

Reflections on the Great Immigration Battle of 2006 and the Future of the Americas

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ON MARCH 10, 2006, SEVERAL HUNDRED THOUSAND UNDOCUMENTED IMMIGRANTS and their supporters in Chicago marched for their rights, surprising even the march organizers by the massive turnout. The Chicago march opened the path for millions of demonstrators, primarily but not exclusively Latinos, in dozens of cities and communities throughout the U.S. this past spring. This collective, grass-roots, peaceful uprising, powered largely by Latino talk radio, culminated in May Day protest rallies and boycotts throughout the country and in some Latin American countries. Taking history into their own hands, undocumented immigrants have sparked a chain reaction of unexpected magnitude that could transform politics and society in many venues of the Americas—most importantly, but not solely, in the U.S. Although it is far too early to foresee precisely how these changes will play out, we can begin to perceive their magnitude and the outlines of some possible future reverberations of the great immigration battle of 2006.

Ironically, this movement was triggered most immediately by anti-immigrant politicians in Washington, D.C. In December 2005, the House of Representatives passed H.R. 4437, a bill that would criminalize undocumented immigrants—even further depriving them of due process rights and, in effect, keeping them undocumented, and then punishing them (detention, deportation) for being undocumented. The mere act of being in the U.S. without a visa would constitute an “aggravated felony,” a criminal violation treated far more harshly than a *delito*, or nonviolent civil offense, as it is now, precluding any possibility of legalization; anyone or any organization assisting (or hiring) undocumented migrants could also be brought up on criminal charges. In addition, the measure revived the (previously rejected) provision to authorize local police to enforce immigration law. The bill was so extreme as to give new life to the preexisting immigrant rights movement, this

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time bringing those who have lived in fear for years or decades into the streets in one giant “*Basta Ya!*” This is a long-awaited moment when pro-immigrant rights forces are on the offensive, rather than the defensive, as old myths are being exploded, and new protagonists have emerged from the shadows to show their faces on the streets of cities large and small and by their absence from workplaces and schools on May 1.¹ Their unequivocal message is: we are human beings endowed with inalienable rights that we do not give up, even as we cross borders arbitrarily established by nation-states.

At the same time, President George W. Bush has promoted a temporary guest worker program that would allow migrants to *work* legally for a limited time in the U.S., but with no built-in path to full legal status or citizenship. The U.S. mass media presented this proposition as “pro-immigrant,” merely because it was not 100% restrictionist. In reality, from the perspective of immigrant and labor rights, temporary guest worker programs are super-exploitative, at best, and a form of indentured servitude, at worst. In essence, they reduce the entire issue of “immigration reform” to the *commodification* of Latino immigrants and refugees as a low-wage labor force. Such programs are designed to meet the needs of U.S. employers, who permanently rely on low-wage labor, mainly contracted Mexican labor. They are blind to the rights of millions of migrants — many of them not Mexican, but Central American or Caribbean — who have been living, working, and paying taxes in the U.S., many for 15 to 20 years, but who remain undocumented or in legal limbo, with no political or labor rights. Bush subsequently combined his guest worker initiative with national security provisions, and most immediately called up 6,000 National Guard troops to the U.S.-Mexico border to prove that he was “tough” on undocumented migration.

Meanwhile, the Senate proposed a variety of bills, some initially more “immigrant-friendly” than others. In May, after a long and acrimonious debate, the Senate passed a “compromise” bill that is widely seen by immigrants, immigrant rights advocates, and Latin Americans as “H.R. 4437 lite.” S.B. 2611 combines numerous security and deportation measures, militarization of the border, a border fence (read “wall”), English as the “national language,” etc., with a temporary guest worker program and a long, tortuous path to “earned” legal status (by no means a blanket “amnesty”) for a minority of the 11 to 12 million undocumented immigrants already in the U.S. By the time dozens of amendments had been added, S.B. 2611 could not be regarded as remotely “immigrant-friendly.”

