ GERALD N. ROSENBERG, *THE HOLLOW HOPE: CAN COURTS BRING ABOUT SOCIAL CHANGE?* 3 (3d ed. 2023) (arguing that durable social change is neither produced nor sustained through litigation because courts “lack power over either the ‘sword or the purse’”).

⁴⁰ Guinier & Torres, *supra* note 1, at 2799.

⁴¹ *See id.* at 2752.

story that informed—and at its best, directed—our legal advocacy. And they changed our thinking about what was possible, what was important to them, and what the legal system was—and was not—capable of remedying.

II. IRWIN: A CASE STUDY

The following Part tells the story of Irwin County Detention Center, the site of our protagonists’ organizing efforts. I begin by describing the jail itself—the county in which it is situated, and its history as both a site of incarceration and violence. Next, I describe the women inside, including who they are, how they got there, and how they organized themselves and other detainees to demand justice. Here, too, I describe the movement workers who fought alongside and in solidarity with the women detained at Irwin. Together, with the women detained there, these movement workers changed the narrative of what was possible at Irwin. Finally, I describe the lawyers. I discuss the role played by the lawyers, and the ways in which organizers and detainees informed and led our work.

A. *The Jail*

Ocilla, Georgia, the seat of Irwin County, is today home to just under 3,000 residents;⁴² the entire county is home to just over 9,000 people.⁴³ Today, the top three employers in Irwin County are a commercial flooring contractor, the county board of education, and Irwin County Jail.⁴⁴

Irwin County Jail was built in 1907 with capacity for just fifty prisoners.⁴⁵ For the better part of its existence, the jail has invited controversy. The jail was criticized for poor conditions and overcrowding in the 1960s, experienced a major riot in the 1970s, and was sued by the American Civil Liberties Union (“ACLU”) in the 1990s, leading to a consent decree.⁴⁶

In 2013, following financial difficulties at the jail,⁴⁷ LaSalle Corrections, a private prison company, acquired Irwin County Detention Center.⁴⁸ On April

⁴² GA. MUN. ASS’N, OCILLA, 2024 GMA MEMBER CITY DATA PROFILE (2024) (reporting 2023 population of 2,949).

⁴³ *QuickFacts: Irwin County, Georgia*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/irwincountygeorgia/PST045224> (last visited Aug. 22, 2025).

⁴⁴ *Economic Development*, OCILLA-IRWIN CHAMBER OF COM., <https://ocillachamber.net/economic-development/> [<https://perma.cc/2SA3-VFJG>] (last visited Aug. 22, 2025).

⁴⁵ *History*, IRWIN CNTY. JAIL INMATES, <https://irwinjailroster.org/jail-history/> [<https://perma.cc/QSL3-8M9Z>] (last visited Aug. 22, 2025).

⁴⁶ *Id.*

⁴⁷ Jeremy Redmon, *New Owners Optimistic About South Georgia Immigration Detention Center*, ATLANTA J.-CONST., Jan. 25, 2014, at B3, <https://web.archive.org/web/20230510134227/https://www.dhs.gov/sites/default/files/2023-02/rec-memo-ice-irwin-icdc-09-12-22.pdf> (describing “financial troubles that have bedeviled” Irwin jail because “it failed to attract enough detainees and eventually its debt payments went into default”).

⁴⁸ Irwin County Detention Center Operation, Management and Maintenance Agreement Between Irwin Cnty., Ga., LaSalle Southeast, LLC & CGL/LaSalle Irwin Properties, LLC

10, 2007, the United States government entered into an intergovernmental agreement with the Irwin County Detention Center to house immigrant detainees.⁴⁹ This agreement provided that Irwin would hold non-citizen detainees for ICE for a per diem rate of \$45.⁵⁰ The total value of the contract was over eight hundred thousand.⁵¹ This was a welcome boon for Irwin County Detention Center—in 2012, the jail owed the county \$1.6 million in taxes and penalties.⁵²

The number of ICE detainees held at Irwin has fluctuated over the years, though the jail has capacity for 1,201 detainees.⁵³ In September 2019, the average daily population of ICE detainees at Irwin was 850.⁵⁴ In 2020, when most of the events in this Essay took place, the average daily number of ICE detainees was 788.⁵⁵

Almost since Irwin began detaining non-citizens for ICE, there have been significant and ongoing complaints about the conditions of confinement there. A 2012 ACLU Report, *Prisoners of Profit: Immigrants and Detention in Georgia*, documented serious concerns at immigration jails in Georgia, including at Irwin, such as inadequate information about available pro bono legal services, inadequate conditions for attorney visits that raised attorney/client

(Dec. 2, 2013), https://cdn.muckrock.com/foia_files/2015/09/10/Operation_Maintenance_and_Management_Agreement.pdf; Redmon, *supra* note 47.

⁴⁹ Multi-Agency Detention Services Intergovernmental Agreement Between U.S. Marshals Serv. & Irwin Cnty., Ga. 1 (July 25, 2007), https://www.prisonlegalnews.org/media/publications/Multi-Agency_Detention_Services_Intergovernmental_Agreement_between_USMS_and_Irwin_County_Detention_Center_2007.pdf (“This agreement is for the housing, safekeeping, and subsistence of federal prisoners . . .”).

⁵⁰ *Id.* (“The firm-fixed per-diem rate for services is \$45.00 . . .”). Even in today’s terms, \$45 would be just \$68, adjusting for inflation. Ian Webster, *Value of \$45 from 2007 to 2024*, CPI INFLATION CALCULATOR, <https://www.in2013dollars.com/us/inflation/2007?amount=45> [<https://perma.cc/6T9L-WM9Q>] (last visited Aug. 22, 2025).

⁵¹ Multi-Agency Detention Services Intergovernmental Agreement, *supra* note 49, at 14.

⁵² Hannah Rappleve & Lisa Riordan Seville, *How One Georgia Town Gambled Its Future on Immigration Detention*, NATION, (Apr. 10, 2012), <https://www.thenation.com/article/archive/how-one-georgia-town-gambled-its-future-immigration-detention/> [<https://perma.cc/9UH4-VDJF>].

⁵³ *Private Detention Facility Forced into Bankruptcy, Sold at Auction*, PRISON LEGAL NEWS (Oct. 15, 2013), <https://www.prisonlegalnews.org/news/2013/oct/15/private-detention-facility-forced-into-bankruptcy-sold-at-auction> [<https://perma.cc/PPW2-NW4Z>].

