The 2004 publication, *American Gulag: Inside U.S. Immigration Prisons* by Mark Dow is an exposé of the modern immigration detention system pre- and post-September 11. In this book, Dow exposes the horrific conditions experienced by immigration detainees in detention centers scattered around the country as if an archipelago that is essentially hidden in plain sight. He states his purpose is to “leave a record …of something the U.S. government has long preferred to keep far from view: the system of immigration detention itself, including the widespread treatment of the prisoners inside that system.”

Dow chooses to use story as the primary device to guide the reader through dense immigration laws and history. Detainees and detention center workers and wardens provide personal accounts of their experiences with the immigration detention system. Dow supplements the stories with historical, legal and cultural background. The combination of first person histories and background context provides the reader with a clear connection between immigration policy and it’s practical effects.

Every story recounted by Dow contains the same theme of dehumanization. Physical and psychological abuse of detainees, lack of legal process, indefinite detentions, frequent transfers to different detention facilities, and stealing or destroying personal property are just some of the types of treatment described. Recounting the commonality of the detention experience by detainees in different facilities achieves what the author sets out to expose; that the dehumanization and distancing of detainees from access to advocates and legal representatives is by design. Additionally, Dow contends that while many consider September 11, 2001 a decline in the treatment of detainees in immigration custody, in reality the abuse and systematic denial of
civil and human rights to immigration detainees has been a long standing problem. September 11 did not signal a sea change in the treatment of immigration detainees, it simply provided a cultural justification for the maltreatment of detainees.

Dow initiates his examination of the immigration system by discussing 9/11 and the immigration policy and practice that directly from the 9/11 attacks precisely because most people will consider current immigration practice from the post 9/11 perspective. From there he takes the reader to Miami where he claims the contemporary era of immigration detention begins with Cubans and Haitians in the 1980s. Dow then moves into a multi-chapter discussion of immigration detainees housed in criminal facilities, the effect of corporate run criminal facilities and the 1996 laws. Stories of resistance by individuals, advocacy groups and attorneys follow. Dow ends the book with the somber and desperate stories of those who are detained, seemingly indefinitely.

Dow claims that the purpose of this work is to “leave a record” yet the chronicles of abuse, mistreatment and injustice are so shocking that the book reads more like a call to action. But what action? American Gulag, provides an abundance of information about the problems and virtually no solutions. This can prove to be frustrating to the legal reader who is trained to consider not just the complaint but potential remedies. It would be unfair to say that the book is completely devoid of solutions. Dow recounts how Citizens and Immigrants for Equal Justice (CIEJ) formed to counter the harsh effects of the 1996 immigration laws. He also briefly discusses the work of immigration and defense attorneys who represent detainees. The accounts of detainees who organize hunger strikes and resist by filing complaints are also included. All of these attempts to reform what is painted as a very abusive and as one attorney dubbed it, subconstitutional system don’t seem to yield much reform at all. The harsh 1996 laws remain
in effect with minimal alterations. Although, the Court in *Zadvydas* held that detainees couldn’t be held indefinitely even if there are considered “unremovable”\(^v\), Dow reveals that there are still many “unremovable” people who linger in detention centers. And two of the immigration attorneys highlighted in the book quit their representation of detainees because they felt that there was nothing that could be done and that the work was heartbreaking.\(^vi\) Despite the overwhelming nature of the work, the legal reader gathers numerous lessons and inspirations from *American Gulag*. Below are few of the substantive and practical lessons that a legal reader garners from Dow.

**Comprehensive overview of the “Contemporary Era of Immigration detention”**

While *American Gulag* was not written specifically for a legal audience it provides very valuable information that is unattainable from traditional legal sources. The secrecy and deprivation of legal process to detainees highlighted in *American Gulag* is the very reason that attorneys and legal advocates do not have access to information about immigration detention conditions. Because of the administrative nature of immigration law, it is difficult to obtain information in many immigration settings. The detention setting, however, is even more complicated because of the difficulty in accessing clients who are confined, potentially without any record of the confinement. *American Gulag* provides to the practitioner a comprehensive framework of a system, which frequently changes its internal practices and where individual facilities do not act uniformly with each other. This book succeeds in leaving a record of what is happening in the immigration detention system. The reader can then access this record to become better informed about the immigration system.
Legislative and Policy change