In June, the House and Senate measures moved to Conference Committee, where they were supposed to be “reconciled.” The prospects for any compromise were always remote in this midterm election year; and in mid-June, the House Republican leadership torpedoed that possibility altogether, by calling for public hearings at sites near the border, to build support for their nativist position during the summer of 2006. This will effectively postpone a vote until after the November election — although some hard-line Republicans may seek an immigration bill before

November that would deal only with border security. Given that any congressional compromise would have been more hostile to immigrant rights, with immigrant “advocates” doing the compromising, *the best possible outcome for immigrants was and remains no new legislation at all—certainly not in 2006.*

Remembering (1996 and 2001)

Although H.R. 4437 was the match that set off the explosion, it was in reality the culmination of an entire decade of unprecedented abuse and punishment of immigrants, *both documented and undocumented*. To fully understand the events of 2006, then, we must begin by remembering that historical context: *a memory totally ignored or suppressed in congressional debates and in the mass media.*² In truth, all of the politicians’ scenarios of today are premised on immigration as a function of “national security,” a premise ushered in a decade ago—five years before September 11, 2001. The real turning point in immigration legislation, the origin and context for the current situation, occurred in 1996, when the Republican-dominated Congress passed (and Democratic President Clinton signed) a trio of the most punitive measures since the 1920s. To summarize briefly:

- The Illegal Immigrant Reform and Immigrant Responsibility Act of 1996 (IIRIRA) stripped immigrants and asylum seekers of many basic legal rights (including due process rights), and facilitated and stepped up proceedings for exclusion and deportation by eliminating the right of appeal and judicial review of decisions made by one Immigration and Naturalization Service (INS) agent. In short, the measure’s “court-stripping” provisions overhauled the entire infrastructure of immigration proceedings. In addition, it significantly expanded the list of crimes defined as “aggravated felonies” that made legal permanent residents and undocumented immigrants deportable, increased the difficulty of asylum procedures, and stipulated new grounds for exclusion and deportation (“removal”).

- The Anti-Terrorism and Effective Death Penalty Act (AEDPA) of 1996 was initially adopted to commemorate the victims of the April 1995 bombing of Oklahoma City’s Federal Building by a right-wing, native-born Anglo-American. Although the bombing was totally unrelated to immigrants, the law, as it emerged from the Republican-dominated House-Senate Conference Committee, contained seriously punitive anti-immigrant provisions. President Clinton signed the bill, promising to repeal these anti-immigrant provisions, but never did so. Specifically, these provisions stipulated mandatory detention of any immigrant—legal or undocumented—who had ever committed a crime (including petty offenses) for which the penalty was one year in jail. Worse yet was the law’s retroactivity: even if the offense had been committed 15 to 20 years earlier and the immigrant had subsequently lived an exemplary life as a legal resident, she or he now became deportable. Similarly, noncitizens who had ever supported a group that had at one or another time been on the attorney general’s list of “terrorist groups” (e.g., El Salvador’s FMLN) now became deportable. In practice, this meant that any legal

permanent resident who had ever violated the law (however long ago) could, upon filing naturalization papers with the INS, be deported instead.

- The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA, commonly known as the Welfare Reform Act) of 1996 denied public services and benefits to *all* noncitizens, i.e., to long-term Legal Permanent Residents (LPRs)—those who had entered with visas, or who had been able to adjust their status—as well as to undocumented immigrants. In this sense, it moved the line far beyond California’s Proposition 187, which had been aimed at denying services “only” to undocumented immigrants, this time targeting all noncitizens.

Taken together, the three laws created a national security regime for immigrants, i.e., treating immigrants as a problem of U.S. national security, very broadly defined to include “soft” domestic issues such as job anxiety, population growth, and cultural values and norms. Yet these very laws reversed immigrant family reunification norms in effect since 1965, stripped immigrants, *legal and undocumented alike*, of virtually all previous (although limited) due process rights and entitlements, and replaced judicial appeal procedures with unchecked arbitrariness. Two brief years after the much-touted distinction between “legal” and “illegal” immigrants (in California’s Proposition 187),³ the bar was raised, and *all* noncitizens found themselves excluded from public services and even due process rights. The legislation of 1996 was so extreme that by the end of the 1990s through mid-2001, there was a move in Congress, under pressure from the AFL-CIO and business (the latter because it needs a permanent supply of low-wage immigrant labor), to “Fix ‘96,” e.g., restore some services to disabled or elderly LPRs. Even the conservative Supreme Court ruled that some provisions of the 1996 laws were unconstitutional. But all that was before September 11, 2001.

