

Civil Liberties Crossroads: The ICE Factor

Orange County Democratic Committee

July 17, 2025

He walked not gently
but with thunder in his chest
and the river rising behind his ribs.
A single man on a steel bridge,
feet steady,
heart wide open to the nightstick.
They cracked his skull
to stop his song
but blood only watered the roots
of revolution.
It was the badge
that struck him down.
It was the law
that feared his truth.
It was the state
that called him enemy
for daring to believe
we are all worthy of the sun.
And now
they build new cages
for children who dream in two languages.
They bury ballots in silence.

Bridgefire



They chain the streets
and call it peace.
But John still walks with us.
In every shout that shatters silence,
in every hand-painted sign,
in every march that sings
down the spine of the city,
he lives.
July 17 is not a memorial.
It is a match strike.
A flood.
A footstep on sacred ground.
Let us rise in his name
not with sorrow, but with fire.
Let us remember who broke his bones,
and who he became anyway.
Let us become
the storm they thought they had
silenced.
Good trouble.
Necessary trouble.
Bridgefire.
Now.

Civil Liberties Crossroads: The ICE Factor

Agenda

Welcome

Immigration and American History

ICE Provisions in the One Big Beautiful Bill Act (OBBBA)

Project 2025 vs. OBBBA

What We Can Do



Immigration and American History

Presenter: Denis Kaufman
Author of “Conscience of a Whig” Substack



Who are Americans?

- First Settlers -- English
 - Africans (1619)
 - Swedes
 - Dutch
 - Scots-Irish
 - Palitinate Germans
 - French (after 1789)
 - French (after Haitian Rebellion)
 - Northern Irish
 - Southern Irish (Famine Irish)
 - Germans (after 1832 and 1848)
 - Mexicans (after Mexican Cession)
 - Chinese (California gold rush)
 - Freed African Slaves*
 - Chinese (Trans-Continental Railroad)
 - Southern European Influx
 - Japanese
- Etcetera...



... And,
these
guys.

Major
Themes,
Issues in
19th, Early
20th
Century
America

- Indigenous Population
- Immigrants
- Slavery and aftermath
- Conquered population
- Land and Resources

Issues that cannot be understood
in isolation

Immigration Policy?

The United States government had little by way of an immigration policy until the 1870s

- 1790 Naturalization Act: Free whites, welcome!

There was plentiful land for everyone

Jefferson thought it would take “100 generations” to fill the Louisiana Purchase (it took four)

“Indian Territory” was an amorphous blob on a map, but plenty of room for them to move in to.

French flight from Haiti shifted attitudes about “our” slaves

Irish Catholic, German Influx in 1840s kicked off Nativist movement

They're Taking Our Jobs!

- Persistent refrain since 1850, at least
- Applied to most immigrant groups particularly after the Civil War.
- Irish, German, Chinese, Eastern and Southern European, Mexican, Japanese
- Blame the workers, not the exploiters.
- Black codes and Jim Crow laws were often about job competition
- Almost as much as racial animus, particularly as The Great Migration began in the early 20th Century.



Chinese Immigration Laws Prefigure What's To Come

Page Act, 1875, bans Chinese, Japanese, Asian women in general, for fear they might be prostitutes and is the first federal immigration law since 1790

1875

1882


Chinese Exclusion Act, 1882, banned Chinese immigration for 10 years, and banned Chinese naturalization. First national origins ban

Geary Act, 1892, extended the Chinese immigration ban for 10 years, and required Chinese residents in the US to carry internal passports.

1892

1917

Immigration Act of 1917 created "Asiatic Barred Zone" (includes Pacific Islands)



