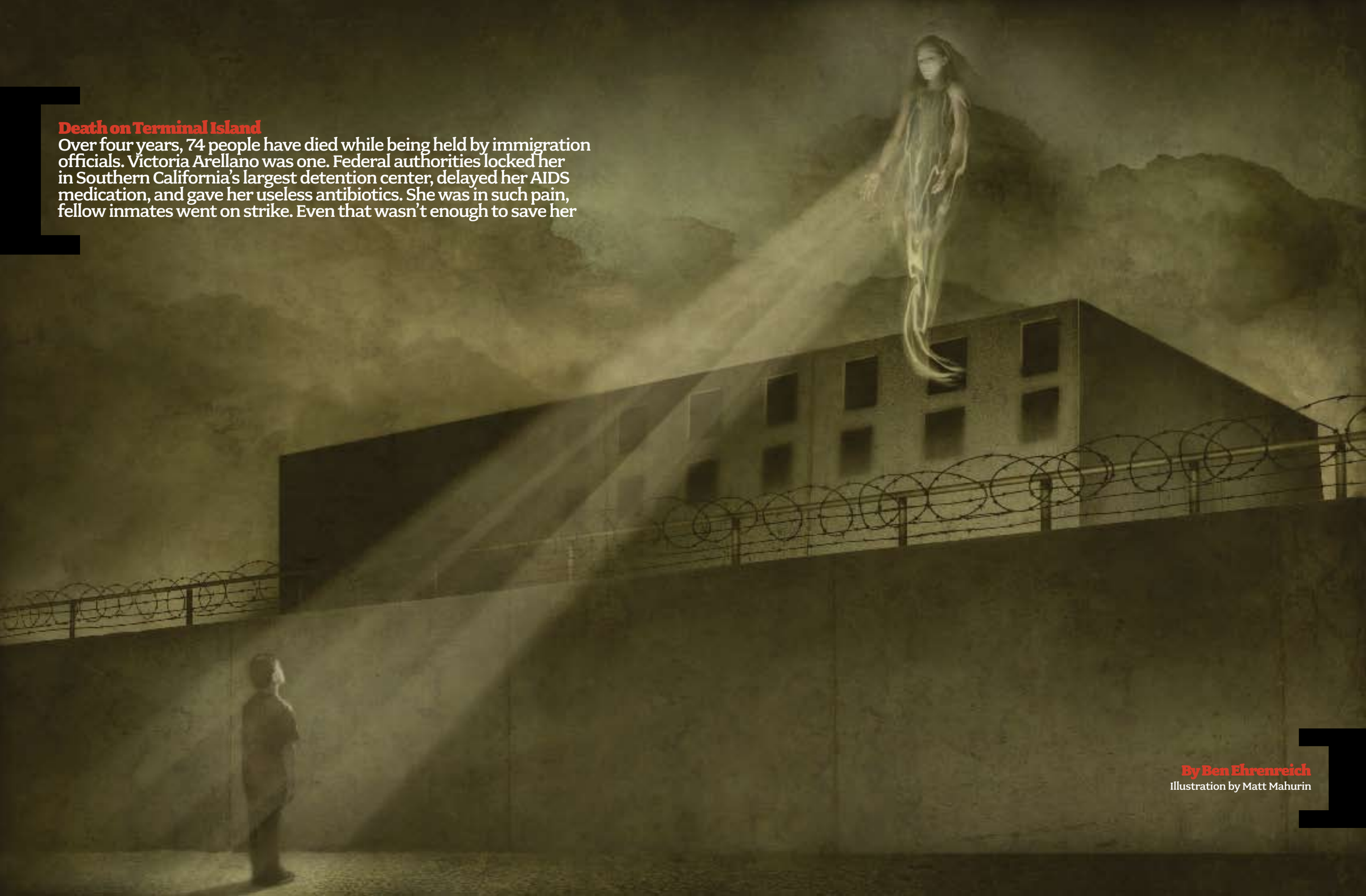
Death on Terminal Island

Over four years, 74 people have died while being held by immigration officials. Victoria Arellano was one. Federal authorities locked her in Southern California's largest detention center, delayed her AIDS medication, and gave her useless antibiotics. She was in such pain, fellow inmates went on strike. Even that wasn't enough to save her



By Ben Ehrenreich
Illustration by Matt Mahurin

Strangely

nearly everyone agrees that Victoria Arellano seemed happy. She was locked up on Terminal Island, a place as somber as its name, but her fellow inmates remember her almost as a source of light. She was "*muy alegre*," says Oscar Santander, who goes by Diana, and who was incarcerated with Arellano at the Immigration and Customs Enforcement detention center. Eugene Peba, who was also in custody there, describes her as "very jovial." Walter Ayala became her closest friend. She was "*muy contenta*," he says, "*muy feliz*," or at least she appeared to be. "This was a very jolly person," says Clement Mutagubya Lukyamuzi. It makes Edward Bush throw his hands in the air. "How happy can you be over there? I cried all the time!"