In the wake of September 11, immigrants again—this time with a vengeance—became (and have remained) targets of repressive legislation and practices. Most widely publicized initially were the overt, unapologetic racial profiling measures and hate crimes directed against Arab-Americans and South Asians. Yet the national security regime imposed by the USA PATRIOT Act of 2001 and accompanying measures after September 11 also made U.S. state policies and practices based on the 1996 laws far more draconian toward Latino migrants, in effect criminalizing and punishing those immigrants/noncitizens, and in many respects treating them as if they were “terrorists.” In the name of “national security”—although in practice, on the basis of immigration (visa) violations totally unrelated to terrorism—many thousands of Latino migrants have been subjected to arbitrary roundups, preventive detention and/or summary deportation, with no recourse to legal counsel or court appeals. The U.S. government has broadly used anti-immigrant provisions of the Anti-Terrorist laws (1996, 2001) in part because immigration law does not guarantee the due process rights available to citizens under the criminal law.

Furthermore, unlike many other provisions of the 2001 Patriot Act that restrict civil liberties of U.S. citizens, the provisions affecting immigrants were not even

slated for congressional review under a 2005 “sunset clause,” but were *deliberately designed* to remain permanent. Since 2001, additional punitive measures have been passed by Congress and at the state level, all in the name of “national security”; militarization of the border has vastly increased, bringing higher numbers of border deaths, but without stopping the flow of undocumented immigrants. (For details on all of the above, see Jonas and Tactaquin, 2004.)⁴

The above history of the impact of 1996 and 2001 raises another question regarding the mythological, heroic “legal” immigrants in today’s debate, the foil to the evil “illegal aliens”—those few Latin Americans who entered the U.S. with permanent visa in hand and will be rewarded. If, or when, final congressional legislation is passed, leaving the 1996 and 2001 measures intact, what is to prevent draconian new restrictions on the rights of undocumented “invaders” from being subsequently extended to restrict the rights of fully documented legal permanent residents, as happened during the last decade?

Interpreting the Moment (2006)

The above brief historical overview of recent immigration policy serves as a necessary remedy to the mass media’s convenient collective amnesia and reminds us of the broader context of the spring 2006 immigrant uprising. H.R. 4437, which formally criminalizes undocumented immigrants, was certainly the immediate spark, but it was the culmination of a decade of unmitigated punishment, abuse, exploitation, repudiation, racism, and exclusion. That 10-year legacy was the underlying cause of the outrage directed against H.R. 4437.

Like the Civil Rights Movement of the 1960s, the immigrant rights movement has predictably achieved no immediate victories, and the struggle will pass through many repressive as well as celebratory phases. Far from building a consensus, the 2006 immigration battle has fed into extreme polarization about immigrant rights and forms part of the general increase in ideological polarization within U.S. politics. Now that the issue of immigrant rights is out in the open, official retaliations and “grass-roots” backlash actions have intensified.

Even before May 1, in an effort to intimidate immigrants from participating, workplace *redadas* (roundups or raids) and deportations were carried out by Immigration and Customs Enforcement (ICE), the Department of Homeland Security bureau that replaced the Department of Justice’s INS (Immigration and Naturalization Service). Thereafter, some participants in the May 1 boycott who stayed home from work were fired from their jobs. Truancy laws have been applied to students who stayed away from school on May 1. The border is being further militarized by the deployment of several thousand National Guard troops—for the first time since the 1916 hunt for Pancho Villa. Debate about a wall separating the U.S. from Mexico has been limited solely to the details (length, etc.)