⁵⁴ *Detention Facilities Average Daily Population*, TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, <https://tracreports.org/immigration/detentionstats/facilities.html> [<https://perma.cc/M2U4-P7ZT>] (last visited Aug. 22, 2025).

⁵⁵ OFF. OF DET. OVERSIGHT, U.S. DEP’T OF HOMELAND SEC., COMPLIANCE INSPECTION: IRWIN COUNTY DETENTION CENTER 4 (Mar. 2020), https://www.ice.gov/doclib/foia/odo-compliance-inspections/irwinCoDetCntr_OcillaGA_Mar3-5_2020.pdf [<https://perma.cc/Y3JZ-FB22>].

confidentiality issues, and delays in gaining access to the law library.⁵⁶ The report also documented issues related to medical care, extreme temperatures, overcrowding, poor hygiene, and verbal abuse and retaliation by guards.⁵⁷

In a subsequent 2017 report, *Imprisoned Justice*, Project South highlighted a number of pervasive complaints at Irwin, including (1) limited legal access; (2) limited, expensive, and not private phone access; (3) significant due process concerns; (4) overcrowded, unhygienic, and uncomfortable living conditions; (5) spoiled, rotten, and inadequate food; (6) a lack of adequate medical and mental health care; (7) excessive and arbitrary use of segregation; and (8) mistreatment, hostility, and disrespect from Irwin employees, among other concerns.⁵⁸

Three years later, at the height of the COVID-19 pandemic, a number of rights organizations raised concerns in a letter to Department of Homeland Security (“DHS”) regarding lack of medical care, unsafe work practices, and a glaring absence of adequate protection against COVID-19 for immigrants detained at Irwin.⁵⁹ Around this time, the Government Accountability Project also raised concerns with Congress and the House Committee on Homeland Security regarding the way that LaSalle, in particular, mismanaged COVID-19 protocols and endangered the health and safety of those detained.⁶⁰

For over one hundred years, the Irwin County Detention Center has incarcerated people in southern Georgia. For the better part of that time, it has also invited controversy and contestation.

⁵⁶ ALEXANDRA (SACHI) COLE, ACLU OF GA., PRISONERS OF PROFIT: IMMIGRANTS AND DETENTION IN GEORGIA 82-84 (Azadeh Shahshahani ed., 2012), https://www.prisonlegalnews.org/media/publications/georgia_aclu_prisoners_of_profit_immigrants_and_detention_in_georgia_2012.pdf [https://perma.cc/KT8T-587N].

⁵⁷ *Id.* at 84-91.

⁵⁸ PROJECT S. & PENN STATE L. CTR. FOR IMMIGRANTS’ RTS. CLINIC, IMPRISONED JUSTICE: INSIDE TWO GEORGIA IMMIGRANT DETENTION CENTERS 41-45, 47-50 (2017), https://projectsouth.org/wp-content/uploads/2017/06/Imprisoned_Justice_Report-1.pdf?eTy pe=EmailBlastContent&eId=06e3761b-323c-4643-b53c-631f74bb8b2a.

⁵⁹ Letter from Project South to Joseph V. Cuffari, Inspector Gen., Cameron Quinn, Off. for C.R. & C.L., Thomas P. Giles, Acting Dir. of Atlanta ICE Field Off. & David Paulk, Warden of the Irwin Cnty. Det. Ctr. 2 (Sept. 14, 2020), <https://projectsouth.org/wp-content/uploads/2020/09/OIG-ICDC-Complaint-1.pdf> [hereinafter Complaint from Project South].

⁶⁰ Letter from Samantha Feinstein, Staff Att’y, Dana L. Gold, Senior Couns. & John Witty, Staff Att’y, Gov’t Accountability Project, to Bennie Thompson, Chair, Mike Rogers, Ranking Member, Kathleen Rice, Chair & Clay Higgins, Ranking Member, House Comm. & Subcomm. on Homeland Sec. 1-2 (July 10, 2020), <https://whistleblower.org/wp-content/uploads/2020/07/071020-letter-to-Congress-from-GovAcctProj-re-whistleblowers-ICE-Detention-COVID-FINAL-Submitted.pdf>.

B. *The Women Inside*

Though there is no doubt that men detained at Irwin also engaged in internal organizing efforts,⁶¹ this Essay focuses primarily on the women detained at Irwin for several reasons.

First, the author is co-counsel in the *Oldaker v. Giles*⁶² litigation, a class action complaint filed in December 2020 challenging the mistreatment suffered by women at Irwin. The women involved in this litigation collectively organized within Irwin to share their stories, to protest the retaliation they faced for sharing their experiences, and to collaborate with outside organizers, attorneys, press, and members of Congress.⁶³

Relatedly, while the women detained at Irwin accounted for just 4% of female ICE detainees nationwide,⁶⁴ they faced distinct and disproportionate harms *as women*, including harms to their gynecological and reproductive health. The *Oldaker* complaint details the experience of more than forty women detained at Irwin who experienced “a relentless pattern of unnecessary and non-consensual medical surgeries, including a pattern of unwanted gynecological procedures.”⁶⁵ As Senator Jon Ossoff explained in congressional testimony on the subject, the doctor tasked with treating women at Irwin:

[A]ccounted for just 6.5% of all offsite OB/GYN visits for all ICE detainees nationwide. Yet during the same period, this single doctor, according to ICE statistics, performed 82% of all dilation and curettage (D&C) surgeries, 93% of all contraceptive injections, and 94% of all laparoscopic surgeries to remove lesions performed on the entire ICE detainee population nationwide.⁶⁶

The invasive, medically unindicated, and often unconsented to procedures suffered by women at Irwin were disproportionate.

Finally, the women at Irwin organized. It was their video, in which they implored those in power to protect them from the spread of COVID-19, that

⁶¹ See Wessler, *supra* note 5 (describing men from section of Irwin who tried to communicate with people in other units of detention center to “consult about a protest to demand changes and their release”).

⁶² 724 F. Supp. 3d 1315, 1327 (M.D. Ga. 2024).

⁶³ See *id.* at 1327-30 (detailing claims of women subjected to abuse at Irwin and how some shared their experiences with congressional representatives and media outlets as whistleblowers).