Arellano faced deportation to Mexico, but for her first few weeks on Terminal Island, she danced through the days, singing so loudly and constantly that she got on people's nerves. Bernardo Martínez, known as Luna, says, "No one could imagine that a few days later she would die." When her last hour came, on the morning of July 20, 2007, Arellano was shackled to a gurney at Little Company of Mary Hospital, just ashore from Terminal Island in San Pedro. For weeks she and her fellow detainees had been asking, begging, and demanding that immigration authorities provide her with the medical care she needed to stay alive. When they finally took her to the hospital, Arellano was too weak to walk. The autopsy report attributed her death to complications from AIDS. She was 23 years old.

Arellano became one of 74 fatalities to occur since 2004 in this country's rapidly expanding system of immigrant detention, a largely unregulated and almost invisible system of internment through which 330,000 people passed last year. Some were arrested at airports after asking for asylum; some were picked up crossing the border or in raids; some were green-card holders who had fallen afoul of the law. About half had no criminal record whatsoever. While they await deportation or fight for asylum, they are held out of sight in ICE-administered facilities in the southern Arizona desert and on the edge of the Florida Everglades; in county and city jails throughout the country, where they are frequently intermingled with the criminal population; and in remote, privately run immigration prisons, far from their families or the possibility of legal assistance. Only 11 percent are represented by attorneys. This is the domestic flip side of Guantánamo and one of the many unseen consequences of homeland security, an archipelago of more than 300 detention centers scattered around the United States. ICE's detention budget this year is more than $1.6 billion, a 40 percent increase since 2006. In the current climate—and in an election year—no one is questioning the expense.

No matter how heated the larger debate on immigration becomes, it is safe to predict that Victoria Arellano will not be a poster child for either side. HIV-positive, transgender, with a history of drug addiction, she falls far outside the image of the ideal immigrant. Her death was too cruel, too humiliating to be of use to even the angriest extremists of the nativist right. She has become something of a martyr in the small community of transgender advocates, but Arellano's fame stops there. Not only her death but her life—the very fact of her existence—makes too many people too uncomfortable.

Until 1996, immigration law used a telling term to refer to noncitizens who can be legally denied residency in the United States. They were not only excluded, although they were that, too; they were "excludable." The idea still prevails. They provide an opportunity for exclusion, for the nation to define itself by what it is not. Victoria Arellano was almost perfectly unwanted: not just a Latina, but an immigrant; not just an immigrant, but illegal; not just gay, but transgender; not just transgender, but infected with HIV—and an addict to boot. She did not merely slip through the cracks of the system. The system, cracks and all, was built with her in mind.

COURTESY OLGA ARELLANO

»Two photos hang on the living room wall of Olga Arellano's apartment, one of a brown-haired boy of about 12, the other of a young blond woman with plucked eyebrows and painted lips. They have the same knowing, almost defiant smile. The boy is Victor Alfonso Arellano, the woman his later incarnation—Victoria.

When she was seven years old, Victoria, then still Victor, made the trip north from Guadalajara to join her mother, Olga, in California. Her father had never been part of her life. Already for a year or two, Victoria had been showing signs that, as her mother puts it, her "way of being was different." Olga is a short, fair woman who wears her grief in the fine lines around her eyes and at the corners of her mouth. She switches between Victor and Victoria, between male and female pronouns, between referring to her son and to her daughter. The Arellanos lived in a series of apartments within an hour's drive from Los Angeles. Olga made her living as a waitress. While she was at work, young Victoria played dress-up, putting on her mother's makeup and trying on her clothes. She chafed at the rituals of boyhood. She liked dolls, preferred to wear her hair long, and spent most of her time in the company of girls.

In the sixth grade, she started wearing makeup to school. She would get up early, do her face, and to avoid a fight with her mom, slip out before Olga awoke—or sneak out the bathroom window if she couldn't beat her to the door. Other children were cruel. She deflected their taunts as best she could. Her mother's disapproval was harder to bear. "I was hoping that he was going to change," Olga says, "but he kept giving me signs that he liked to be that way." Olga spreads open a folder of Victoria's papers on the sofa. She flips through drawing after drawing of shapely women with long, elegant faces resembling Victoria's own. All of them are crying. "She always drew herself like that," Olga says, "with tears." She finds a high school poem Victoria wrote in Spanish.

I couldn't bear the pain anymore
That I feel in my heart
I couldn't complain anymore
That people didn't love me for who I am

Olga picks out a Gloria Trevi song that Victoria liked so much she had written it out in English. Olga asks me to translate it for her. It's titled "Always Me." I read her the chorus.

Remember that you'll always have me,
Always me.

Olga nods, her eyes expressionless.