As part of ICE’s Operation “Return to Sender,” local law enforcement of-

ficials are in effect being deputized as immigration agents—putting into effect a practice that has been debated since the 1990s, but never adopted, and that has been strongly opposed by many police officer associations throughout the country. Anti-smuggling laws are being used to deport migrant smugglers' victims, who are charged with "conspiring" to break the law (Univisión, June 10, 2006). As such, they are being treated as criminals, even without H.R. 4437 on the books. In May and June, highways became *redada* sites in some areas, with Latino drivers being disproportionately stopped and interrogated ("driving while brown"). Some of them have been arrested and deported, with their U.S.-born children (some very young) helplessly watching as their parents were taken away.

In late June 2006, the Supreme Court, by a vote of eight to one, enshrined the principle of "retroactivity" (retroactive punishment) by allowing the U.S. government to use the 1996 IIRIRA to deport all immigrants who had entered the U.S. without documents after a previous deportation, even if that occurred 20-plus years ago (long before IIRIRA) and the immigrant had no criminal record. Such immigrants would have no opportunity for an appeal or change in immigration status. This ruling, supported by the Bush administration, will vastly expand the number of deportable migrants and could pave the way for mass deportations, especially from California, Arizona, and other Western states (*Washington Post*, June 23, 2006). In short, all three branches of government appear to be on the same wavelength, and are acting as if H.R. 4437 were already in effect. Is it any wonder that *The New York Times* (Editorial, May 16, 2006) referred to Bush as the "Minuteman-in-Chief"?

Outside the government, right-wing anti-immigrant vigilante forces—the Minutemen and others—have spread out from the U.S.-Mexico border to other areas; they have begun to appear even in traditionally progressive areas, such as the San Francisco Bay Area (e.g., a Fremont-based group, reaching out to Napa and Santa Clara Counties). Immigrants and immigrant rights leaders are also being subjected to overtly racist hate campaigns on right-wing talk radio and in other media. In an organized campaign, anti-immigrant forces are lobbying their congressional representatives by sending bricks to their Washington offices (symbolizing bricks for the wall between the U.S. and Mexico). From San Bernardino, California, to the small mining town of Hazelton, Pennsylvania, to Maricopa County, Arizona, to Farmingville and other towns in Long Island, and to Milbourn, Massachusetts, proposals are being debated that would shut down day laborer centers, prohibit renting to undocumented immigrants, revoke the licenses of businesses hiring undocumented workers, allow police to hunt down immigrants, declare English the official language, and in other ways exclude and reject immigrants.

At the same time, other cities and communities throughout the country are adopting resolutions and policies that are designed to protect immigrants, regardless of their status, to prohibit law enforcement officials from asking immigrants about

their status, and to resist cooperation with abusive ICE crackdowns. These tend to be larger cities such as Los Angeles, Houston, Miami, Chicago, Minneapolis, New York, and San Francisco. They could again become “sanctuary cities,” reviving a concept from the 1980s that was used to protect Salvadoran and Guatemalan refugees who were fleeing U.S.-supported wars in their home countries from further persecution, once they had made the perilous journey through Mexico to the U.S. Thus, countrywide (not just near the border) entire communities remain polarized by the dynamics of incorporating versus rejecting immigrants, with native-born, Anglo U.S. citizens lining up on both sides.

The Polls Versus the Poles

The above examples of official and extremist anti-immigrant activities should not be read as a simple representation of what “the American people” believe. Clearly, there is no consolidated opinion or “popular will” on immigration matters, as the anti-immigrant Right endlessly proclaims. In fact, the events surrounding the 2006 immigrant uprising have revealed significant fault lines between public opinion among U.S. citizens and the politicians who reflexively listen to the loudest voices,⁵ follow the path of least resistance, and cower at the prospect of being perceived as “soft” on immigrant rights. Despite being undereducated or misinformed daily by the mass media, many U.S. citizens are somewhat ahead of the politicians in their attitudes toward migrants.