Significant Supreme Court Cases 1875-1925

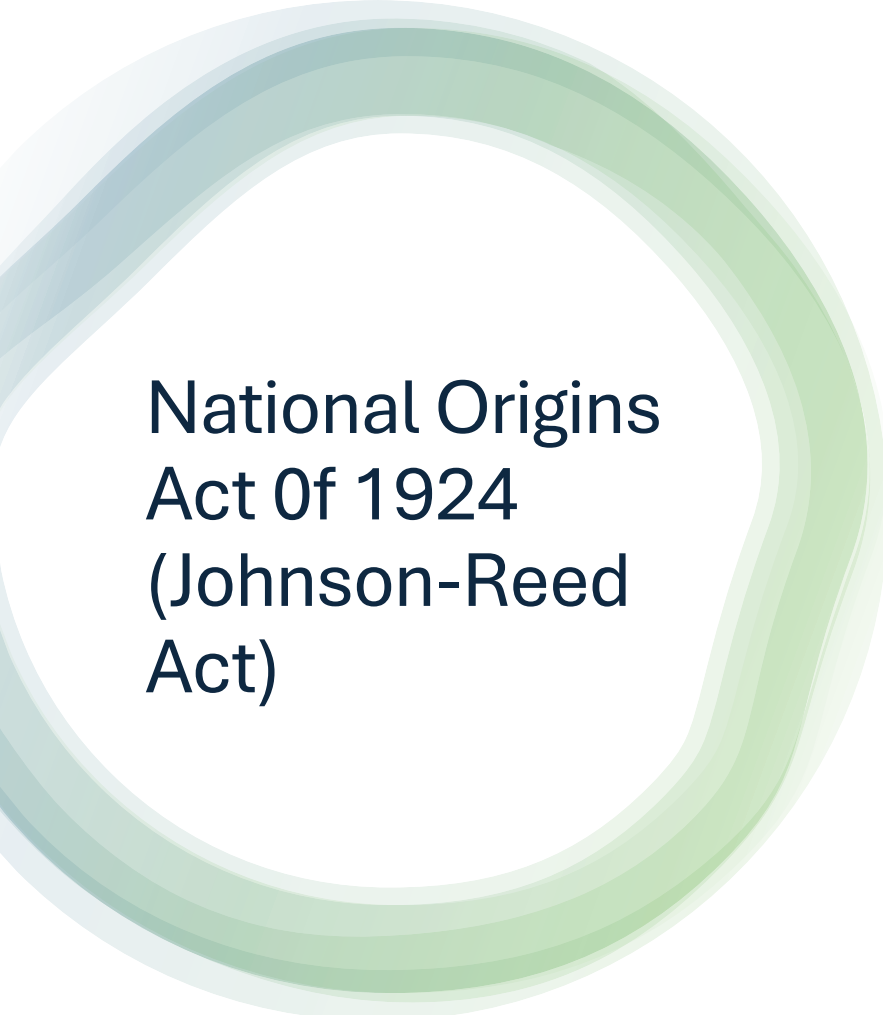
- *Henderson v. Mayor of New York* and *Chy Lung v. Freeman* 1876, established Federal responsibility for immigration policy over States.
- *Chae Chan Ping v. United States*, 1889, upheld the Chinese Exclusion Act and ruled that immigration restrictions were a political question not subject to judicial review.
- *Nishimura Ekiu v. United States*, 1892, affirmed *Chae Chan Ping* and added ruled that immigration decision were not subject to review *even when constitutional rights appeared to be violated*.



*United States v.
Wong Kim Ark,
1898*

- Established principle of birthright citizenship under the Citizenship Clause of the 14th Amendment, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States...”
- Wong Kim Ark was born in California to Chinese parents who were excluded from citizenship due to the Chinese Exclusion Act. He left the US to visit China and was denied entry on return. He sued and the Supreme Court affirmed his citizenship.
- Super Precedent has stood since 1898
- Ironically, the same Court, the same year, handed down *Plessy v. Ferguson*.