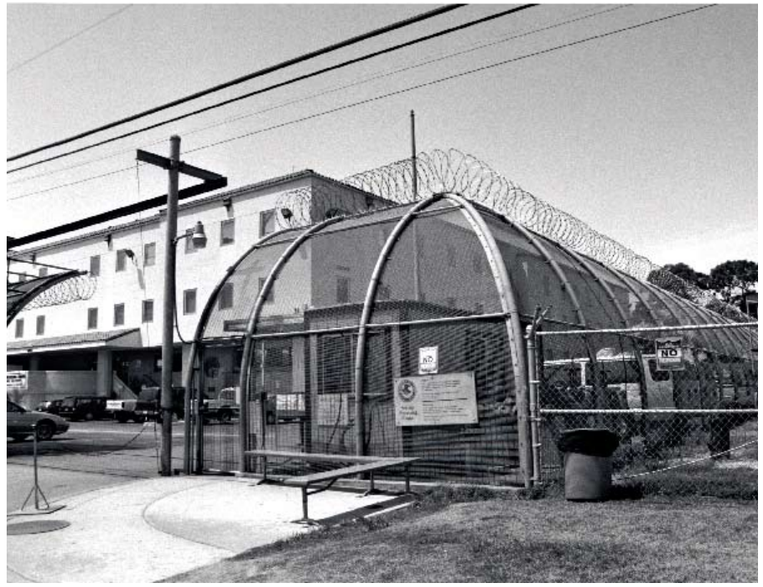
Victoria's teens were particularly hard. She started drinking and using drugs. She was just out of high school when she found out she had HIV. A few months before her 21st birthday, she checked herself into the Van Ness Recovery House, a Hollywood rehab center that specializes in treating gay, lesbian, and transgender addicts. She got clean and worked on her relationship with her mother, who slowly came to accept her. "We were at the beginning of a process," Olga says. Risking rejection with every step, Victoria mustered the courage to go out for job interviews. She found work as a cashier at a West Hollywood Pavilions, even tried to legalize her immigration status. "She went to a couple of appointments," says Kris Johnson, who knew her at the rehab center, "but she had a lot of fear of being deported. She

VICTORIA/VICTOR: As a child, Arellano liked to dress in his mother's clothes

was afraid she'd get sent somewhere and just die."

For a while things went well. At Pavilions, Victoria was so highly thought of that her supervisors gave her a "Community Hero" award for volunteer work with other recovering addicts. The *Los Angeles Independent* published a photo of her holding the certificate, a long lock of hair falling over her smile, which was for once unguarded.

On April 9, 2007, her fortunes turned. Police stopped her in the Valley and charged her with three misdemeanors: driving under the influence, driving without a license, and being under the influence of a controlled substance. Nine days later, she pleaded guilty to the DUI charge in exchange for three years of probation and 45 days in jail. The judge advised her that "a conviction of the offense for which you have been charged will have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization."



IN LOCKUP: Pleading guilty to a DUI charge sent Victoria Arellano to Terminal Island's federal detention center, where she faced deportation

KATHLEEN CLARK

»With its endless container yards and long corridors of shipping cranes, Terminal Island feels like the anteroom to another dimension, a world designed for some new race of giant machines. An L-shaped atoll straddling the border between Los Angeles and Long Beach, it was home to a village of about 3,000 Japanese American fishermen and cannery workers until the 1941 attack on Pearl Harbor. Within days, the FBI had taken most of the men away. Three months later, soldiers gave the remaining villagers 48 hours to leave. They became the first Americans of Japanese descent to be interned under Executive Order 9066. Once they had been sent away, most to the Manzanar concentration camp, the Navy razed their homes.

When Victoria Arellano arrived on May 22, 2007, the Department of Homeland Security was warehousing the latest generation of unwelcome foreigners in a drab cluster of red-roofed buildings on Reservation Point, the island's southernmost extension. Also home to a Coast Guard base and a federal prison, the rectangular spit of land was once an island unto itself, known until the late 19th century as La Isla del Muerto.

Despite a blandly bureaucratic name—the San Pedro Service Processing Center—the red-roofed buildings were a jail, surrounded by chain-link fencing and razor wire. It was first used to incarcerate noncitizens in 1991, roughly at the beginning of a two-decade-long expansion of the immigrant detention system, which has outpaced even the enormous growth of prisons in America. Unlike criminals serving time, however, most of the immigrants held on Terminal Island had no idea how long they would be confined. They had not been sentenced; they were not being punished. Technically speaking, they were not prisoners at all but "administrative detainees," confined until their immigration cases were resolved. Thus they were not entitled to many of the legal protections enjoyed by Americans accused of actual crimes.

Eugene Peba arrived nine months before Arellano. He had come to the United States in November 2005 and told immigration agents at LAX that he was requesting asylum from his native Nigeria, where he had been tortured for his political activities. "I need your help, I'm a refugee," he said, asking the agents if they knew "of any place here in the United States where they give shelter to people like me."