⁶⁴ Camilo Montoya-Galvez, *Investigation Finds Women Detained by ICE Underwent “Unnecessary Gynecological Procedures” at Georgia Facility*, CBS NEWS (Nov. 15, 2022, 4:18 PM), <https://www.cbsnews.com/news/women-detained-ice-unnecessary-gynecological-procedures-georgia-facility-investigation/> [<https://perma.cc/Z8D3-UY7A>].

⁶⁵ *Oldaker v. Giles*, NAT’L IMMIGR. PROJECT (Dec. 11, 2024), <https://ninpnlg.org/work/litigation/oldaker-v-giles> [<https://perma.cc/K3PX-GH2Y>].

⁶⁶ *Medical Mistreatment of Women in ICE Detention: Hearing before the Permanent Subcomm. on Investigations of the S. Comm. on Homeland Sec. & Gov’t Affs.*, 117th Cong. 2 (2022) (statement of Sen. Jon Ossoff, Chair, Permanent Subcomm. on Investigations) [hereinafter *Medical Mistreatment Hearing*].

went viral in April of 2020.⁶⁷ It was their note, passed through the laundry to men in another unit, that sparked a hunger strike inside the facility.⁶⁸ And it was their congressional testimony that ignited an investigation.⁶⁹

Even before they were subjected to nonconsensual, medically unindicated, or invasive gynecological procedures, the immigrant women detained inside Irwin were suffering, and a steady campaign to close Irwin was underway on the outside.⁷⁰

On September 14, 2020, Project South, Georgia Detention Watch, Georgia Latino Alliance for Human Rights (GLAHR), and the South Georgia Immigrant Support Network filed a complaint with the Office of the Inspector General alleging “jarring medical neglect” at Irwin, including a lack of medical care, unsafe work practices, and an absence of adequate protection against COVID-19.⁷¹ Immigrants detained at Irwin reported “not being able to see a medical professional for several weeks despite submitting multiple sick call requests, not receiving life dependent medication consistently, and not receiving proper medical care once they [were] able to see a medical professional.”⁷² Others reported poor sanitation, spoiled food, and an utter lack of protection against the spread of COVID-19.⁷³

As interviews occurred and litigation evolved, a broader pattern and practice of medical abuse and mistreatment emerged at Irwin. When the women inside and others spoke out about this conduct to members of Congress, federal investigators, and the press, they were met with severe retaliation: placement in solitary confinement; transfers to other units; and in many cases, actual or attempted accelerated removal from the United States.⁷⁴

Who were the women inside, and how did they inspire, motivate, and direct advocacy strategy? The women at Irwin have varied histories, personal experiences, and struggles. They even had a name for themselves, “Guerrilleras

⁶⁷ Debbie Nathan, *Women in ICE Detention Face Reprisals for Speaking Up About Fears of COVID-19*, INTERCEPT (Apr. 28, 2020, 11:55 AM), <https://theintercept.com/2020/04/28/ice-detention-coronavirus-videos/> [<https://perma.cc/N2BW-JE46>].

⁶⁸ See Wessler, *supra* note 5 (illustrating how man discovered in his laundry bag one of many notes drafted by group of detained women on other side of facility that spread word to begin strike).

⁶⁹ See *Medical Mistreatment Hearing*, *supra* note 66, at 2-3 (featuring testimony of Karina Cisneros Preciado, former detainee at Irwin County Detention Center).

⁷⁰ Of particular note, is the extraordinary work of what came before the viral video and the litigation—it laid the groundwork for what came after. Project South, Georgia Latino Alliance for Human Rights (“GLAHR”), Mijente and others did—and are doing—incredible advocacy and tireless organizing work in south Georgia around immigrants’ rights and related issues. See *Our History*, GA. LATINO ALL. FOR HUM. RTS., <https://glahr.org/about-us/#our-history> [<https://perma.cc/P66P-K6CU>] (last visited Aug. 22, 2025).

⁷¹ Complaint from Project South, *supra* note 59, at 2.

⁷² *Id.*

⁷³ *Id.* at 2-3, 7.

⁷⁴ See *Oldaker v. Giles*, 724 F. Supp. 3d 1315, 1331 (M.D. Ga. 2024).

de la Luz,” or “Warriors of Light.”⁷⁵ The following provides a snapshot of who they were, the lived experiences they brought to organizing and advocacy efforts, and how they shaped our legal strategy. Of course, this Essay is just a snapshot—it falls far short of the three-dimensional portrayal that each woman deserves.

First, many of the women detained at Irwin were, are, or hoped to be mothers. Karina was separated from her four-month-old daughter when she was detained at Irwin. She was still nursing her baby when she was arrested, and Karina described her experience being separated from her daughter as hell.⁷⁶ Natalia was separated from her five children when she was arrested and detained at Irwin.⁷⁷ Valentina expressed how much she missed her eleven-year-old daughter; she feared that she would miss watching her grow up.⁷⁸ Cecilia, a mother of two daughters, was swiftly deported after reporting medical abuse at Irwin.⁷⁹ Amina had no children when she was detained at Irwin. Following gynecological procedures at Irwin, she was informed that she “would never be able to have children.”⁸⁰ She reported being “completely devastated,” having always wanted to be a mother.⁸¹

Most of the women involved in the Irwin litigation were survivors. A striking number of women detained at Irwin had survived physical and/or sexual abuse at the hands of their intimate partners, parents, or other relatives prior to their detention. Many of them had significant trauma histories both in the United States and in their countries of origin, as well as during their migration journey. This is consistent with reports about incarcerated women nationwide, who tend to have much higher rates of past abuse than the general population.⁸² The women at Irwin were also, almost to a one, survivors of the criminal legal system, both as witnesses and defendants. Women detained at Irwin had been convicted of offenses related to controlled substances, driving, neglect and

⁷⁵ Miriam Barcenás & Ariel Prado, *Andrea, Luchona, Irwin Survivor Needs Your Help!*, GOFUNDME (Dec. 23, 2020), https://www.gofundme.com/f/andrea-luchona-irwin-survivor-needs-your-help?utm_medium=copy_link&utm_source=customer&utm_campaign=p_lico+share-sheet [<https://perma.cc/LTR5-EC39>].

