

# Civil Liberties Crossroads: The ICE Factor

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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



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graph TD; A[Welcome] --> B[Immigration and American History]; B --> C[ICE Provisions in the One Big Beautiful Bill Act (OBBBA)]; C --> D[Project 2025 vs. OBBBA]; D --> E[What We Can Do];
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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

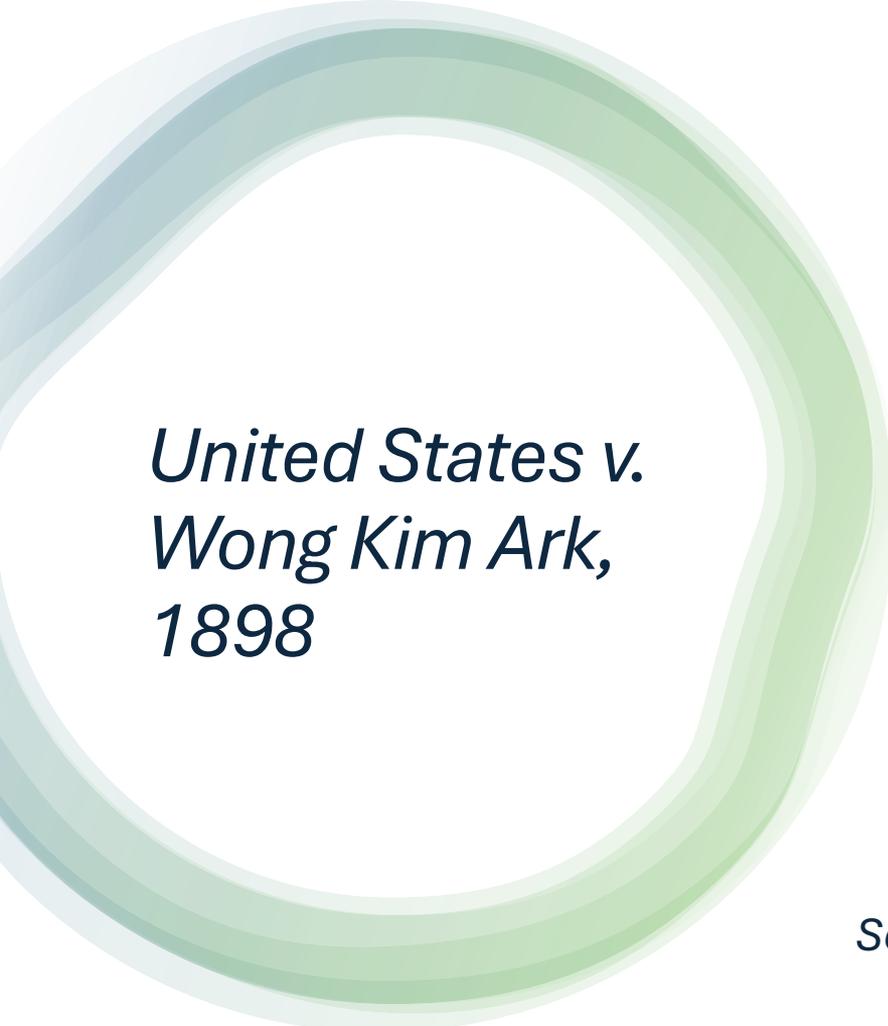
1917