Peba, just 20 years old, spent the next three months in the federal jail downtown, then six months at the county jail in Lancaster, where he was mixed in with accused felons. When he arrived on Terminal Island, he was placed in a three-room dormitory, or pod, with about 30 others. Each pod was like a self-contained jail composed of sleeping quarters, a dining area, and a bathroom. In contrast to Lancaster, he says, "it was very OK and comfortable." He won the respect of the other detainees, and they appointed him their "rep"—to keep peace among inmates and to act as an intermediary with the guards.

Within a few months, more than 60 additional inmates were assigned to Pod 4. All beds were taken. Newcomers slept on "boats"—low, plastic canoelike bunks laid out between the beds and even among the tables in the dining room. The detainees came from different countries, spoke different languages, and had vastly different cultural expectations. It was hot. The ventilation was terrible. Everyone was irritable, and everyone was desperate to get out.

»The new girl was light skinned and rail thin, with high cheekbones and sparkling eyes. Diana Santander recognized her immediately. "Victoria!" she screamed. Santander, then 41, with graying hair pulled into a ponytail and a beauty mark tattooed high on her left cheek, was the "rep" for the small group of gay and transgender detainees in Pod 4. They had their own row of beds and showered separately. Diana and Victoria had become friends a few weeks earlier, when both were being held at the Men's Central Jail in downtown L.A. Both faced deportation, and both had planned to apply for asylum.

"I said, 'Are you ready to fight for your papers?' " recalls Santander, who had left Mexico after being beaten by police.

"And she said, 'Yes, *mija*, I'm ready.' "

They had one other thing in common. While Santander was in jail, she learned that she had been diagnosed with HIV. "I went into shock, depression, and Victoria came up to me and hugged me," Santander recalls. "I was thinking about suicide. She told me, 'Don't—I have AIDS.' " Arellano reassured her that it didn't have to mean death. They would help each other, and there were effective medications. She comforted Santander with the example of her own good health. "Look at me," she said.

Arellano, after all, had more energy than she knew what to do with, sometimes more than anyone in the pod knew what to do with. She was hard to ignore. She walked with confidence, claiming whatever space she passed through. She talked loudly and freely, her voice alive with humor, shifting from gleeful sarcasm to tenderness within a few breaths. She was always dancing. She sang a lot. "A lot, a lot, a lot," says Eugene Peba with a laugh. She woke up singing. She sang early in the morning and late at night. She sang in the shower, sometimes for hours. Her taste ran to divas: Celine Dion, Gloria Trevi, Mariah Carey, Selena. Some detainees complained. "There are people that love music," Peba says, "and there are people that don't love music." He confronted her. They struck a compromise: If anyone was sleeping, she would sing only in the dining area.

Unlike criminals serving time, most immigrants held on Terminal Island had no idea how long they would be confined. They had not been sentenced; they were not being punished. Technically they were not prisoners but "administrative detainees," confined until their immigration cases were resolved.

Despite those conflicts, and despite some detainees' discomfort with her sexuality, Arellano was popular on Terminal Island. She did what she could with her baggy government-issue uniform, pegging her pants up high, twisting her shirt tight and tying it off in back. She was always moving, always in the middle of everything, always making people laugh. Her command of English, which she spoke as if she'd been born here, was a valuable commodity. She put it to use, helping others with their legal paperwork. When her mother sent money, she shared it. "She helped everyone," says Walter Ayala, "even the guys who bothered her."

Ayala was 13 years older than she was. Dark skinned, with a heavy face, intense deep-set eyes, and long wavy hair, he had fled El Salvador when he was 13, during that country's civil war. A soldier had murdered a transgender friend of his and, believing Ayala had witnessed the crime, threatened to kill him as well. Ayala had spent most of his life in Silver Lake and loved music as much as Arellano did. They sang together, exercised side by side in the yard, passed the time playing cards, talking and dreaming. "She liked Starbucks and I liked Coffee Bean," he says. "I'd tell her, 'Let's go to Starbucks.' " Then they would walk together to the dining area, find a seat, and try to pretend they were somewhere else.

"She had a lot of plans. I was going to help her record a disc. I would say, 'You can be the next Alaska,'" he says, referring to the Spanish pop star and transgender icon.

"She'd tell me, '*Tú eres lo máximo*, Walter.'"

He beams at the memory, as if he has removed a small treasure from his pocket and displayed it on his palm for the world to admire.

»From the beginning something was wrong. For more than a month, Arellano was not given any HIV medications. Before she was arrested, she had been taking dapsone, an antibiotic prescribed to stave off infections that prey on HIV-compromised immune systems. On Terminal Island, though, HIV drugs were distributed with an alarming degree of caprice. Santander had no problems; she was given the same drugs she'd been prescribed in jail. Luna Martínez, however, another HIV-positive transgender detainee who had arrived at Terminal Island in mid-June, says she received no medications at all during her first two months. Any pause in HIV treatment is dangerous, as the virus can take the opportunity to mutate into a drug-resistant strain.