⁷⁶ *Medical Mistreatment Hearing*, *supra* note 66, at 2-3 (presenting Karina’s testimony that she was at Irwin away from her daughter for almost seven months).

⁷⁷ Consolidated Amended Petition for Writ of Habeas Corpus and Class Action Complaint for Declaratory and Injunctive Relief and for Damages ¶¶ 354-55, *Oldaker v. Giles*, 724 F. Supp. 3d 1315 (M.D. Ga. Dec. 21, 2020), *available at* <https://projectsouth.org/wp-content/uploads/2020/12/Docket-54-Consolidated-Amended-Habeas-Petition.pdf> [hereinafter Writ of Habeas Corpus and Class Action Complaint].

⁷⁸ *Id.* ¶¶ 125, 143.

⁷⁹ *Id.* ¶¶ 312, 329.

⁸⁰ *Id.* ¶¶ 276, 287, 294.

⁸¹ *See id.* ¶¶ 287, 294.

⁸² *See Samantha Michaels, Women’s Prisons are Filled with Domestic Violence Survivors. A New Type of Law Could Help Them Get Out*, MOTHER JONES (Aug. 11, 2022), <https://www.motherjones.com/criminal-justice/2022/08/domestic-violence-prison-abuser-ok-lahoma-new-york-law/> [<https://perma.cc/C8YM-L37>].

abuse. The women were also survivors of trauma and illness; many of them had diagnoses of depression, anxiety, Post-Traumatic Stress Disorder (“PTSD”), and bipolar disorder. The experiences of these women prior to their detention informed both their solidarity with one another and their advocacy.

Finally, the women detained at Irwin had a variety of immigration statuses, immigration histories, and involvement in the criminal legal system.⁸³ Karina, Valentina, and Amina were brought to the United States as very young children; they grew up here.⁸⁴ Natalia fled to the United States with her children for fear that her ex-partner would kill her.⁸⁵ Some of the women arrived in the United States on visas or green cards, while others came without authorization.⁸⁶ Some were seeking a chance for lawful permanent residency through a spouse or protection by way of asylum. For others, our strict immigration laws offered little recourse despite many years of residency in the United States.⁸⁷ All of them were detained at Irwin because they were in immigration removal proceedings, and at risk of being deported from the United States.

Understanding who the women were at Irwin is critical to understanding what they brought to our work and how they succeeded. I detail those lessons below, in Section C.

C. *The Organizers*

On September 14, 2020, Dawn Wooten, a licensed practical nurse employed by Irwin, filed a whistleblower complaint about alleged medical neglect and abuse inside Irwin.⁸⁸ Just one week later, several organizers working with #DetentionKills, a transnational abolitionist project formed to support families and communities affected by deaths in DHS custody, began daily visits to the jail. Organizers, spending between seven and fourteen hours in the jail each day, asked those inside what they had heard about the whistleblower report and what their experiences had been inside Irwin. Organizers recounted that they were moved by the intensive organizing efforts already underway inside Irwin.⁸⁹

While the detainees at Irwin were horrified by the reports of medical malfeasance—indeed, some of them had endured it—they also wondered why it was the lead story. Many of them wanted to know why the lack of PPE wasn’t

⁸³ Writ of Habeas Corpus and Class Action Complaint, *supra* note 77, ¶¶ 6-18.

⁸⁴ *Medical Mistreatment Hearing*, *supra* note 66 (testimony of Karina Cisneros Preciado, Former Detainee at Irwin County Detention Center); Writ of Habeas Corpus and Class Action Complaint, *supra* note 77, ¶¶ 125, 331 (detailing how one detainee “came to the United States at age three from Mexico” and another “was brought to the United States when she was two years old”).

⁸⁵ Writ of Habeas Corpus and Class Action Complaint, *supra* note 77, ¶ 354.

⁸⁶ *Id.* ¶¶ 6-18, 243, 298.

⁸⁷ *Id.* ¶¶ 6-18, 203, 331.

⁸⁸ Complaint from Project South, *supra* note 59, at 1.

⁸⁹ Conversation with Ariel Prado (Aug. 14, 2024); Conversation with Viridiana Fuentes (Aug. 15, 2024).

getting more attention or why family separation wasn't the headline. After all, many of them had been separated from their children for months, or even years.⁹⁰

One thing many of the detainees agreed upon, however, was that the organizers should speak to "Andrea." Soon, they did. Andrea had been one of the organizers of the PPE video released on YouTube—and she was severely punished as a result.⁹¹ After the video's release, correctional officers at Irwin violently assaulted Andrea and placed her in solitary confinement in retaliation for her advocacy.⁹² Andrea was beloved in her unit. Organizers describe her as someone who cared deeply for the women inside and tended to many of them when they were sick or recovering from improper medical care. Andrea quickly became a critical partner for the organizing team.

The organizers described the work they did alongside the women over the course of weeks and months. They spent time listening to the women's experiences and concerns, and trying to understand the interpersonal landscape of the jail. Organizers saw their role as "orienting people on the inside to the landscape on what's happening on the outside."⁹³ They wanted the women inside to see that, with the whistleblower report, there was now a narrow opportunity to call for the closure of Irwin and they wanted to know whether that might be something the women wanted to be a part of.

Soon, the organizers also began the work of connecting the women with legal counsel. A pivotal moment came early on, when organizers identified a detainee whose deportation was imminent. They connected her with legal counsel who successfully halted her removal. This material success engendered trust not just between the detainee and organizers, but also among the other women in her pod.⁹⁴ Increasing access to legal counsel was a tangible benefit organizers could provide, but it was just one aspect of their work; they also served as critical conduits for the women to speak with members of Congress and the press.⁹⁵

Organizers met individually and in groups with the women inside; often, they would meet with a small group of designated leaders, who would then relay the information to the rest of the detained women. Organizers also did significant "non-legal" work like ensuring that women with skin issues got the lotion they needed, discussing mental health and leading small groups in yoga and stretching, and helping detainees connect with their loved ones on the outside. When they weren't inside the detention center, organizers participated in weekly calls with the legal team. They relayed the wishes of the women inside Irwin, as well as updates on the legal case from the lawyers outside.

⁹⁰ See Writ of Habeas Corpus and Class Action Complaint, *supra* note 77, ¶¶ 220, 246, 298, 354, 414, 437.

⁹¹ See Rachel Taber, *supra* note 9.