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



## Significant Supreme Court Cases 1875-1925

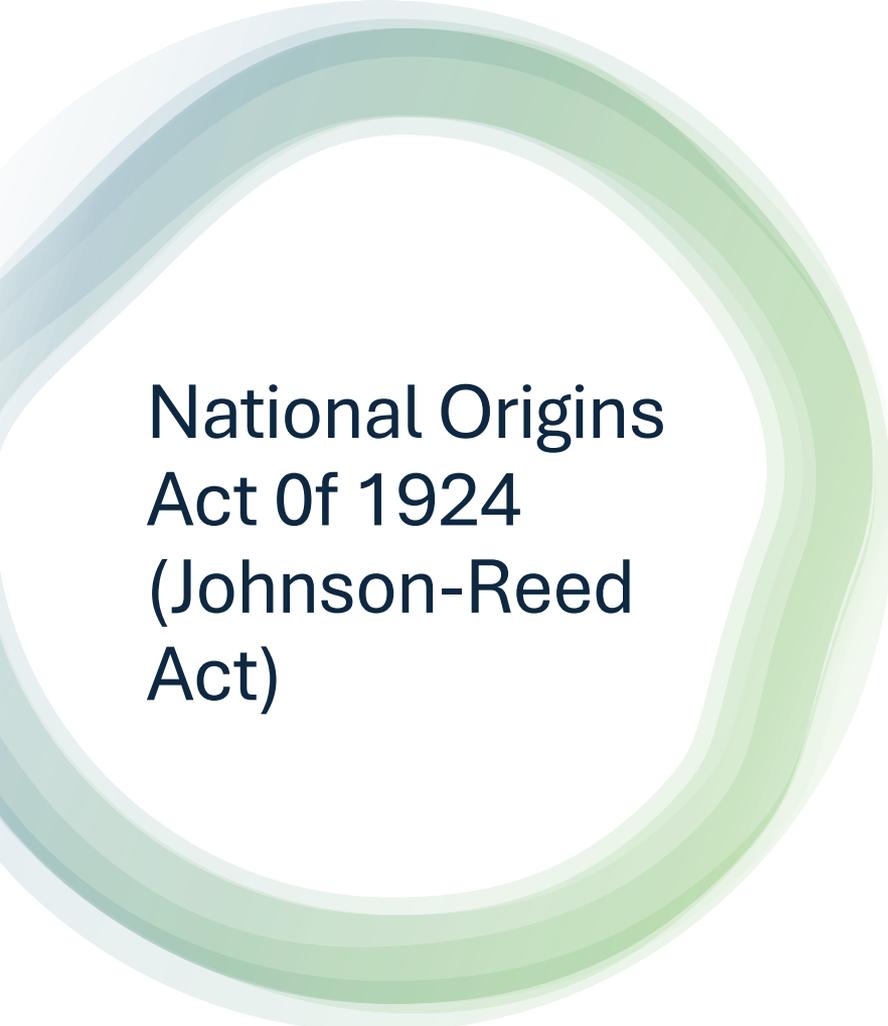
- *Henderson v. Mayor of New York* and *Chy Lung v. Freeman* 1876, established Federal responsibility for immigration policy over States.
- *Chae Chan Ping v. United States*, 1889, upheld the Chinese Exclusion Act and ruled that immigration restrictions were a political question not subject to judicial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

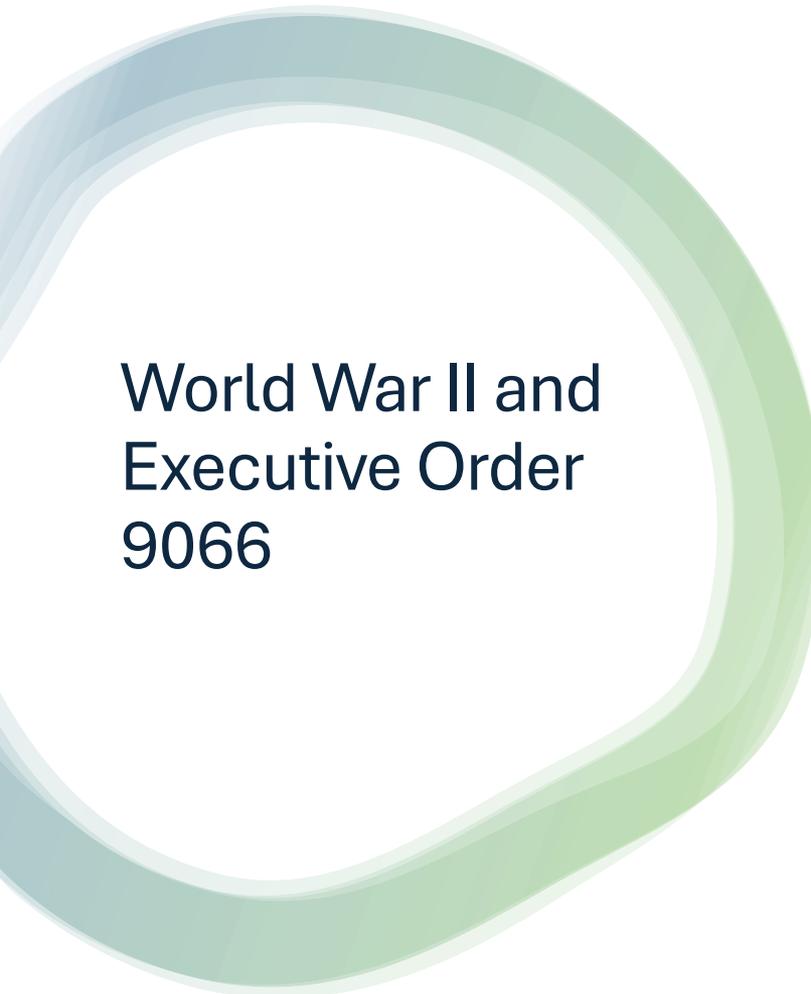
*Sometimes, they got it right, sometimes not*