In response to a Freedom of Information Act request, ICE released Arellano's medical records to her mother's lawyer, omitting portions of 34 pages that the agency claimed contain "information applicable to internal administrative personnel...of a relatively trivial nature." Even so, the records show that during an evaluation performed when Victoria Arellano arrived on Terminal Island, she told an ICE medical officer that five months earlier her T-cell count, a basic indicator of the health of the immune system, had dropped as low as 27. Most healthy people have counts between 700 and 1,200. Anything below 200 is considered full-blown AIDS. The clinician took blood and ordered lab work but prescribed nothing.

A week later, Arellano was seen for a routine mental health assessment. She confessed to a history of depression and was immediately prescribed the antidepressant Celexa, but still no HIV drugs. Every Sunday afternoon she called her mother from a pay phone in the pod. She said that she had not been given any medication and that the doctor wouldn't see her. "That was her only worry," Olga Arellano says. Olga wanted to package up her dapsone and mail it to her, but Victoria said ICE authorities would never pass along the pills.

Arellano began to complain that her eyes hurt, Ayala says, and that she felt a pain in her back every time she urinated. She filled out sick-call slips requesting a doctor's appointment. Except for one visit to a nurse, her requests went unanswered. [CONTINUED ON PAGE 235]

Terminal Island

[CONTINUED FROM PAGE 147] Finally, on June 28, more than a month after she arrived, she was summoned to the infirmary. Her lab results had returned. The records show that she was told her T-cell count was 53 and that her viral load, a measurement of the amount of HIV virus in the blood, was more than 555,000. A viral load that exceeds 100,000 is considered high. The medical officer's notes record that Arellano began to cry. According to Ayala, she was still in tears when she returned to the pod.

Had she been almost anywhere else, she need not have despaired. "We get patients whose T-cell counts are in the single digits," says Dr. Lesley Carmichael at USC's Pacific AIDS Education & Training Center, "but as long as we can control the virus, they should remain stable and live for many years." In Arellano's case, that would have meant prescribing one of several standard cocktails of antiretroviral medications, as well as an antibiotic such as Bactrim or dapsone to fight off infections. Arellano's complaints of pain also should have prompted a broad spectrum of tests and careful, sustained monitoring. "You have to cast a wide net," Carmichael says. "Someone with 55 T-cells and a headache—you need to suspect things like meningitis."

What should have happened did not. Dr. Carlos Duchesne, an ICE clinical director, acknowledged as much in a memo of "off the record observations" that the immigration service later released to *The Washington Post*. "The clinical staff at all levels fails to recognize early signs and symptoms of meningitis," Duchesne wrote, adding that Arellano "was evaluated multiple times, and an effort to rule out…infections [including meningitis] was not even mentioned."

Arellano told Ayala and Santander that the doctor wanted to put her on a new medication. At least a week passed, Ayala says, before she was given any drugs. Her medical records indicate that Arellano was prescribed two different combinations of antiretroviral drugs beginning on July 2, but they also note that when she saw a doctor eight days later, she told him that her medications "had not been started yet." According to her file, Arellano told the Terminal Island medical staff that she was allergic to dapsone and to two other antibiotics routinely prescribed to HIV patients. Because of this, she was not given any antibiotics at all. Duchesne faulted the medical staff for this as well. "There was no real evidence of allergic reaction," he wrote. Allergy tests could have been performed, he wrote, and alternative medications could have been prescribed.

Immediately after learning her T-cell count, Arellano fell into a profound depression. The change was dramatic. She stopped singing. She stopped eating. She stopped getting out of bed. When Ayala would try to rouse her for one of their usual "Starbucks" runs, he recalls, "she'd say, 'No, Walter, I feel really tired.' "

Santander tried, too. "*Ánimo*," she'd say, "we're going to keep working together."

"I'm going to rest a bit," Arellano would respond. "Just for a little while, then I'll get up." Sometimes she would, Santander says, and sometimes she wouldn't.

When guards ordered the detainees outside for their mandatory daily hour of recreation, Arellano no longer walked laps around the yard, says Luna Martínez. "What she would do was search for a place to lie down, and she'd lay there the whole time."

Everyone, not just her close friends, noticed her silence. Clement Mutagubya Lukyamuzi, a Ugandan journalist who had landed on Terminal Island after overstaying his visa, says that Arellano's health "was a big concern among all of us. This guy began spending most of the hours in bed, every day, day and night."

Even over the telephone, Olga Arellano noticed the change. "She'd speak with a very sad voice," Olga says. She remembers Victoria saying, "They treat you bad here, and worse to people like us"—the transgender.

She didn't sound defeated, though. "I'll hold up," she said.

When her medications finally arrived, Ayala says, "she was already very weak." Her stomach was empty. Her body rebelled. Each time she took a pill, she began to vomit. Ayala shoved a clothes basket beneath her head and fished out the pill. "I washed it off," he says, "and wrapped it in a napkin."