⁹² Writ of Habeas Corpus and Class Action Complaint, *supra* note 77, ¶¶ 117, 120 (describing Andrea's assault "in front of many other women").

⁹³ Conversation with Ariel Prado, *supra* note 89.

⁹⁴ *Id.*

⁹⁵ *Id.*

They described moments when different groups of the women had goals that, at first blush, seemed to conflict. In one pod, for example, one group of women resisted speaking with organizers—they just wanted to be removed as quickly as possible and saw organizing efforts as a barrier to their speedy deportation. Meanwhile, another group was determined to fight their cases. Put another way, the abysmal conditions inside Irwin were, for some, convincing them to abandon their claims for relief while others were determined to push through and reunite with their families on the outside. Ultimately, organizers were able to work with both groups to identify poor conditions as a point of convergence, “building a collective sense of purpose allowed the advocacy to be stronger.”⁹⁶ As one organizer explained, “inside detention, your world can get pretty small,” and the work of organizing was, in many ways, an effort to expand that world and let the women at Irwin know that their organizing efforts inside could, in fact, connect to something much larger on the outside.⁹⁷

D. *The Lawyers*

Lawyers and legal workers have long been engaged in the critically important individual representation of non-citizens detained at Irwin. They have also been important champions and advocates for improved conditions at Irwin and, ultimately, for the closure of Irwin. This Essay does not intend to discount their vital work over the last many years—without it, what came next would have been more difficult, if not impossible. But in the fall of 2020, when the story broke of women at Irwin having sustained unconsented to and unindicated gynecological procedures, an even larger team of lawyers joined the efforts to hold those at Irwin accountable. The lawyers involved included law professors and law students at six law school clinics,⁹⁸ as well as lawyers from Project South, an organization devoted to cultivating social movements in the American South; the National Immigration Project of the National Lawyers’ Guild, a national nonprofit organization dedicated to immigrants’ rights; a national law firm; and local Georgia counsel, Dreyer Sterling LLC. Discussing this season with the legal team, we recall it as a time of both “chaos” and “mobilization.”⁹⁹

On October 29, 2020, I received an email asking whether I had the bandwidth to join with other attorneys to represent the women detained at Irwin. I confirmed that I did, and on November 9, 2020, I received information that one of the women, “Natalia,” was scheduled for deportation that week, after having been identified as one of the survivors of Dr. Amin. We immediately undertook

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ Boston University School of Law, Immigrants’ Rights and Human Trafficking Program (Sarah Sherman-Stokes); Columbia Law School, Immigrants’ Rights Clinic (Elora Mukherjee); Harvard Law School, Immigration and Refugee Clinical Program (Sabi Ardalan); University of Georgia School of Law, Community Health Law Partnership Clinic (Jason Cade); University of Georgia School of Law, First Amendment Clinic (Clare Norins); and Texas A&M School of Law, Immigrant Rights Clinic (Fatma Marouf).

⁹⁹ Conference on Clinical Legal Education, Ass’n of Am. L. Schs (May 2024).

legal efforts to halt her removal, including advocacy with ICE, filing a stay of removal, and filing for a temporary restraining order.¹⁰⁰ The initial legal work in this case was primarily to protect the women at Irwin from retaliatory removal; they had spoken out about the medical abuse they endured, and many were swiftly threatened with retaliatory deportation.¹⁰¹ Others faced solitary confinement, physical abuse, and transfer to other units within Irwin.¹⁰²

Initially, the lawyers' role was, in some ways, very traditional immigration legal work—individual representation of detained women to ensure they were not removed from the United States. Each law school clinic represented, on average, between one and three individual women detained at Irwin. The legal team also worked together and in December of 2020 filed a first amended complaint in district court, alleging violations of the First, Fifth, and Fourteenth Amendments, as well as violations of the Rehabilitation Act and the Administrative Procedure Act, among other claims, on behalf of over a dozen women.¹⁰³ Subsequently, the legal team assisted in filing administrative claims under the Federal Tort Claims Act (“FTCA”) for monetary damages, stays of removal with ICE, administrative complaints with the DHS Office for Civil Rights and Civil Liberties (“CRCL”), and U Visa certification requests for survivors of sexual violence and other medical abuse.

The legal team also engaged in class action litigation and administrative complaints with federal agencies. Individually, lawyers drafted custody redetermination requests, stay of removal requests, and engaged in individual representation in immigration matters. In addition, the legal team worked on legislative advocacy, media relations, and the drafting of pro se materials and practice advisories so that others, especially unrepresented noncitizens, could benefit from our legal strategy and materials.

III. WHAT CAN WE LEARN FROM IRWIN?

What can we learn from the organizing efforts at Irwin? What does demosprudence reveal about our experience working with the women inside? Put simply, the women inside Irwin exerted pressure that forced the government and other institutions to respond. The contentious politics of what was happening in and around Irwin—including organizing, advocacy and media—compelled action, even in the absence of a formal legal decision or court order. In fact, no Court ordered that Irwin be closed to ICE detention or that the contract be terminated. And yet, it was.

I suggest that there is much to learn from the work of closing Irwin. Below I describe three critical lessons that may be helpful for framing future demosprudential projects: (1) the women's participation had a democracy

¹⁰⁰ See *Oldaker v. Giles*, 724 F. Supp. 3d 1315, 1326 (M.D. Ga. 2024) (highlighting filing of temporary restraining order as part of procedural history of case).

¹⁰¹ Writ of Habeas Corpus and Class Action Complaint, *supra* note 77, ¶ 97.

¹⁰² *Id.* ¶¶ 2, 86-87, 112, 118, 123, 253, 277-78, 315-16, 412, 478, 481, 531, 547, 564.

¹⁰³ Writ of Habeas Corpus and Class Action Complaint, *supra* note 77, ¶¶ 524-777.

enhancing impact, insofar as it opened up space for them to participate in decisions that shaped their lives;¹⁰⁴ (2) the work, organizing and advocacy of the women inside provided an “additional source[] of authority for the lawyer and a new source of accountability for both the lawyer and ‘the law;’”¹⁰⁵ and (3) the work at Irwin provided continued confirmation that durable social change is neither produced by nor sustained through litigation.

