



It's time to break up the Department of Homeland Security

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Every day, it seems, we get another story about the horrible conditions in the US Customs and Border Protection detention facilities or Border Patrol officers behaving badly. This current crisis at the border and in the various immigration agencies is not just a byproduct of Trump and his advisers' virulent nativism, but a manifestation of the flaws built into the Department of Homeland Security. The DHS was never going to work. It's time to break it up.

The department was thrown together during George W. Bush's administration, forged in fear in the aftermath of 9/11. Today, it's a hodgepodge of diverse agencies -- including the TSA, FEMA, ICE, and many more -- often with conflicting missions, all of which have been subordinated beneath Trump's anti-immigrant agenda.

I remember remarking to a friend in 2002, when the Homeland Security Act created the new department with broad bipartisan support, that "Homeland Security" sounded like something out of a dystopian novel. A year after 9/11, American politicians were afraid of another attack, they were being misled toward war in Iraq, compromising civil liberties in exchange for projecting a feeling of security, and making lots of mistakes, usually with wide margins of support from their constituencies.

As we head toward the 2020 election, and as horrific conditions in prison-like facilities run by the immigration agencies of DHS are headline news, it's long past time to take a sober look at the post-9/11 moment and find ways to fix some of those mistakes.

Earlier this week, Congressional Democrats visiting two Texas border facilities were shocked by the conditions. They described unsafe and unsanitary overcrowding, disabled prisoners without medical care, lack of access to food and water, and aggressive conduct by guards toward Congressional representatives.

These reports confirm stories we've been hearing for over a year now, with prisoners dying, children missing, torturous conditions including sleep deprivation, freezing-cold conditions, children kept in vans for over 37 hours, and the separation of families and secret detention facilities for children. Meanwhile, in communities around the country, we've heard story after story of gross overreach by US Immigration and Customs Enforcement agents, an unaccountable deportation police force that barges into hospitals and churches at will.

Last week, as the Congressional Democrats were touring a Texas border facility run by Customs and Border Protection, ProPublica broke a story that described a secret Facebook group of some 9,500 current and former Border Patrol agents. Here, members "joked about the deaths of

migrants, discussed throwing burritos at Latino members of Congress visiting a detention facility in Texas on Monday and posted a vulgar illustration depicting Rep. Alexandria Ocasio-Cortez engaged in oral sex with a detained migrant." The US Customs and Border Protection Agency has called the posts "completely inappropriate" and promised to investigate its officers.

Examining these abuses shines a light on the folly of slamming immigration enforcement agencies (such as ICE and CPB) into a single department with agencies in charge of emergency management (FEMA), transportation (TSA), and energy (Cybersecurity and Infrastructure Security Agency), all bound together by a counterterrorism mission statement.

As security expert Bruce Schneier often says, in the aftermath of terrorism, politicians feel desperate, rationalizing: "Something must be done. This is something. Therefore, we must do it." That's the kind of thinking that created the Department of Homeland Security.

Immigration police from throughout the US Immigration and Customs Enforcement division of DHS, which includes ICE and CPB, seem to feel free to act with impunity, knowing they can resist oversight by citing the counterterrorism mission of DHS. Any budgetary limit on one agency opens up the other components to plundering, such as when DHS transferred nearly \$10 million from the Federal Emergency Management Agency to ICE, the funds at least partially used for immigration detention and deportation, in the midst of the 2018 hurricane season.

I'm far from the first to call for breaking up DHS and returning its components to other departments where they belong, back to pre-existing agencies like Transportation, Justice, and Energy. In 2006, not long after FEMA failed New Orleans during Hurricane Katrina, Yale sociologist Charles Perrow offered some "dreary conclusions" in Homeland Security Affairs, writing that DHS is not particularly adept at fulfilling its core mission of streamlining intelligence sharing among federal agencies while diverting funds from supporting first responders in the wake of natural disasters.

In 2011, David Rittgers, a legal policy analyst for the libertarian Cato Institute, made his case that "the Department of Homeland Security should be abolished and its components reorganized into more practical groupings." In 2012, Tulane scholar Kevin Gotham linked the 2002 Homeland Security Bill to an accelerated process of privatization of disaster relief at least partially responsible for the failures during Hurricane Katrina.

Former DHS counterterrorism official Matt Mayer, later a scholar of homeland security, wrote in 2015, "after twelve years of mediocre-to-poor operations and countless scandals ... the core functions overseen by DHS can be managed more effectively elsewhere, especially where territorial battles undermine operational efficacy."

None of these authors are radicals. They are just looking at the mission of DHS, assessing its successes, condemning its many failures, and concluding that the agency can't be fixed.

DHS was a bipartisan mistake. It's made it harder for FEMA to respond to national disasters. It's enabled a culture of impunity and aggression among our immigration officers. It has a history emerging from a specific historical context and time. I believe that as the decades pass, historians like me will look back in sadness at the years after 9/11, when national unity was squandered in persuading Americans to abandon their civil liberties, plunging the nation into endless war, and laying the groundwork for our new regime of concentration camps (as some genocide scholars characterize them) on the American border.

We can make new decisions and claim a new historical moment. Breaking up the Department of Homeland Security is a first step toward making the homeland more just and more secure.