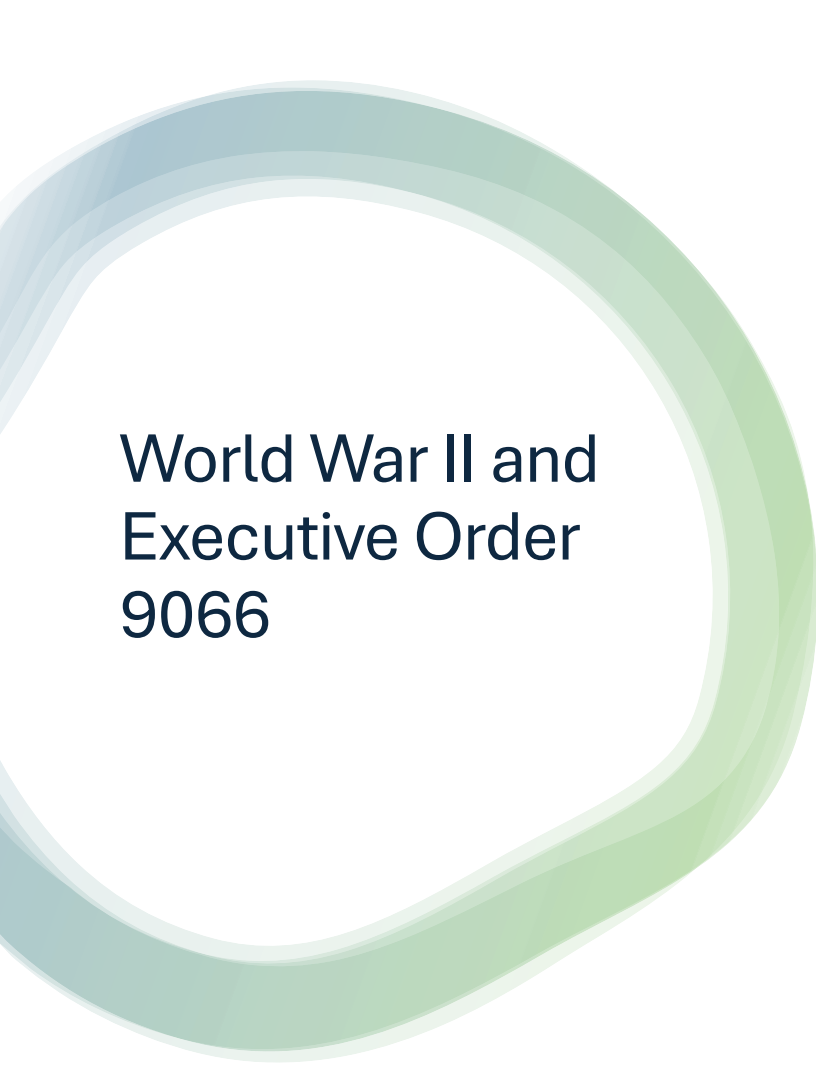
Sometimes, they got it right, sometimes not



National Origins Act of 1924 (Johnson-Reed Act)

- Established quota system limiting annual immigration to 150,000 per year
- Allocated quotas based on national origin
- Favored Northern and Western European immigration
- Severely restricted Southern and Eastern European immigration
- Excluded almost all Asian immigration

National Origins system lasted for 40 years



World War II and Executive Order 9066

- FDR issued Executive Order 9066 after Pearl Harbor, authorizing military commanders to exclude any persons from designated areas on the West Coast.
- 120,000 Japanese nationals and *nisei* (first generation native born *citizens*) were relocated to internment camps. Most lost their homes, farms, businesses.
- *Korematsu v. United States*, 1944, legitimized E.O. 9066 (wartime necessity) and dodged the question on internment.

On the Border

- Mexicans living in California, Texas, and the Mexican Cession became US citizens with the Treaty of Guadalupe Hidalgo
- Before 1930, the border was porous with much undocumented travel in both directions. Who was and wasn't a citizen was hard to know.
- Depression and Dust Bowl drove displaced Americans, mostly farmers, to California and the Southwest where they competed with Mexican farmworkers for jobs.
- Bracero program began in 1942 to relieve labor shortages caused by entry in WWII. Ran until 1964.

The Immigration and Nationality Act of 1965 (Hart-Celler Act)

- Response to UNDHR climate, Civil Rights movement and Farm-worker rights movement.
- Replaced the National Origins Act and eliminated National Origins Quota system
- Established preferences for *family reunification* and skilled workers.

Family reunification was added by Southern Democrats expecting it to favor European immigrants bringing families. It was far more popular among Asian and Latin American immigrants. (per Heather Cox Richardson)

1965 - 1995

- Refugee Act of 1980 established a systematic process for admitting refugees. Established the Office of Refugee Resettlement, authorized the President to set annual refugee admission numbers.
- Immigration Reform and Control Act of 1986 granted amnesty to 2.7 million undocumented immigrants and imposed sanctions on employers who knowingly hired undocumented workers.
- Immigration Act of 1990 increased total immigration levels, created the diversity visa lottery program, established new employment-based visa categories, introduced *temporary protected status* for nationals of countries experiencing armed conflict or natural disasters.