This became a ritual. Ayala would cut up an apple and feed it to her piece by piece. If she held it down, he would try to give her the pill again. Others helped, too. One guard took pity and sneaked her some Ensure, a nutrition drink. Edward Bush, a Romanian detainee who had clashed with Arellano over her singing, smuggled oranges from the kitchen for her. "God tell us to love everybody," he

says with a shrug, adding in halting English, "Walter just peel it and give it to her. In less than two minutes, she throw up."

Arellano's back pain only got worse. She said her lungs hurt as well, and her head. She began to suffer from fevers. Ayala and Santander tried to keep her cool with wet towels. Jeremias Domingo, a Guatemalan who slept on the "boat" beside her bunk, lent her his blanket when chills overcame her. She didn't have the strength to walk to the bathroom on her own, so Ayala and Santander helped her. Sometimes she made it in time.

All the while, Ayala kept filling out sick-call requests for her. They were ignored. Other detainees joined in. "Not just me or two or three people," says Elias Madrigal, an older detainee who slept a few bunks down, but "all the guys in the building." Despite their efforts, Arellano was not taken to a doctor. Once or twice a nurse came up to the pod and said, "Give her Tylenol and water." The detainees pooled their allotted Tylenol, with little effect.

"One time she vomited," says Ayala, "and she vomited blood." While he and Santander mopped up the mess, the detainees told the guards, and the guards called the infirmary. Outraged at the memory of the nurse who arrived, Edward Bush stands. He extends his arms and twists his voice into a mocking falsetto: "Show me the blood! Show me the blood!" The blood was gone, so the nurse did nothing.

Ayala and Santander began to notice blood in Arellano's urine and stool as well. Arellano did not tell her mother how sick she was becoming. One Sunday in early July, Victoria missed her weekly phone call home. Olga knew that something was wrong. Victoria phoned a few days later. After they hung up, Ayala says, Victoria seemed stunned. "She was so nice," Victoria said. "She never talked to me like that before."

"I told her how much she meant to me," Olga says, "and that I love her."

It would be their last long conversation.

Arellano was finally examined by a doctor on July 10. Her medical records note "three days of cold or flu." They also report, however, that eight days earlier she had told a nurse that the pain she was suffering rated a six on a scale of ten. A doctor, the records show, prescribed the antibiotic Cipro, which is ineffective against cold and flu viruses—and, more important, against the opportunistic infections that most often pose a danger to HIV patients. Duchesne's memo puts it bluntly: "In an immuno-suppressed AIDS patient, this antibiotic…is completely useless."

COURTESY OLGA ARELLANO

FULL BLOOM: In detention, Victoria's singing drove some around her to distraction

Arellano soon became too weak to walk at all.

Santander phoned Olga, told her the truth about Victoria's condition, and began calling each day to keep her posted. Olga tried to contact advocacy groups, anyone who might pressure ICE to treat Victoria. The few that returned her calls said they couldn't help.

Word of Arellano's death spread among human rights and immigrant advocacy groups. Some that had failed to respond to pleas while Victoria was alive championed her cause after she died.

Inside the pod, the detainees asked that Arellano be allowed to stay in bed when everyone else went to the yard. The guards refused. They forced her into a wheelchair and pushed her outside. "We were all shocked," says Mutagubya Lukyamuzi. "We were all saying, 'Man, what can we do? This guy is getting worse, and nothing is being done about it.' "

"One night," the detainees would later write, in a statement protesting Arellano's neglect, "we became one in Pod #4." Eugene Peba, their rep, remembers: "The whole pod got mad. They wanted to go on a kind of strike." Unless Arellano was taken to a hospital, the detainees said, they would refuse to cooperate with the evening head count. Peba told them to wait. "Let us go through the right channels first."

Because the guards worked for the private security giant MVM Inc. and not for ICE, the detainees had no regular contact with any representatives of the agency charged with controlling even the most trivial aspects of their daily lives. Peba approached the MVM guard sitting in the booth that looked out on the sleeping area and the dining room. Peba says the guard told him that he already had called the infirmary and had been instructed that Arellano should simply drink more water. "That sounds crazy," Peba recalls saying.

"He said, 'Yeah, it sounds crazy.'

"When I stepped back into the pod, Victor was throwing up," says Peba, who, like several of the straight detainees, referred to Arellano as a male and by her given name. Peba gathered the detainees into the dining room. He tried to persuade everyone, he says, to wait until morning, when he would speak to the ICE officer in charge. By the end of the meeting, though, Arellano's condition had deteriorated even further. "He started throwing up really bad," says Peba. "He was shaking—he can't stand, he can't walk. The whole pod said, 'No, enough is enough. We have to do something.' "

That night, July 12, just before the 10:30 count, every detainee in the pod filed back into the sleeping area where Victoria was lying. The guards on duty called the MVM supervisor. "He came with an attitude. He walks straight to where Victor was, and when he got there, used his boot," Peba says, his voice filling with disgust, and "pushed his foot under the pillow where Victor was lying his head. 'Hey you, what's wrong with you?' "

"Don't be stupid," Santander told the supervisor. "Don't treat her like that."

