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ICE and the Unquestioned Human Cost of Efficiency: A Moral Reckoning

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Introduction

In July of 2017, headlines emerged that the United States Immigration and Customs Enforcement (also known as ICE) was housing detained immigrants and undocumented people at a local San Diego hotel, right next to paying civilians. There was confusion surrounding why these immigrants were being housed in a standard hotel instead of a detainment center and ICE responded by saying that “unconventional” means of detainment were standard for holding short term immigrants who were awaiting trial (Romero 2017). However, this poses the question; how, as a nation, were we not outraged by ICE systematically embedding their practices into the built and lived landscape of the United States? The answer, I believe, is efficiency and state control. Through looking at ICE through a lens of the principles of economic efficiency, ICE’s actions can be categorized as a function of increasing productivity by any means necessary, even when these practices violate human rights. What is productive about violating human rights? State control possessing unprecedented and unchecked power over the people in their country. In this paper, I will be arguing that ICE practices are based on a model that values efficiency and maximizing state control. Through

their practices of centralizing police forces, detaining undocumented folks outside of detention centers, and stripping due process away from non-citizens, the concept of efficiency in the deportation regime becomes a means to support state control.

Positionality

I am writing this paper to theorize why current practices in immigration exist, and as a call to abolish ICE and dismantle the “efficient” capitalist process that has resulted in mass human rights violations in the name of maximizing state control. I cannot reasonably do this without recognizing my positionality in relation to this topic, and the ways in which I benefit every single day in a country that prioritizes my safety and well being over many others. I am a white, upper-middle class citizen of the United States who has always had access to easily travel both within and outside the borders of our nation. My body is not criminalized or targeted by the state and my existence is one that is not only conceptualized as “the norm” in the United States, but celebrated because of oppressive institutions that prioritize whiteness and financial stability. These privileges allow me to write this paper and do this research without fear of retaliation from my educational institution or the state. I hope

to use my voice to draw focus to and elevate others who do not have these comforts and safety but who are tirelessly engaging in work to make our country a safer and more just place for all.

Definitions of Efficiency Through Economic and Structural Frameworks

Efficiency is of the essence of the good citizen in today's world. The word efficiency evokes a variety of connotations, but we see it in everyday life, in movements both big and small. Here at Macalester College in particular, efficiency is a communal value that is felt from the earliest days of applying to college ("If you apply ED you'll be done with the process by December!") to navigating the most efficient route to finish requirements and majors while at school. It could be argued that the reason why Macalester College is a successful institution is because it is an efficient one. The students here are efficient in our constant juggling of commitments, learning how to prioritize and move forward to achieve the maximum outcome allowed post graduating, whether this means gaining meaningful employment or becoming a "friend of Macalester" and donating. Whether this is seen in academics, internships, or extracurricular activities, the Macalester student is an efficient machine. Through this positive association with efficiency as a concept, we often forget where the actual meaning of the word comes from, and the simple definition of efficiency as a concept. This section will work to define efficiency

through an economic lens and from a state control perspective.

This first definition will conceptualize efficiency from an economic lens. Economic efficiency is about productivity through putting in fewer inputs and getting out more outputs. Basically, the concept is to maximize an outcome by utilizing as little energy or resources as possible (Higher Rock Education 2018). This focus on minimizing resources can lead to human rights violations and environmental degradation in the name of achieving profit and state control. When the state is controlling forces such as the police force, healthcare, and legal processes, they can utilize them in an "efficient" way. An "efficient" controlling ensure a maximum outcome that benefits the state and aligns with a capitalist mentality that perpetuates a free market profit maximization.