1995 - 2000



- The Newt Gingrich “revolution.”
- The *Illegal Immigration Reform and Immigrant Responsibility Act of 1996* expanded grounds for deportation, created expedited removal procedures, increased penalties for immigration violations, restricted access to federal benefits for undocumented immigrants.
- The *Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform)* restricted immigrant access to federal public benefits, required *legal* immigrants to wait five years before eligible for most federal programs.



2000 - 2025

- Post-2000 election, and post-9/11.
- The USA PATRIOT Act of 2001 expanded immigration enforcement powers, allowed for indefinite detention of immigrants suspected of terrorism, increased information sharing between immigration and law enforcement agencies.
- Homeland Security Act of 2002 created the Department of Homeland Security and the Immigration and Customs Enforcement (ICE) Agency, tasked with enforcing more than 400 federal statutes, focusing on customs violations, immigration enforcement, terrorism prevention, and [trafficking](#).
- REAL ID Act of 2005 established federal standards for drivers licenses and identification cards, restricting their issuance to those who could prove legal status, creating barriers for undocumented immigrants.
- DACA, 2012, created to provide temporary relief from deportation and work authorization for eligible young immigrants who were brought to the United States as children.

2000 - 2025 continued

- Trump Travel Ban, 2017, banned travel from select Muslim countries
- DACA challenges, 2017 - 2020, rejected in federal courts
- "Remain in Mexico" Policy, 2019-2021, required asylum seekers to wait in Mexico while their cases were processed.
- Public Charge Rule, 2020, made it harder for immigrants who might use government benefits to obtain legal status.
- Title 42, 2020, a public health law used to restrict entry to the United States from Mexico during COVID-19 pandemic. Lifted in 2023.

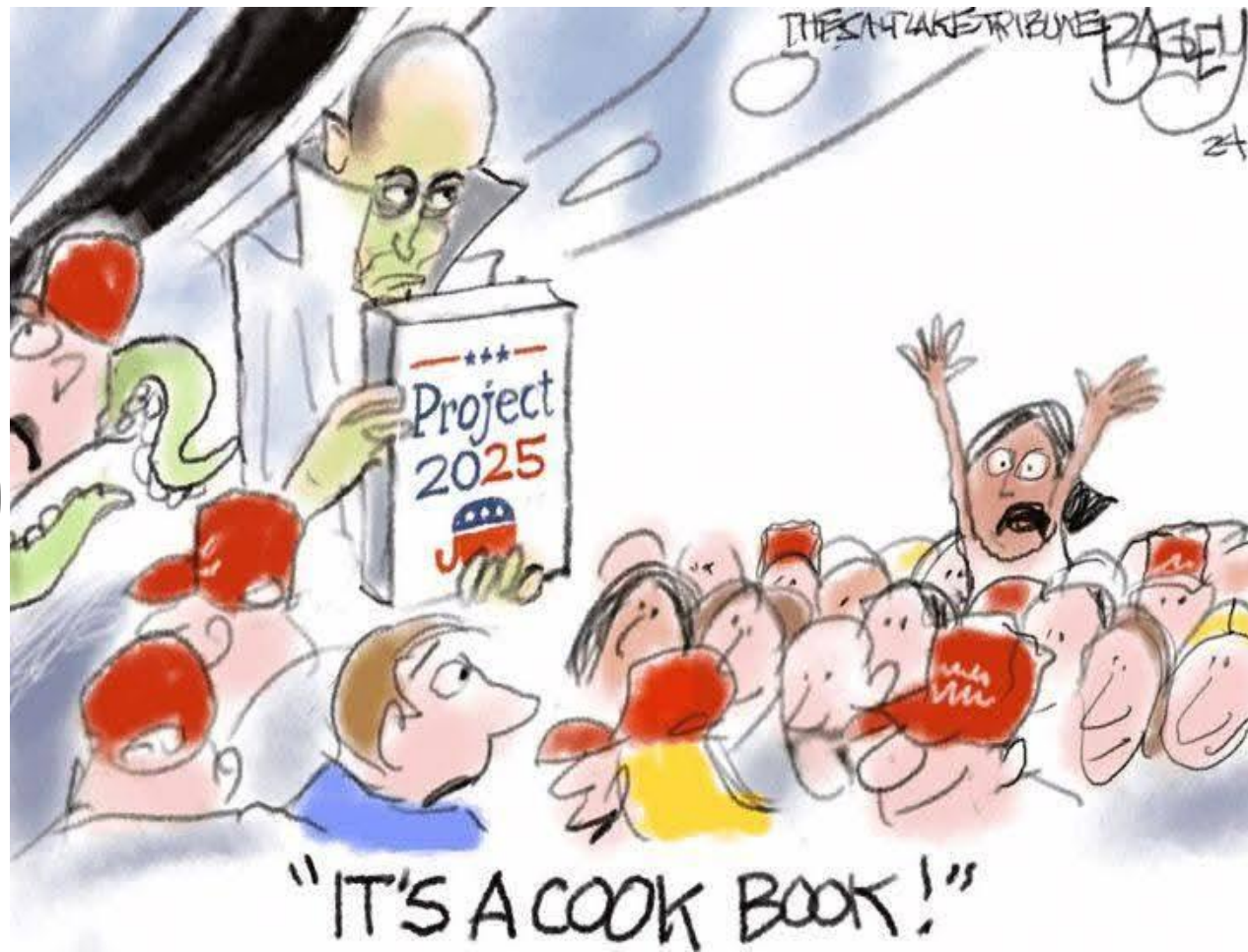
Biden reversed many Trump-era policies: "revoked the 'Travel Ban' and the 'Remain in Mexico' policy, halted the implementation of the 'Public Charge' rule."

