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## How the US immigration crackdown undermines democracy



*The last two months have seen significant actions by the new Trump administration on immigration and against immigrants, from unwarranted deportations to increased enforcement at the Southern border. **Stephanie Schwartz** and **Abbey Steele** writes that the crackdown is not – as the administration claims – about law and order, or even about immigration. They argue that these harsh immigration actions are part of the administration's strategy for dismantling democracy by amassing coercive power and rallying pro-government right-wing militias to further an agenda of white nationalism and mass deportations.*

Following the inauguration on January 20<sup>th</sup>, the Trump administration has wasted no time targeting immigrants with mass arrest, detention, and deportation. Flashy raids by Immigration and Customs Enforcement (ICE) posted on social media were followed by a barrage of tactics in the last month – **deputizing the national guard to arrest migrants at the Southern border, co-opting military facilities to use as internment camps** for migrants, and expelling hundreds to Guatánamo Bay and Panama. In the last week alone, the Trump administration has illegally **deported a visa-holding professor to Lebanon, kidnapped a green card holder and removed him without a warrant or due process** seemingly in retaliation for speech the administration disagrees with, and **defied a court order** not to send Venezuelan immigrants to a prison camp in El Salvador.

All the while, the administration claimed this crackdown is about law and order. It is not. It is not even about immigration.

## Attacking immigrants to amass greater power

What is it about then? Rather than a policy issue, the immigration crackdown is a cornerstone in the Trump Administration's strategy for dismantling democracy. We've seen the power grabs by the administration over the last several weeks – many blatantly unconstitutional. All of it is alarming.

But unlike **those grabs**, the way the administration is attacking immigrants creates a unique, additional benefit: it allows it to amass even greater coercive power under the presidency by **deploying the US military** on American soil and to unleash pro-Trump militias.

The administration is already inflicting terrible suffering on **immigrants** and their **families** and **communities**. This **racist targeting of immigrants is a recurring theme in US history**, as is their internment in camps. The way this administration is structuring the immigration crackdown today, however, also builds in an **insidious legal pathway** to get around the fact that in the US, **under the Posse Comitatus Act**, it is illegal for the president to use the military for domestic policing.

Immigration policy is the administration's trojan horse to sneak in this illegal militarization. The executive orders on immigration characterize regular migration across the southern border as an **'invasion'** and migrants as **invaders**. Not only does this frame all immigrants – regardless how they enter – as people who do not belong in the US, in calling migration at the southern border an invasion, Deputy Chief of Staff Stephen Miller has written into the **Executive Orders** the possibility of invoking the 1807 Insurrection Act, which would allow the federal government to deploy the military on US soil to 'restore law and order'. Once the military is deployed somewhere in the US, it is much easier to deploy them elsewhere, and possibly for other ends.

This invasion language is already helping the Administration consolidate power vis-a-vis the courts. The administration has claimed that the gang Tren de Aragua is 'invading' the US to justify rounding up Venezuelan immigrants and sending them to hard labor camps in El Salvador **under the Alien Enemies Act of 1798**. These expulsions were carried out in spite of a **court order prohibiting them until** the courts could decide whether the Act can be applied outside of wartime to a non-state actor. The Administration defied court orders on the grounds that such questions of **'foreign policy'** are the sole purview of the Executive.

## Rallying militias

The administration's immigration crackdown also signals pro-government militias to join in. Mobilizing pro-government militias is a **common strategy of autocracies**: militias do the government's dirty work, wielding violence against a domestic population while giving the government cover to deny that they are responsible. So, while the administration can claim they're just targeting criminals, the way they are carrying out the raids is designed to rally their supporters into widening the net. Painting an entire population as terrorists and deviants is a textbook way to dehumanize and justify violence against an entire group. And **broadcasting raids** with videos on social media in full glam, as newly appointed Homeland Security Secretary **Kristi Noem did**, paints ICE as heroes saving the country against those they've demonized. This is not a coincidence. **It is intentional**. That showmanship emboldens militia already operating at the southern border, and others like the Proud Boys to join in.



*"250205\_ERO San Antonio\_Operation\_JT-VX89" (Public Domain) by usicegov*

These groups are ready and organized. Militias have been operating at the border for years already, and analysis of Proud Boy's online activity since Trump's election shows a group bent on revenge and dedicated to furthering the administration's agenda – including mass deportation. ICE is showing the militias exactly what to do. It is no coincidence that Native Americans and other US citizens have also been racially profiled in so-called immigration enforcement efforts. If federal agencies do not care whether they arrest criminals or not so long as they are brown, why would militia discern between documented and undocumented immigrants, or citizens or non-citizens?

A proposal by a group of military contractors known as 2USV, led by former Blackwater CEO Erik Prince, would also empower an army of private citizens to make arrests. This would lead to an even greater number of unaccountable armed actors trying to carry out the Trump administration's goals throughout the country. Finally, with federal agencies like the DOJ and FBI now under Trump's control, rather than combating militias as threats to national security, they are likely to end prosecutions against them and may even encourage their collusion with local officials.

## The administration's goals: expulsion and erasure?

So, what is it the administration is going to do once the military is policing US soil and the militias have been mobilized? We have plenty of indications from their other executive orders that their goal is to dismantle democracy and rebuild society according to their white nationalist worldview. They've already put democratic checks on the power of the purse under threat. They are purging political opponents from the civil service. And to enact their radical view of what America should be, immigrants are only one of their targets. One way for a state to eliminate unwanted groups is expulsion. And it is clear from ongoing raids that people are being targeted for deportation regardless of their immigration status, or whether they are in fact American citizens, but instead based on their skin color or political opinion. Another related tactic is erasure. Which is exactly what

the administration's **attacks on DEI programs** and **Trans people** aim to do – not only from state recognition but **scientific and medical research** as well.

What immigration as an issue area can do, though, that taking over the treasury or decreeing biological sex cannot, is to mobilize the military and unleash militias to enforce their vision. This should be setting off alarm bells in Congress and state legislatures. Maybe lawmakers are scared to be seen as soft on crime if they react.

## Acts of resistance

But this was never about crime, and everyday citizens see that plainly. And they are already resisting as the state preys on innocent people, their lives upended, families separated. **Teachers are refusing to let ICE into schools** and **community groups** are passing out leaflets to immigrant families with information on how to protect themselves.

These everyday acts of resistance also happen to be important ways to stand against the dismantling of democracy that this administration is attempting. Political leaders need to take inspiration from ordinary civilians refusing to comply with ICE. First, they should encourage their other constituents to do the same. Refusing to comply with ICE is not about breaking the law, it's about preserving democracy.

And second, political leaders need to resist at every opportunity in Washington. They should not react to each immigration action as differences of opinion over immigration policy. Instead, they need to understand how all these immigration “enforcement” efforts by the administration are part of a broader strategic effort to enable the Administration to harness the use of force – to eliminate some groups from the nation entirely and subjugate others within the United States.

As political scientists we do not throw around regime types lightly. But if we look at these orders together, we have to ask: what is a government consolidated under a single unchecked leader, unleashing the military and pro-government militia on its own soil in the name of rooting out groups it deems undesirable, if not **fascist**?

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