A. *Democracy Enhancing Impact*

First, the participation of the women detained at Irwin had a democracy enhancing impact.¹⁰⁶ The women at Irwin are some of the most excluded from the polity; many of them are undocumented, women of color, and survivors of violence, trauma, and the criminal legal system.¹⁰⁷ Many of them are non-native English speakers and have experienced houselessness and displacement. Because none of them were U.S. citizens, none of them could participate in the electoral process. While at Irwin, not only were they incarcerated and at risk of removal from the United States, they also had been denied autonomy over their own bodies and healthcare decisions. We made intentional efforts to avoid reproducing similar kinds of coercion. The following explains the ways we were—and were not—successful in doing so, and argues that despite some shortfalls, the women’s participation had a democracy enhancing impact.

In our work with the women detained at Irwin, we strived to create genuine “communities of consent.”¹⁰⁸ This was not always successful, but at our best, we followed the direction of community organizers and the women inside Irwin and we attempted to provide some modicum of agency and autonomy to women who had been, in all manner of ways, denied it. We met weekly in coalition with law professors, law students, lawyers from law firms and national nonprofits, organizers on their way to and from Irwin, local counsel, and grassroots movement workers. We built coalition and developed consensus-building strategies; community organizers were important and vocal participants in our weekly strategy calls. Still, because of the nature of their detention, difficulty with phone and video access, and the geographical distance between Irwin and members of the legal team, the women weren’t always “in the room” where all the decisions were made. This was a notable shortfall.

But to the greatest extent they could, community organizers served as a conduit to the women inside. They helped us answer: what were their goals, legal and otherwise? What was important to them and what did solidarity mean to them? One organizer, a participant in several lawsuits, described the Oldaker litigation as “the most responsive lawsuit I’ve ever had the chance to be a part

¹⁰⁴ See Guinier & Torres, *supra* note 1, at 2749-50.

¹⁰⁵ *Id.* at 2800.

¹⁰⁶ See *id.* at 2749-50.

¹⁰⁷ See Writ of Habeas Corpus and Class Action Complaint, *supra* note 77, ¶¶ 125-484.

¹⁰⁸ See Guinier & Torres, *supra* note 1, at 2746 n.12.

of.”¹⁰⁹ He noted that while the medical abuse allegations at Irwin were important, the women also expressed a desire to center their experiences of repression, retaliation, and racism at Irwin and he appreciated how responsive the legal team was to these wishes in framing both the narrative and the legal case.¹¹⁰ And certainly the particular goals and interests of the women inside drove much of our strategy; their voices were centered in congressional testimony and advocacy, media narratives, and conversations with policy makers.

Lest this sound self-congratulatory, there were shortcomings. The absence of the women’s physical presence in our weekly calls was notable. What would it have looked like to have the women at Irwin engage directly, and in real time, in our legal and advocacy strategies? How might this have expanded what justice looked like and what success looks like? How might it have diversified or expanded the tools we relied upon to advance change?

Moreover, the women inside reminded us—often—that success for them was not individual, but collective; they favored decisions that benefitted the group, rather than highly individualistic remedies even if the latter provided material relief.

Andrea set the tone: “I said that if you promise that you will work for the liberation of all of us, I will do the best I can do, and I will raise my voice and find strength . . . [but only if] we are going to be a big team.”¹¹¹ Indeed, even some of the women inside challenged the notion that everyone should be included, citing the substance use disorder of one woman or the paralyzing anxiety of another. Andrea assured them that there was a role for everyone; some women brought strong leadership skills, others brought English language ability, and still others brought emotional intelligence.¹¹² As Andrea explained, it didn’t matter who was the spokesperson or, conversely, who was the most shy, “[w]e all had something to say.”¹¹³ The women reminded us, and each other, that collective participation and collective liberation had to be foregrounded in our work together.

There were other, more concrete examples, too. On one occasion, the Congressional Hispanic Caucus announced a visit to Irwin.¹¹⁴ In advance, organizers worked with the women inside to develop three to five talking points; the women had already organized the PPE video and collective written advocacy, so this work was almost intuitive. Working together, the women

¹⁰⁹ Conversation with Ariel Prado, *supra* note 89.

¹¹⁰ *Id.*

¹¹¹ Conversation with Andrea Manrique (Aug. 26, 2024).

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ Press Release, Congressional Hispanic Caucus, Statement on Investigation of Irwin County Detention Center (Sept. 26, 2020), <https://chc.house.gov/media-center/press-releases/congressional-hispanic-caucus-statement-on-investigation-of-irwin-county> [<https://perma.cc/J8QS-L89R>] (announcing Congressional Hispanic Caucus’s visit to Irwin on September 26, 2020).

quickly rallied around three primary talking points: medical negligence, inadequate infrastructure, and human rights violations.¹¹⁵ Organizers asked the leaders inside to select a couple of designated spokespeople for the visit; instead, the leaders returned with signed waivers from *every single detainee in the pod*, insisting that all the women not only wanted to, but needed to, speak. On the day the Caucus visited, a staffing error had led to them only receiving signed waivers from half the women in the pod. Those women refused to speak to the Caucus unless the Caucus spoke to everyone. Their solidarity worked; the Caucus spoke to every single woman detained in the pod.

On another occasion, a congressional committee communicated to the organizers that if they could identify the five most medically vulnerable people at Irwin, those women would be released. Organizers, feeling deeply uncomfortable making that decision, brought leaders from Irwin into the conversation. Andrea and others proposed a process whereby detainees could nominate themselves or others to be part of the list of five.¹¹⁶ Within twenty-four hours, the women inside held a vote and brought the organizers all of the ballots in a little ziplock bag; they had worked together to make decisions about their own lives and come up with a list of five women that everyone agreed upon.¹¹⁷

The women inside were an integral part of shining a light on the conditions of confinement at Irwin. If they shouldn't be detained there, no one should be. Their commitment to this idea and their insistence on broader advocacy drove us to pursue larger release efforts. In January 2021, we worked with organizers to reach detained individuals in all units at Irwin, filing release requests for dozens of individuals in addition to the plaintiffs in our case. Word traveled quickly throughout the jail, and though organizers initially approached detainees in just a few units, detainees throughout the jail quickly became aware of ongoing advocacy efforts. With expanded organizing and advocacy efforts also came additional media coverage and opportunities to center the voices of those detained and the organizers working with them.¹¹⁸ Organizers worked in coalition with those in detention to craft a media strategy, and determine which conditions, concerns, and abuses detainees wanted to make public. By March 2021, detainees within Irwin had regrouped and intensified their internal organizing efforts. Many detainees were released during the winter and spring

¹¹⁵ Conversation with Andrea Manrique, *supra* note 111.