According to the Pew Hispanic Center’s summary of recent polls on U.S. public opinion on immigration conducted by major research and media institutions:

Looking at this body of data as a whole indicates that the American public has generally consistent views on the flow of immigrants and the major policy options under debate. The polls do not suggest major shifts in public opinion over the spring as a result of either the immigrant marches or the policy debate, with one important exception: The share of Americans who see immigration as a major problem has been increasing rapidly, and the growing concern is especially notable among Republicans (May 17, 2006).⁶

One major finding is that “the public appears almost evenly divided on whether immigration overall is good for the country or not.” Furthermore, “a majority of Americans believes that illegal immigrants are taking jobs Americans do not want.” Finally, “a majority of Americans appears to favor measures that would allow illegal immigrants currently in the U.S. to remain in the country either as permanent residents or as temporary workers who will have to go home eventually...only a minority favors deporting all illegal migrants or otherwise forcing them to go home.” *A Los Angeles Times/Bloomberg News national poll (Los Angeles Times, April 16,*

2006) also reported more support for granting legal status to immigrants already in the U.S. (66%) than for establishing a guest-worker program (54%).

Nativism in Academia

The long, acrimonious immigration debate in the U.S. has also invaded the world of sanctioned ideas in academia. Within the ambience created by the national security state, public intellectuals have gone beyond endless debates about the economic impact of immigrant labor (on jobs and wages) by reproducing racializing *cultural* anti-immigrant discourses. This comes as no surprise from self-defined, restrictionist think tanks in Washington, D.C., such as the Center for Immigration Studies, whose recent article, “The Masses Are Revolting,” was apparently published without noticing the title’s double entendre. In 2004, however, Harvard University’s most public intellectual, Samuel Huntington, turned the discourse in a new direction by publishing *Who Are We?* (2004a). The book’s most polemical chapter also appeared in *Foreign Policy* (2004b). These writings suggest that Mexican migrants pose a “threat” to the unity and identity of U.S. society. His central argument in support of the “threat” is that many still speak their native Spanish (mainly at home, even while learning and speaking English at work). In Chapter 8 of the book, he denounces dual citizenship as “foreign to the American Constitution,” implying “dual loyalties,” rather than exclusive loyalty to the U.S. Huntington (2004a: 213) also attacks hometown associations, asserting that “remittances flowing out of America do not speak English.” In the name of preserving the “Anglo-Protestant” culture as “America’s core culture” against the threats of immigrant “identity politics” and diversity, Huntington exhibits the worst form of identity politics, U.S. nativism.

Many critiques and responses to Huntington have used data-based studies to refute his position—e.g., it is *not* the case that Mexican/Latino immigrants have refused to learn English, are dividing the country culturally, are insufficiently patriotic, etc. In short, the debate has taken place on the terrain of (primarily cultural) assimilationism. Within this discussion, some critics have exhibited a notable degree of defensiveness, focusing *only* on the “unity” of U.S. society, without also prioritizing immigrant interests. Hence, it is important to emphasize the distinction between assimilation and immigrant incorporation with political rights.

Given the xenophobic mood in the U.S., it is not surprising that restrictionists and defensive assimilationists have dominated the intellectual debate here. *Stepping beyond U.S. borders and adopting a regional (hemispheric) framework*, however, a very different logic emerges. In Latin America, the U.S. national security regime has sparked sharp criticism, protest, and resistance at many levels, including the steadfast refusal of individuals to stop migrating. Viewing the U.S. as the northern zone of the Americas, incorporation of Latino migrants through legalization would be a much more realistic and stabilizing approach than the exclusionary, nativist, racializing rejections that maintain their undocumented status and then blame them

for being undocumented. From a hemispheric perspective, as I shall suggest below, it is also far easier to see that Huntington's attack is itself a defensive attempt to preserve the "Anglo Protestant" culture, and that *the real "core culture" of the U.S., as part of the Americas in the 21st century, is not "Anglo-Protestant," but extremely diverse.*

Envisioning (Possible Futures)

For all parties concerned, the stakes in this battle could not be higher. Although it is far too early to make predictions, we can begin to discern some possible implications and scenarios for transformation of the country and the Americas (the entire hemisphere).

Within the U.S., the immigrant rights movement could energize other movements and coalitions, as happened in the Civil Rights Movement of the 1960s, which sparked so many others. The example of organized labor is instructive. Immigrant labor organizing became a priority for the AFL-CIO long before the spring of 2006, as it sought to bolster its declining numbers and influence. This should not be surprising since migrants bring with them more progressive or radical ideas from Latin America and elsewhere about labor rights. Hence, at numerous workplaces, they have proved to be easier to organize, despite their status as "undocumented." In addition, any attempt to "organize the unorganized" must prioritize immigrant labor sectors.