- Travel Ban Expansion, 2025, Trump administration released a draft list of 43 countries that could be affected.
- Deportation Goals, 2025, Trump administration "has set an unprecedented goal of deporting 1 million immigrants per year."

Conclusion and Caution

- Our history should remind us how fragile our rights, under the Constitution, actually are.
- The Courts, as a bulwark of our rights, is a recent phenomenon, now under siege.
- Congress has not shown itself willing to be a co-equal branch of government.
- Our fate, and the Republic's fate, are in our hands.

Up Next



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Project 2025 is
the Blueprint.
OBBBA
is the
implementation.

ICE Provisions in the One Big Beautiful Bill Act

Comprehensive Analysis of Immigration Enforcement Changes

Signed into law July 4, 2025

Overview

- Transforms ICE into the **most heavily funded federal law enforcement agency**
- Adds **\$75 billion** in supplemental funding over 4 years
- More than **doubles detention capacity** to 116,000+ beds
- Enables **unprecedented mass deportation operations**

Total ICE Budget Transformation

\$8-10B

Before OBBBA
(Annual)

+\$75B

OBBBA Addition
(4 Years)

\$100B+

By 2029
(Total)

Exceeds FBI, DEA, and Bureau of Prisons budgets combined

Detention Bed Capacity



132% Increase • \$45 Billion Investment

Includes family detention with no 20-day limit

Funding Breakdown

- | **\$45B** - Detention capacity expansion
- | **\$29.9B** - Enforcement & deportation operations
- | **\$3.5B** - State & local partnership grants
- | **10,000** new ICE officers to be hired
- | **287(g) program** expansion for local cooperation

Major Operational Changes

Authority Expansion

Secretary of DHS can set minimal detention standards without normal review

Family Detention

Overrides Flores protections - indefinite family detention allowed

Court Capacity

Immigration judges capped at 800 despite enforcement expansion

Private Partnerships

Contracts with CoreCivic, GEO Group for detention facilities

Historical Impact

- | **Largest investment** in immigration detention & deportation in U.S. history
- | **308% increase** in detention budget over FY 2024
- | **Permanent infrastructure** for expanded enforcement operations
- | Funding available through **September 30, 2029**

Source: National Immigration Forum, American Immigration Council,
Congressional Budget Office

Project 2025 vs. One Big Beautiful Bill Act

Immigration Policy Blueprint vs. Legislative Implementation

Project 2025 Blueprint

Detention Capacity

- Target: 100,000 beds
- Allow tent facilities
- Loosen standards

ICE Budget

- General budget increase
- Mass deportation focus
- Target criminals first

Legal Framework

- End Flores settlement
- Expedited removal
- "Remain in Mexico"