The detainees were furious. They closed in on the supervisor, shouting, cursing, and chanting: "ICE, ICE, ICE!"

The supervisor retreated. A nurse arrived, the same woman who had demanded to see the blood. Ayala and Santander wheeled Arellano to the door of the guard booth so the nurse could examine her. " 'Oh, it's the same girl,' " Santander says the nurse told them. " 'There's nothing we can do for her.' " Tylenol and water, the nurse said.

Santander cursed her. "Can't you see that she's dying?"

The detainees blocked the doorway. They yelled: "Hospital! Hospital! Hospital!"

Finally the guards agreed to take Arellano away. After they wheeled her off, the detainees consented to line up for the count. About two hours later, however, when everyone in the pod was sleeping, Ayala awoke and found her back again. "I said, 'What happened? Didn't they bring you to the hospital?' " They hadn't.

Instead they had taken her downstairs to the inmate processing area and kept her there for two hours. "It was horrible," Arellano told Ayala in tears. "They just mocked me and made fun of me and laughed at me." She had been in too much pain to respond. Arellano's medical file includes "progress notes" recorded at 10:45 p.m. "in processing" by a nurse, who wrote only: "No vomiting noted at this time."

Ayala woke Santander. "Please," Ayala says Arellano begged them, "don't do another strike again."

The next morning, a Friday, the guards took Arellano to Little Company of Mary Hospital in San Pedro. That night Ayala was surprised to see her back—and on her feet, feeling strong and almost cheerful. "They injected me with morphine," she said. She had been prescribed an antiemetic to control her vomiting, her medical records show, as well as amoxicillin, an antibiotic that, like Cipro, is ineffective at preventing or treating infections often associated with HIV. She also was given a bottle of Afrin nasal spray, apparently for sinusitis.

When the morphine wore off, Arellano felt as bad as ever. "We tried to take care of her and we couldn't," Martínez says. "That was what hurt the most, not being able to do anything."

Two days passed. On the afternoon of Monday, July 16, when the time came to line up for exercise in the yard, Arellano did not want to go. "There was a lot of noise," Ayala says. "People were yelling and talking." Arellano sat in her wheelchair, writhing in pain. Ayala took her to the bathroom. "Oh, my God," Victoria moaned. "My headache, my back." She asked him to lay her out on the floor. He eased her down.

She began to yell. "Oh, my back, my back."

Guards came in and ordered Ayala to join the others in the yard.

He asked to stay, but they said no. "She was shaking," Ayala remembers. "She was bad, bad, bad. All she could say was, 'It hurts.' "

The guards brought her outside, he says. "Diana [Santander] and I laid her out on the floor of the yard, but she was trembling, she was in agony."

Then a guard called Arellano's name.

Santander and Ayala lifted her back into the wheelchair, and Ayala rolled her to the door of the pod. He would not see her again.

Later that day Olga Arellano's phone rang. It was an ICE officer. "He said, 'We have Victor.' He didn't call her Victoria," Olga says. She drove to Little Company of Mary Hospital, where she found her daughter shackled by an ankle to a gurney.

Olga's face reddens and her lips tremble as she remembers Victoria's words: "Mommy, take me home."

A doctor told her that Victoria had meningitis. He said he would have to put her on a respirator, but the time might come when they would not be able to do anything more. Even on the respirator, they kept her chained to her bed.

On the morning of July 20, the doctor presented Olga Arellano with a choice.

"I made the decision to let him rest," she says, reverting in her grief to a masculine pronoun.

At 11:30 a.m., she watched the line on Victoria's heart monitor go flat.

* * * * *

That afternoon Santander phoned Olga Arellano, then ran crying into the sleeping area and embraced Ayala. After count that night, the inmates prayed together in silence. Mutagubya Lukyamuzi says, "That's the best we could do."

The next day 61 of the detainees signed the statement protesting Arellano's neglect. In stiff, phonetic English it said, "All of us in pod #4 are fill with beternes and sorow." They could do little else about Arellano's death or their own powerlessness—and the helplessness added to the loss. "Everyone was miserable," Mutagubya Lukyamuzi says. "That day it was Victor, but maybe tomorrow it can be somebody else." Ayala took it the hardest, says Jeremias Domingo, who slept near him. Ayala didn't eat or get out of bed for the next two days.

Word of Arellano's death soon spread among human rights and immigrant advocacy groups in Los Angeles. Some of the same groups that had failed to respond to Olga Arellano's pleas while Victoria was alive championed her cause in the weeks after she died. Her story broke in the *Los Angeles Daily Journal*, then was reported in the *Los Angeles Times* two days later. ICE authorities have consistently declined comment except to insist, in the words of spokesperson Virginia Kice, that "the public must realize that when individuals come into ICE custody with severe health problems or terminal illnesses, regardless of the treatment they receive, there is the potential they will

succumb to their condition."