¹¹⁶ *Id.*

¹¹⁷ Conversation with Ariel Prado, *supra* note 89.

¹¹⁸ See, e.g., Aja Arnold, *Breaking: COVID-19 Outbreaks in Three Housing Units in Irwin County Detention Center*, MAINLINE (Feb. 13, 2021), <https://www.mainlinezine.com/breaking-covid-19-outbreaks-in-three-housing-units-in-irwin-county-detention-center/> [<https://perma.cc/7Z44-2LRG>]; *COVID-19 Outbreaks in Three Housing Units in Irwin County Detention Center*, Athens Immigr. Rts. Coal. (Feb. 14, 2021), <https://www.athensimmigrantrights.org/news/2021/2/14/covid-19-outbreaks-in-three-housing-units-in-irwin-county-detention-center> [<https://perma.cc/6CKN-JD92>].

of 2021, and the announcement of Irwin's closing came by May.¹¹⁹ Detainees, organizers, and recently released immigrants were excited, though not naive, as we all worried that mass transfer, and not mass release, would be the result. While some ICE detainees were, in fact, transferred, many were ultimately released into the community and reunited with their families.

In the end, and despite our shortcomings, the process of organizing for abolition at Irwin was democracy enhancing because of the women inside. Detained women were the engines of change—they organized, went on hunger strike, and released inside footage, all of which advanced a narrative about Irwin as neglectful and unsafe and advocated for their freedom as well as the freedom of all those incarcerated. They created space for themselves and others similarly situated to them to participate in the decisions that shaped their lives in both small and large ways.

B. *Additional Sources of Authority and Accountability*

Next, the women at Irwin provided both (1) an additional source of authority for our advocacy efforts and (2) an additional source of accountability. The women's courage in speaking out about their experiences at Irwin, including in the face of significant retaliation, provided powerful authority not only for our legal claims, but as an indictment of ICE detention. At considerable risk to themselves, the women at Irwin were an example of what it looks like to contest what is and imagine what might be. Their authority came from both their lived experience and their dedication to memorializing and telling their stories amongst each other, publicly through YouTube, and in conversations with organizers, legal counsel, media, and members of Congress. Directly impacted communities are not often seen as legitimate sources of authority by the legal community; without the imprimatur of the law, their stories and experiences are deemphasized and even disregarded. Here, the women's stories—of medical abuse, repression and retaliation, and family separation and survival—drove the work we undertook.

The women's participation in this work also created a critically important source of accountability for the lawyers involved and the broader legal community. As one woman inside Irwin recalled, "we don't think the same way as the lawyers; we can give something very concrete [about our experiences]."¹²⁰

Fortunately, as one organizer explained, "most of the lawyers involved, they listened to the needs of the women inside, and in coalition with them and with organizers, they came up with proposals and worked to make those proposals legible to people inside [the jail]."¹²¹

In other ways, the women inside Irwin held us accountable to a more complex, honest approach to lawyering. When organizers first engaged with the women inside around possible litigation, the women inside were clear: "I told them,

¹¹⁹ DHS Press Release, *supra* note 17.

¹²⁰ Conversation with Andrea Manrique, *supra* note 111.

¹²¹ Conversation with Ariel Prado, *supra* note 89.

don't play with us . . . we are not just the hot topic of the day. If you really want to help us, [don't let us be] just a moment."¹²² The organizers relayed this message to the legal team: to be partners in this work means that we are all here for the long haul.

The women organizing at Irwin fit, but also significantly challenged and tried to dislodge, the “good immigrant” narrative. The good immigrant/bad immigrant narrative is a familiar trope in immigration law and immigration policy.¹²³ The history of litigation and civil rights in the United States is steeped in identifying perfect plaintiffs; as every law student learns, “bad facts make bad law.” The traditional playbook maintains that plaintiffs must be “likable,” meaning they “must be amenable to the spotlight and both sympathetic and relatable to the average person.”¹²⁴ Put simply, immigration litigants should be “good” immigrants: law-abiding, commanding of our sympathy, and “like us” (with “us” being as close to white, middle-class, law-abiding, and heteronormative as possible).¹²⁵ But as Cynthia Godsoe and others have argued, this kind of conformity in civil rights litigation “brings significant costs.”¹²⁶ As one organizer explained, “we have so many ideas about what a ‘good’ immigrant is,” and the work at Irwin enabled us, even required us, to suspend these notions.¹²⁷ She continued, “Irwin showed us that we don't have to be perfect in order to deserve to be here.”¹²⁸ In the work at Irwin, we centered women of color, women involved in the criminal legal system, and women with mental illness. Rather than quiet and conforming, the women at the center of Irwin were assertive and outspoken. It was these traits, in fact, that brought the injustices they suffered to the fore.

The legal team launched their work in response to an emergency—a woman at Irwin faced an immediate risk of retaliatory deportation. But the lawyers were hesitant to get involved given the legal posture of the case. The women inside kept pushing until lawyers at Columbia Law School agreed to file something. The women inside held the legal team accountable; they were sure that lawyers could do something to stop this removal. The legal work, and the concrete remedy it provided, engendered both trust and accountability between the detained women and the legal team.

One organizer explained, “my experience with lawyers before this project was that you have to bow down to them, that they are all mighty—they will tell me what they need from me, and I just have to provide it.”¹²⁹ While organizing at

¹²² Conversation with Andrea Manrique, *supra* note 111.

¹²³ See, e.g., Elizabeth Keyes, *Beyond Saints and Sinners: Discretion and the Need for New Narratives in the U.S. Immigration System*, 26 GEO. IMMIGR. L.J. 207, 216-18 (2012).

¹²⁴ Cynthia Godsoe, *Perfect Plaintiffs*, 125 YALE L.J. F. 136, 137-38 (2015).

¹²⁵ See Keyes, *supra* note 123.

¹²⁶ Godsoe, *supra* note 124, at 141, 152-54.

¹²⁷ Conversation with Viridiana Fuentes, *supra* note 89.