State/Local (stick)

- Mandate ICE compliance
- Force database sharing
- Threaten funding cuts

OBBBA Implementation

Detention Capacity

- Actual: 116,000+ beds
- \$45 billion funding
- Override Flores

ICE Budget

- \$75+ billion over 4 years
- Hire 10,000 new agents
- Triple annual budget

Legal Framework

- ✓ Overrides Flores
- Secretary authority
- Cap judges at 800

State/Local (carrot)

- \$3.5B enforcement grants
- \$13.5B reimbursements
- ✓ Expand 287(g) program

Assessment

↗ EXCEEDS

16,000+ more beds than target with massive funding

↗ EXCEEDS

Unprecedented funding far beyond recommendations

✓ IMPLEMENTS

Key Project 2025 legal changes enacted

≠ DIFFERENT

Uses incentives instead of mandates

Key Findings & Assessment

The OBBBA functions as a **supercharged implementation** of Project 2025's immigration blueprint, often **exceeding** the original recommendations in funding and scope while implementing core enforcement strategies through **financial incentives** rather than federal mandates.

➤ OBBBA Exceeds Project 2025

Detention: 116K vs 100K beds
Funding: \$75B+ vs general increase
Border: \$46.5B wall funding
Personnel: 10K new ICE agents

✓ Core Elements Implemented

Legal: Flores override ✓
Partnerships: 287(g) expansion ✓
Authority: Minimal standards ✓
Enforcement: Mass deportation ✓



Project 2025 Elements Not Yet Implemented

Organizational: DHS dissolution/restructuring
Policy: "Remain in Mexico" reinstatement
Legal: Work visa elimination (H2-A/H2-B)
Enforcement: National Guard deputization
Administrative: Immigration judge/union dissolution

John Robert Lewis

Born: February 21, 1940, Troy, Alabama

Died: July 17, 2020, Atlanta, Georgia

Education: B.A. Religion & Philosophy, Fisk University (1967)

U.S. Representative: Georgia's 5th District, majority of Atlanta (1987-2020)

**Feb 13, 1960
(Age 20)**

Nashville Student Movement

Young seminary student leads sit-ins at segregated lunch counters

**May 20, 1961
(Age 21)**

Freedom Rider

Beaten unconscious in Montgomery, Alabama while testing desegregation

**Aug 28, 1963
(Age 23)**

March on Washington

Youngest speaker at 23, calls for immediate action on civil rights

**Mar 7, 1965
(Age 25)**

Bloody Sunday

Skull fractured leading march across Edmund Pettus Bridge

1977 (Age 37)

Federal Leadership

Appointed by President Carter to direct ACTION, overseeing Peace Corps and VISTA

1981 (Age 41)

Atlanta City Council

Elected to city council, advocating for ethics in government

Nov 1986 (46)

Congressman Lewis

Elected to represent Georgia's 5th District in the House

**Jul 17, 2020
(Age 80)**

Final Acts & Legacy

Black Lives Matter Plaza visit, final op-ed on "good trouble," and peaceful passing

February 15, 2011 (Age 70) - Awarded the Presidential Medal of Freedom, the nation's highest civilian honor, by President Barack Obama

What We Can Do

Let's discuss it

Be Informed, Build Community, Take Action

Stay Informed and Educate Others

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Engage in the Political Process

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Community Organizing and Activism

- Peaceful protest and civil disobedience
- 
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Stand Up in Support of Migrants

Understand Migrants' Rights

Direct Support and Advocacy

Advocate for Policy Change

- Two bills that need your calls now:
 - Rep. Eugene Vindman – Call him to sign on to HB4176 “No Secret Police Act of 2025”
 - Senators Warner and Kaine – Call them to support S.2212 “VISIBLE(Visible Identification Standards for Immigration-Based Law Enforcement) Act”

Strategic Boycotts

Shop Your Values

Some companies are rejecting intimidation by the administration to change their DEI policies:

- Costco
- Southwest Airlines
- Pinterest
- Delta Airlines
- Apple
- E.L.F Cosmetics
- Meijer
- Sephora

Check your handout for those who have ended or reduced their DEI initiatives

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Thank you for attending tonight

Now, let's make some good trouble!