To contextualize the concept of efficiency more broadly, I will be using the work of Bill McKibben, an environmentalist. He has studied the detrimental impact of global warming on communities around the world, with particular regards to how the large market mentality of efficiency has had a huge impact on climate change. His work also focuses on the economic reasoning behind global warming and how the current framework of consistently productive markets continue to be the largest driving force in the continuation of global warming. In his book "Deep Economy" he advocates for smaller, more locally sustainable markets as a means to remedy

and help reverse the impact global warming has had on both the earth and humans' daily life. Because this paper will be connecting the concept of efficiency to the current-day deportation regime, McKibben's scholarship is important for understanding why efficiency issued as a means for excusing violence and also why our nation is so attached to its meaning. In doing so, we will examine how the concept of morality is tied to efficiency, especially in regards to growth.

McKibben's moral growth argument is as follows: "the quality of democracy and character of American society is contingent on a society that has a vigorously growing economy" (McKibben 2008). Economic growth in this case is coded as a social and personal value, one that defines the "character" of an American society. What is interesting about this argument is how growth is not viewed as a negative; in fact it is very much the opposite. As a result, the "moral growth" argument allows for mass production and consumption of goods without analyzing the impact. Endless growth allows Americans to not look at fundamental flaws rooted in structures. For example, until 2017, there was congressional directive that required ICE to hold at least 34,000 people in detention centers per day (Gottschalk 2016). The "bed mandate" practice is also common in United States prisons, requiring that prisons ensure that a certain number of beds are occupied each day. These lockup quotas ensure that prisons are regularly and reliably turning a profit (Kirkham

2013). The practice of United States prisons prioritizing growth leads to human rights implications, and profit interest over human lives.

Another tenant of McKibben's argument is how our current day economy is "fast, cheap, and easy" (McKibben 2008). Because the United States economy is based on rapid growth without consequence, often sacrifices are made on a human level to compensate. McKibben asks why our nation never questions the impact of how a fast, cheap, and easy economy impacts the ways that people experience lived institutions. We can use mass incarceration as an example of this, especially in regard to prison labor. Prisoners often work for wages totaling less than one dollar an hour in manufacturing jobs that produce a variety of products for corporations (Evans 2001). Author Linda Evans writes, "For private business, prison labor is like a pot of gold. No strikes. No union organizing. No unemployment insurance or workers' compensation to pay" (Evans 2001). While prison labor is efficient and cheap, there are two major implications. Oftentimes local economies bear the brunt of corporations choosing to employ prisoners because of how little the corporations would have to pay them. In addition, incarcerated folks are forced to work for negligible wages in a system where they have no autonomy or safety. This choice to utilize prison labor is absolutely efficient for the companies that employed the prisoners, but as the definition states, one side always loses in order for

efficiency to work. The human and moral cost of efficiency is overshadowed by the collectively held value of growth at all costs. Growth and its negative effects can be related back to ICE by examining the privatization of the deportation process, a relatively recent phenomena.

Overview of the Privatization of the Deportation Process

The deportation process has become increasingly privatized in the past 15 years. Privatization began in earnest in 2003 under the Bush administration, when private American corporations were encouraged by the United States to move their infrastructure to help strengthen border protection. As Andrea Silva writes in her paper “Neoliberalism confronts Latinos: Paradigmatic shifts in immigration practices”, “(these corporations) now operate, build and maintain our immigrant enforcement system (Silva 2016). Some of these corporations included Geocorp, ICA, and KBR. Between 2008 and 2013, \$106 billion was spent on border surveillance by contracted companies and workers. The state works in capitalist interest by creating a market for their services, and the deportation industry is an enormous business. For deportation centers, it cost \$200/day to house immigrants, and in comparison, for regular prisons it is \$54/day. It is in capitalist interests to house and detain immigrants, and with the

removal of troops from overseas, the border is replacing those areas and being turned into an increasingly militarized zone. This is no coincidence, as the border is now considered a low intensity conflict by homeland security. Sanctuary cities, and especially the detaining process complicates what is called the neoliberal pole of efficiency by disrupting the communication between ICE officers vs local police forces and courthouses. Silva later writes, “The neoliberal principle of efficiency has only increased the obscurity of immigration practices and the vulnerability of undocumented immigrants at the hands of the federal government”. (Silva 2016). As the privatization of the deportation process expanded, so did an interest in “efficient” models. One efficient model that has been enacted has been the centralization of ICE and police forces in the United States.