¹²⁸ *Id.*

¹²⁹ *Id.*

Irwin and working with the legal team in the *Oldaker* case, she noticed that, by contrast, there was “so much centering of humanity and the centering of people’s experiences . . . I had never seen that before.”¹³⁰ She concluded, “I never remember feeling unheard, which was very different for me.”¹³¹ At our best, centering the voices of organizers and the women inside Irwin provided an important source of authority and kept us accountable to the people whose lives were at the center of the work.

C. *Litigation Alone Won’t Yield Durable Social Change*

Finally, the work at Irwin taught us—or in many cases reminded us—that durable social change is neither produced nor sustained through litigation.¹³²

There were important and material victories for the people detained at Irwin. Together, we prevented deportations and secured release from custody for nearly all of the plaintiffs in the *Oldaker* case. Additionally, through *Fraihat* requests,¹³³ we secured release for additional non-plaintiff detainees, including a handful of men detained at Irwin. We also pursued, and in many cases achieved, material immigration relief from deportation and pathways to lawful immigration status. But other legal victories were more complex.

For example, the women inside and the organizers pushed the legal team to expand the class of protected people at the center of the lawsuit because the women did not want to leave anyone out.¹³⁴ Meanwhile, the lawyers felt that they had stretched the bounds of the class as far as they could. One law student, working with organizers and the women inside, thought creatively—if additional class members could not be added, what role might congressional and media advocacy play? What work could other kinds of advocacy do that the law was not capable of doing? This expansion in our thinking led to significant press and media work,¹³⁵ interviews with women inside, at least two documentary

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² See ROSENBERG, *supra* note 39.

¹³³ *Fraihat v. U.S. Immigr. & Customs Enf’t*, 445 F.Supp.3d 709, 750-51 (C.D. Cal. 2020), *rev’d and remanded*, 16 F.4th 613 (9th Cir. 2021).

¹³⁴ Conversation with Ariel Prado, *supra* note 89.

¹³⁵ See Caitlin Dickerson, Seth Freed Wessler & Miriam Jordan, *ICE Detainees Recall Pressure To Get Surgery*, N.Y. TIMES, Sept. 30, 2020, at A1; Molly O’Toole, *19 Alleged Medical Abuse in Ice Facility*, L.A. TIMES, Oct. 24, 2020, at A1.

films,¹³⁶ and congressional visits.¹³⁷ We developed practice advisories that we hope can benefit other noncitizens, both represented and unrepresented.¹³⁸

Moreover, while our class action lawsuit survived a motion to dismiss on FTCA claims, we lost our other federal claims, and the judge declined to exercise supplemental jurisdiction over our state claims.¹³⁹ Put another way, the courts failed to vindicate the rights of the Irwin survivors. While in many cases individual women were released or able to obtain permanent legal status, the larger picture is more complicated. Even if the court had ruled in the women's favor, the question remains whether such a judgment would have been *enough*. As one of our clients remarked, "nothing can repair the trauma we have endured—and not just us, but our families too."¹⁴⁰

The work of the women at Irwin has continued, though formal litigation has ended. The dialectic between those in and around the law and ordinary people enduring the impact of the law has also continued. Andrea founded an organization dedicated to "[e]motional healing, education, justice, and community empowerment" for those impacted by immigration detention.¹⁴¹ Organizers have moved on to other projects, including working to end additional ICE contracts and engaging in economic revitalization projects in areas where ICE detention centers have closed.

CONCLUSION

Reflecting on the closure of Irwin, one organizer explained, "I think of Irwin as a success—not just because an ICE contract was terminated, but because [being part of this] was transformative; it created a political consciousness that will continue."¹⁴² The work of organizers and the women inside Irwin, in conversation with lawyers, expanded what was in reach. The work itself shifted

¹³⁶ Al Jazeera, *Why Women in Immigration Detention Accused a Doctor of Abusing Them*, YOUTUBE (May 26, 2021), <https://www.youtube.com/watch?v=SZAdKvLrtjk> [<https://perma.cc/Z5P2-TZRE>]; *The Facility, a Film by Seth Freed Wessler*, TIME (Jan. 4, 2022), <https://time.com/6121979/immigrants-ice-facility-film/>.

¹³⁷ COMM. ON HOMELAND SEC. & GOV'T AFFS., MEDICAL MISTREATMENT OF WOMEN IN ICE DETENTION 103 (Nov. 15, 2022); *Watch: PSI Chairman Ossoff Unveils Results of 18-Month Bipartisan Investigation into Medical Mistreatment of Women in U.S. Detention*, OFF. OF JON OSSOFF (Nov. 15, 2022), <https://www.ossoff.senate.gov/press-releases/watch-psi-chairman-ossoff-unveils-results-of-18-month-bipartisan-investigation-into-medical-mistreatment-of-women-in-u-s-detention/> [<https://perma.cc/E6CJ-G3L6>].

¹³⁸ *Practice Advisory: Advocating for Immigration Survivors of Medical Abuse at the Irwin County Detention Center*, NAT'L IMMIGR. PROJECT (May 4, 2021), https://nipnlg.org/sites/default/files/2023-03/2021_05May_irwin-survivors.pdf [<https://perma.cc/LSY4-UMXJ>].

¹³⁹ *Oldaker v. Giles*, 724 F. Supp. 3d 1315, 1354-55 (M.D. Ga. 2024).

¹⁴⁰ Conversation with Natalia (Sept. 5, 2024).

¹⁴¹ Alagape Organization, INSTAGRAM, <https://www.instagram.com/alagapeorganization> [<https://perma.cc/2AWY-Q63B>] (last visited Aug. 22, 2025).

¹⁴² Conversation with Viridiana Fuentes, *supra* note 89.

norms and expectations around the assumed existence of ICE detention, dislodging perennial misconceptions.¹⁴³

“We prayed [that Irwin] would be in ruins; that no one ever has to go through [what we went through] . . . it was always our dream that we would be liberated and [Irwin] would not exist.”¹⁴⁴ Our work together did not leave Irwin in ruins, but it may have displaced a few bricks.

¹⁴³ See Jack M. Balkin & Reva B. Siegel, *Principles, Practices, and Social Movements*, 154 U. Pa. L. Rev. 927, 946 (2006).

¹⁴⁴ Conversation with Andrea Manrique, *supra* note 111.