## 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

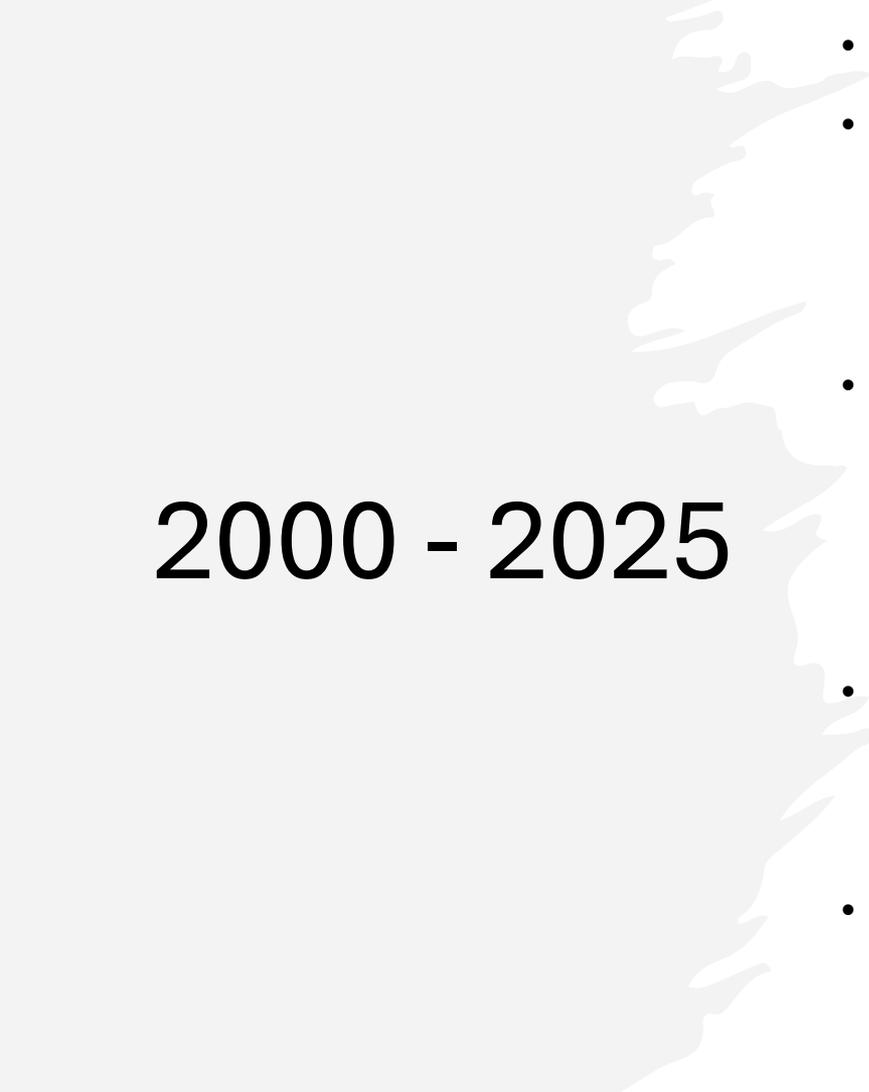
- Refugee Act of 1980 established a systematic process for admitting refugees. Established the Office of Refugee Resettlement, authorized the President to set annual refugee admission numbers.
- Immigration Reform and Control Act of 1986 granted amnesty to 2.7 million undocumented immigrants and imposed 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

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- 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



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

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Let's discuss it

# Be Informed, Build Community, Take Action

Stay Informed and Educate Others



Engage in the Political Process



Community Organizing and Activism

- Peaceful protest and civil disobedience

# 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

Thank you for  
attending tonight

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Now, let's make some good trouble!