Centralization of the Police

The first means to explain this phenomena will be expanding upon the centralization of police argument. The efficiency of the deportation regime is hinged on the fact that there is no oversight or regulations being imposed onto ICE for their practices and allow them to operate under a guise of secrecy. Authors Marisa Franco and Paromita Shah write about ICE practices, “They can do pretty much everything that all other law enforcement sectors can do in one. Police, arrest, seize property, judge, and even kill. They often act as judge and jury with few limitations from immigration court”

(Franco and Shah 2015). The freedoms ICE has to function as all parts of a judicial system speak to a desire by the state to centralize control in order to efficiently detain, charge, and deport as many people as possible. For these steps to be followed with due process would allow more opportunities for outside parties to become involved: including judges, lawyers, and concerned friends and relatives. Once other parties are present in the deportation process, there is more access and in many cases, publicity, to examine the undertakings of the legal aspects which can lead to criticism against the state. Efficiency and secrecy go hand in hand with each other, allowing ICE authority to single-handedly administer every step of the legal process results in not only a more “efficient” deportation timeline but also results in many undocumented human rights abuses which go unrecognized.

Currently, ICE officers are allowed to identify as police officers, adding to the unethically efficient practices they undertake. ICE and police forces are in theory, distinctly different: They operate under different departments, the scope of their work is vastly varied, and to date there continues to be legal confusion surrounding if and how local police forces and ICE should interact and work together. However, one major difference is that police are responsible for mitigating crimes that occur within their local jurisdiction and ICE is not (Green 2016). Allowing ICE to identify as police officers has been flagged as a major potential

problem for undocumented folks who may need to access police assistance (for instance, as victims of domestic violence), but will now be frightened that if they do, ICE could arrest and detain them. Community activists have voiced that allowing ICE to identify as police officers could also prove dangerous for eroding community relationship building attempts by local police in communities with large undocumented populations, with a goal of attempting to increase trust between the two. However, it is important to firmly recognize that, even with the absence of ICE, local police forces have historically and are currently deeply complicit in the deportation regime themselves by utilizing measures of police brutality, unlawful detainments, and tactics of intimidation and coercion while policing. The current day allowing of ICE combining with local police forces is dangerous because these human rights abuses will probably increase and be carried out more covertly.

Donald Trump has called for a new “deportation force” that would maximize number of immigrants deported each year. By referring to the idea of a “deportation force”, Trump contributes to the narrative of efficient practices at the cost of human lives and morality. The concept of maximizing the number of immigrants deported each year will mean continuing to cut basic resources necessary for human life from detention centers, and attempts to continuously carry out deportations as efficiently as possible. As McKibben states, a fast, cheap, and easy economy is in many

ways, an American tenant and value. The lives of undocumented folks are negligible in this process and not valued, allowing for a moral excusing of ICE practices.

Unconventional Means of Detainment

The other major way in which ICE contributes to an unethical, “efficient” deportation regime is their means of detaining people at “black sites” which often include many unregulated detention centers (Romero 2017). Currently, ICE has been accused of having holding facilities at hotels, office buildings, and basements. Oftentimes, the staff who work at these sites give ICE officials official permission to detain people at these sites or illegally give ICE access to private information (Romero 2017). In 2017, Motel 6, one of the largest motel chains in the country provided information of “Latino sounding” guests to immigration authorities leading to their arrest and detainment (Romero 2017). ICE invaded the rooms without a warrant and detained people, often in their motel rooms. (Romero 2017). According to an official response by Motel 6 representatives, the “Practice was “introduced at the local level” without knowledge from higher up” (Romero 2017). From an economic lens, the concept of efficiency here is functioning perfectly. By establishing small networks within a larger context (for instance, ICE officers collaborating with local managers of Motel 6 sites) and mutually deciding to detain folks inside, they can bypass forms of regulation on both the ICE and Motel 6

side. Furthermore, by detaining immigrants in their hotel rooms, the public has no idea that arrests are happening because immigrants are hidden in plain sight.