The lack of due process afforded to those in immigration detention is shocking and incredulous, even to the legal reader. Works such as *American Gulag* are necessary to build a library of accounts that can demonstrate the legal deprivation of detainees to those in decision-making positions. In order to effect immigration policy the advocate will confront disbelief that there are people detained with so few constitutional rights. The characterization of immigration work as “subconstitutional” best encompasses the idea that there are people detained not in violation of the Constitution but rather who don’t have the right to access many parts of the constitution. It is difficult to consider that the U.S. government can detain people yet not afford them even the most basic of constitutional due process. *American Gulag* effectively exposes and explains how this occurs. More importantly it explains the effects of subconstitutional existence on detained people. Works such as this are vital to educating those in power about the reality of immigration detention.

Litigate and Legislate the “Story”

The very first line of Dow’s prologue is “She can tell it better than I can.” This quote was taken from a conference Dow attended where an immigrant woman told her story of immigration detention. The use of the first person voice to narrate the detention experience is powerful. First, this technique humanizes a system dedicated to dehumanizing those confined within it. Second, the stories are captivating and moving. Third, stories of detained people allow the person a moment of empowerment in an otherwise disempowering environment.

Dow obviously sees the value in reporting through stories as his entire book is centered around stories of immigration detention. Laurie Kozuba, the founder of Citizens and Immigrants for Equal Justice, illustrates how to use story for legislative change. Her primary tools for
organizing were the stories of those affected by the 1996 immigration laws. With their stories she contacted immigration advocates and policymakers. She intended to change the law by appealing to the humanity of policymakers through personal narratives. Of one difficult to convince Congressman she stated, “He’s got to have a heart in their somewhere. It’s just how you get to it….”

Dow does not explicitly declare that the stories he tells are meant to create reform as Laurie Kozuba does in CIEJ. However, the power of story is the resulting lesson. To channel individual narratives from the isolation of detention to the public forum of the literary world or Congress alters the discussion. No longer is there merely talk of statistics and generalities. With humanization comes accountability.

The legal reader can use and adopt the story telling technique in litigation as well as legislative reform. In collecting narratives, the practitioner can look to Dow’s journalistic technique and sources. He is tenacious in his collection of stories from different individuals involved with the immigration system and researching immigration policy. His endnotes and bibliography provide a wealth of source information to supplement any litigation or policy campaign. The practice of immigration law in the detention system is very closed and often difficult to navigate. However, when there is the opportunity for a hearing, the rules of evidence in the immigration setting are much more relaxed than in other legal settings. Therefore, the practitioner who has taken the opportunity to employ the investigative techniques typical of a journalist is prepared to take advantage of the liberal evidentiary rules by supplying the court with a multitude of sources and information that is generally not permitted in other legal practice.
Surely different legal readers would garner additional lessons that are not mentioned here. These are the lessons that appeared to this legal reader to be most salient. While *American Gulag* contributes significantly to the field of immigration law women’s voices are conspicuously missing from the narrative.

The vast majority of detainee stories were from men. The major narratives provided by women were from women who worked at the detention center in Houston and from Laurie Kozuba, the founder of CIEJ. There is one short narrative of 3 pages provided by a detainee, Elizabeth Nabatanzi Luggude-Katwe compared to the over 100 pages of narrative from male detainees. There are short references and quotes regarding treatment of women in detention. The index lists “women detainees” and contains references to abuse of women, menstruation, miscarriage, shackling while giving birth, rape and sexual abuse. All of these topics are mentioned in the book but given surprisingly little attention. The stories of women in the larger culture are so often ignored. Unfortunately, Dow continues that familiar practice. In order to truly address the conditions of all detainees in the immigration system he needs to give adequate voice to detained women.

*American Gulag* is an extremely valuable work for the legal audience not only for it’s substance but also for the technique and style of the book. The stories are revelatory and provide much needed information about the secretive system of immigration detention. Dow’s journalistic style and technique also offers insights to the legal advocate on how to investigate and present a compelling and complete narrative.

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ii *Id.* at 55.
iii *Id.* at 173.
iv *Id.* at 260.
vi *Id.* at 262.
vii *Id.* at 194.