

The Problem With 'Abolish ICE'

By Bill Scher
RCP Contributor
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The movement to “Abolish ICE,” the U.S. Immigration and Customs Enforcement agency, was turbocharged last week when Democratic Socialists of America member Alexandria Ocasio-Cortez upset Rep. Joe Crowley in the New York 14th Congressional District’s Democratic primary. After Ocasio-Cortez rode the abolition position to victory, several Democratic officeholders and candidates hopped on the bandwagon, including possible 2020 presidential candidate Sen. Kirsten Gillibrand of New York and California’s long-shot challenger to Sen. Dianne Feinstein, state Sen. Kevin de León.

It doesn’t seem to matter that the “Abolish ICE” movement doesn’t have an actual proposal for what should replace ICE, or even if it should be replaced at all.

The abolitionist appeal is obvious. President Trump’s “zero tolerance” immigration crackdown had led to cruel family separations among asylum seekers, seemingly arbitrary deportations of longtime residents and crippling anxiety among undocumented “Dreamers” who crossed the border as children (even though the judicial branch is keeping Barack Obama’s DACA program in place for the time being). ICE is the public face of Trump’s anti-immigrant policy. No more ICE, no more vicious deportations. Simple.

But it’s not that simple. Abolishing an agency doesn’t abolish immigration laws, and some Abolish ICE advocates dance around questions of if and how exactly those laws would be enforced.

The reality is “Abolish ICE” is not so much a policy proposal as a fresh cudgel to divide the Democratic Party between “Establishment” politicians and left-wing insurgents. Anyone with the temerity to take a breath and think through the practical consequences of such a slapdash idea gets tagged with a scarlet “E,” as was Crowley.

How half-baked is Abolish ICE case? Read the words of its chief advocates.

In an interview with *The Intercept*, Ocasio-Cortez was asked to respond to Attorney General Jeff Sessions’ explicit defense of child separation. In her answer, she said it is “extremely concerning” that ICE, which is housed in the Department of Homeland Security, “does not answer to the Department of Justice,” unlike ICE’s predecessor,

the Immigration and Naturalization Service or INS. But to immediately put immigration enforcement back in the Justice Department would put it in the hands of Jeff Sessions! That probably isn't what most immigrant advocates have in mind.

Ocasio-Cortez then becomes semi-nostalgic for the era of INS: "Before ICE we had the INS. ... We have to keep tabs on human trafficking, child sex trafficking, child pornography and, of course, just standard immigration in and out. ... The INS had handled that before." Similarly, leading Abolish ICE activist Sean McElwee, writing in *The Nation*, characterized the placing of immigration enforcement under Homeland Security in 2003 as a seminal shift: "By putting ICE under the scope of DHS, the government framed immigration as a national security issue rather than an issue of community development, diversity or human rights."

This mild assessment of INS won't jibe with any immigrants and immigrant advocates paying attention before 2003. A Lawyers' Committee for Human Rights report published in 2000, as described by the *New York Times*, charged INS agents with acting as "Judge, Jury and Deporter," having "mistreated or turned away legal visitors as well as victims of torture who had credible claims for political asylum." In 1992, a decade before Homeland Security existed, Human Rights Watch accused INS with "militarization of the border zone." Perhaps most famously, comedians Cheech & Chong lampooned "La Migra" as racist deporters in the 1985 music video "Born in East L.A.," which struck such a nerve it was turned into a movie.

To be fair, Ocasio-Cortez noted in her Intercept interview that her position did not amount to "Let's return to the INS." McElwee and other Abolish ICE proponents have their criticisms of pre-2003 immigration policy too. But then why is there so much focus on the shift from INS to ICE? If your position is that today's immigrant enforcement is too cruel, the problem is not the bureaucratic location of immigration enforcement; the problem is either the laws the bureaucracy must follow, the people elected and appointed to carry out the law, or both.

What exactly do Abolish ICE proponents want in place of the current regime? They don't actually say. The Abolish ICE website offers no policy solutions (but does sell T-shirts). New legislation from Rep. Mark Pocan abolishes ICE first and asks questions later, offering up "a commission to provide recommendations to Congress on how the U.S. government can implement a humane immigration enforcement system."

Why aren't Abolish ICE advocates focused on the current immigration laws, and the Trump administration's execution of those laws? Because that alone doesn't serve the purpose of supplanting "Establishment" Democrats with far left insurgents.

Ocasio-Cortez wants a litmus test: “[O]ur incumbents created that system. Everyone who voted for it is responsible. Period. ... If they’re not actively calling for the abolition of ICE, then I don’t want to hear it. ... If they don’t acknowledge that their actions were a mistake, frankly, they need to go.” In turn, longtime Democrats are now being judged on whether they voted to create ICE in 2002, as McElwee does in his most recent piece for The Nation.

This is disingenuous. The vote in 2002 was not a stand-alone vote on creating ICE; it was the vote for the bureaucratic reorganization that created the Department of Homeland Security, which created ICE out of a piece of the former INS. Nothing about the shift portended a more aggressive deportation policy, and it did not generate any controversy at the time.

Support for a post-9/11 Department of Homeland Security was bipartisan, though some on the left criticized the final bill for weakening civil service worker protections. There are critics who argue the entire Homeland Security department is too “militarized,” but that’s a tangential debate. To treat the 2002 vote as evidence of one’s immigration bona fides is farcical and smacks of an ulterior motive to divide Democrats.

Before the Abolish ICE movement emerged, Democrats were united on the ultimate goal for immigration reform: a pathway to citizenship for all the estimated 11 million undocumented immigrants currently in America, save for those with serious criminal records. This was the objective of the 2013 bill that cleared the Senate with President Obama’s approval, but was spiked by House Republicans. Democrats have become even more committed to immigration reform since then, so if they can reclaim control of the White House, House and Senate after the 2020 elections, such legislation would likely pass in a flash. Once that happens, the threat of deportation would be lifted for nearly all undocumented immigrants, and the argument for abolishing ICE would be rendered moot.

Yet that is not enough for the Abolish ICE movement. McElwee has already acknowledged, in a Vox interview, that Abolish ICE is less a concrete policy proposal than a political tactic to both “differentiate [candidates] in Democratic primaries,” by which he means to separate the “really, really progressive people” from the Establishment class, and “to shift the Overton window on deportation policy,” which refers to expanding the parameters of debate and mainstreaming radical ideas.

But we don’t suffer from a cramped immigration debate; Democrats generally support pathways to citizenship for the undocumented, while Republicans are divided between Trump’s nativism and some degree of legalization. And we certainly don’t

need to differentiate among Democrats regarding immigration when consensus on an ambitious goal has already been achieved.

The best way to help undocumented immigrants is to maintain Democratic Party unity, elect more Democrats to Congress in 2018 and elect a Democratic president in 2020. The best way to wage an intra-party civil war is to exploit the emotion of the moment, and force everyone in the party to choose sides over a slogan masquerading as a policy proposal.