One of the major dangers of ICE housing immigrants in unconventional places is that the public's perception of immigration detention still exists within a strict binary. When 2018 headlines emerged that children were being separated from their parents at the border and were housed at detention facilities on the border, the response was warranted anger and indignation. At the same time, despite what was called a new abuse of power by the Trump administration, the existence of these detention facilities been known by the public for years. In that way, the detention of children still fits into our collective mentality of what was “normal” for the deportation regime, and I argue that it also offset the unconventional ways in which ICE is detaining immigrants. There is little means for the public to conceptualize people being unlawfully detained in the spaces of everyday life because of how rigidly we define where detained people exist.

Expanding off of the concept of place and why it is vital to understand, author Karen Halttunen writes (There is) “...a strong sense of the constructedness of place, of place-making as an ongoing and always contested process, and of the creative variety of cultural practices employed for placemaking” (Halttunen 2006). The rigidity of where the public envisions people being housed under ICE

correlates to a set idea of place that can not be questioned. For ICE, efficiency is seen in leaning into the idea that immigrants are only being held at detention centers on the border and allows for covert black sites to exist where the public is not watching. Not only is the practice efficient because more arrests can be made, but additionally ICE can continue without any level of public accountability in their treatment of detained immigrants.

The question must be asked “what now?” in regards to a deportation regime that continuously builds power in unethical and unjust ways. My personal conclusion is simple, we must abolish ICE. ICE has only been in existence for 15 years, formed as a response to the Homeland Security Act of 2002. While the hundreds of thousands of lives who have been impacted by ICE will continue to bear these traumas regardless of their existence or not, the to abolish ICE is to actively seek an opportunity to right a collective wrong in the United States. Simply put, ICE is not needed in our country and only seeks to terrorize immigrant communities in the name of state control. A common counterpoint to the importance of the existence of ICE is that the presence of undocumented people within them directly correlates to an increase in crime and illegal activities. However there has not been a single recognized study to date that corroborates the claim that crime corresponds with undocumented people. Current research has recently concluded that declared Sanctuary cities possess lower crime rates,

and that native born citizens of the United States constantly commit more crimes (Gonzalez 2017). Abolishing ICE is a matter of humanity, of recognizing that human worth is not contingent on citizenship and that the only purpose ICE serves is to benefit a violent, capital economic that prizes efficiency over all else.

Conclusion

At any given time, there are around 30,000 people being held at ICE detention centers (Cullen 2018). 2017 proved to be the most deadly year in regards to deaths while in custody and 2018 seems to be following the same pattern. Why, as a nation, are we so complicit in a deportation regime that gains power each year and continues to violate human rights standards in an efficient and deadly manner? The reason, I believe, comes down to citizenship providing the frame for which efficiency becomes the highest value. Under ICE, immigrant bodies are disposable and fall into a category of being treated efficiently in order to maximize arrests and deportations. Because the principle of efficiency always calls for something to be compromised in order to maximize results from as little as possible, the lives of undocumented immigrants are unvalued in the eyes of the state. The political entity of the state only ensures freedom to

citizens, so as a result, the questioning and denial of freedom becomes applied to non citizens because of freedom existing as an “American right”. Are we boiling down the lived experiences of humans to produce the maximum optimization of efficient practices in everyday life? We rarely question the way that efficiency is ingrained in our perception of the world and how we allow efficiency to define successes. We are in a moment where ICE has gained unchecked power and it's up to use to create and carry out a movement to

abolish it. This movement will be ongoing and focus just as much on dismantling predisposed prejudices based in prioritizing whiteness and citizenship in our definition of humanity, as it will be the act of abolishing ICE itself.

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