Arellano's podmates, though, have been eager to talk about what happened. "I'm going to keep this story in my mind," says Eugene Peba, "and whenever God blesses me with somebody, I'm going to talk about it." Peba was released on bond in August 2007. He lives in Chicago now, where he recently married. He hopes to become a pharmacist.

A month after Arellano's death, Santander says, 39 people from Arellano's pod, including all the gay and transgender detainees, were flown to San Antonio, Texas, and driven to a privately contracted ICE facility in Pearsall, then to a county jail two hours away in the town of Karnes City. "They threw us directly in the hole," Santander says. For two weeks, Martínez says, the detainees who had spoken to reporters were denied access to telephones.

ICE has refused to give a reason for the transfers. Martínez draws her own conclusions: "It was obvious that they didn't want us to say anything."

By Friday, October 19, most of the detainees who had witnessed Arellano's last days had been returned to Terminal Island. Late that night, without warning the inmates, their families, or their attorneys, ICE began evacuating the entire San Pedro Service Processing Center. Over the weekend, the guards ordered the population of more than 400 detainees to "roll out" and sent them in shackles to other facilities around the country, most to the small, windy town of Pearsall.

An ICE spokesperson said the Terminal Island facility was closed for "preventative maintenance." More than nine months later, no repairs have been made.

After the transfers, some L.A.-based attorneys could not locate their clients for days. Nearly six months later, ACLU attorney Nora Preciado told me, "There's a long list of people I still haven't found." A small court at the Terminal Island facility closed as well. "The landscape just keeps shifting under our feet," one attorney complained. "Courts don't normally go out of business," one attorney says. "That happens in countries people seek asylum from. It's not supposed to happen here."

Medical care in Pearsall, says Mutagubya Lukyamuzi, was "also very bad. Actually, it was worse." Several HIV-positive detainees who ended up in Pearsall were not given any medication for weeks, says Niels Frenzen, who directs USC law school's immigration clinic. "You would have thought that 90 days after [Arellano's] death, some better attention would have been paid to people with HIV. There was nothing."

Six days before what would have been Victoria Arellano's 24th birthday, Representative Zoe Lofgren, a Democrat from San Jose, chaired a hearing of the House immigration subcommittee in Washington on medical care for detainees. Arellano was cited frequently. The Haitian American novelist Edwidge Danticat testified about the death of her uncle in ICE custody in 2004. An immigrant named Francisco Castaneda testified that while he was confined on Terminal Island and in a privately administered ICE jail outside San Diego, he was denied treatment for a painful tumor on his penis for nearly a year. The cancer metastasized. Castaneda died four months after testifying.

Victoria Arellano had more energy than she knew what to do with. She talked loudly and freely, her voice alive with humor, shifting from sarcasm to tenderness within a few breaths.

Olga Arellano filed a lawsuit against the federal government in late May. Given the release of Carlos Duchesne's memo detailing ICE's many failures, her attorney expects the government to negotiate a settlement. Olga Arellano would rather have Victoria's story aired in an open court. "I want justice," she says. "I want the laws to change so that this never happens to anyone else." No outcome offers her much consolation. "It feels like I'm missing something forever, and it's her."

Late this spring two bills were introduced in Congress to reform ICE's national detention practices. Both contain provisions specifically addressing its medical care of detainees. Neither, though, would halt the wide-scale incarceration of immigrants. They would do little more than standardize and legitimize the existing system. Except for an occasional report by a human rights group, the necessity for the detention system remains almost entirely unquestioned. "Why are all these persons who are not criminals in a jail-like setting?" asks David Hernández, an assistant professor in UCLA's Chicano studies department who focuses on detention issues. "No one really talks about the issue as a whole."

The issue is larger than the basic care ICE failed to provide for Victoria Arellano. It did not go away when she died, or when any of the 73 others perished in custody during the last four years, or when ICE closed its Terminal Island jail. Hernández's question will not be answered by more administrative oversight or quick institutional reform.

If the 300-odd jails and detention centers in which thousands of immigrants are now confined could act as a single mirror, what would it reflect? Who are we? Not only the guards, administrators, and medical staff who looked on while Arellano died, but also the rest of us, whose compulsion to exclude those we fear from our midst created the conditions for her fatal neglect? What are we so afraid of? What is the cost of letting our fears control us?

Not long after I returned from meeting with Walter Ayala in the brightly lit visiting room at the South Texas Detention Complex in Pearsall, a thick pane of glass between us, he sent me a letter. It contained a single sheet of loose-leaf paper on which he had written out the lyrics of a song he'd composed for Arellano. She had sung it with him, and they had planned to record it when they got out.

It is called "Controlled." The words are in Spanish.

They control my glance
They control my smile
They control my every step
They control me night and day
The last verse concludes:
Don't control me anymore
Don't control me. ■

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