The immigrant uprising could contribute to incipient black/brown coalitions. Among the most progressive positions now being articulated are those of leaders and congressional representatives from the African-American community—Representatives Sheila Jackson Lee (D-Texas) and Barbara Lee (D-California), Senator Barack Obama (D-Illinois), and Jesse Jackson, among others. Organizations such as the NAACP and the Urban League also support pro-immigrant legislation. At the grass-roots level, African-Americans are somewhat divided, because of job competition, whether actual or perceived. (The actual situation varies by specific sector and venue.) Yet many black communities understand that the best antidote to job competition, where it exists, would be regulations that force employers to pay prevailing wages to all workers, migrant or U.S.-born.

Furthermore, African-Americans are generally less antagonistic and more sympathetic to Latino immigrants than was the case in the 1990s. A March 2005 Pew Research Center poll reported that, although blacks were more likely than whites (33%, compared to 25%) to say they believe immigrants take jobs from U.S.-born workers, blacks were also less likely than whites to say that immigration should be cut back. Even more striking, a mid-April 2006 Field Poll in California showed that 82% of blacks favor a path to legalization for the undocumented (exceeding even the 76% of Latinos!) (*San Francisco Chronicle*, April 13, 2006). Meanwhile, proactive coalition and alliance-building and the search for "common ground" are top priorities for Latino and African-American social justice advocates around the

country, from Atlanta to Chicago to Los Angeles and the San Francisco Bay Area, to mention only a few of the many cities.

In the electoral arena, the stakes of the immigrant battle are high enough to affect the outcome of the November 2006 elections (and perhaps those in 2008) and, ultimately, to challenge the Republican Party's virtual one-party dictatorship. In the official debate among politicians, the differences are most intense not between the political parties, but within the each party. Immigration issues are creating particular havoc within the Republican Party in this election year. Beyond the historical divide between business interests that require the commodity of low-wage immigrant labor and extremist anti-immigrant/xenophobic forces in the Republican Party, today House hardliners will not accept what they call "amnesty" (partial or restricted legalization), or even support their president's guest worker program. Meanwhile, many Senate Republicans would prefer not to accept outright criminalization of immigrants, for fear of losing Republican gains made among Latino voters in 2004. Immigration is a lose-lose issue for Republicans, coming on top of numerous other divisive issues. Furthermore, on this issue even the Republican Party leadership cannot impose top-down party discipline; each politician is on his or her own, depending on the district or state represented and the significant constituencies (e.g., Latinos, Minutemen, evangelical fundamentalists, and so on). Some currently Republican states may have a critical mass of Latino voters by 2008 (assuming that there will be major voter registration drives and mobilizational activities between 2006 and 2008), and senior Republican politicians are clearly worried.

Beyond the Republican Party, the entire U.S. political system appears to be increasingly challenged by the dynamics of the 2006 immigration battle—a hot button, divisive, polarizing issue, with unpredictable consequences. One lesson from this past spring is that nonvoting immigrants and their allies (including some Catholic Church bishops) were able to influence the electoral arena and participate in national politics through grass-roots mobilizations. Electorally, Latinos could potentially become as mobilized a constituency this year as the evangelical Right was in 2004.⁷ Unlike the black vote, the Latino vote has not always been united, or loyal to the Democratic Party. In past years, Latino voters have not always prioritized immigrant rights. In the wake of the 2006 uprising, however, that is likely to change, at least for the moment. Hence, despite the major inroads made by the Republican Party among Latinos (reflected most clearly in 2004, when Bush won over 40% of the Latino vote, largely by appealing to conservative "values" issues), the systematic punishment of Latino immigrants, identified primarily with House Republicans, could make Latino voters more likely to return to the Democratic Party on the basis of their interests. Yet that possibility will materialize *if and only if* the Democrats comprehend how to take advantage of this opportunity in a serious manner: by registering new Latino voters, convincing them that voting is worthwhile because there is a real difference between the two parties (rather

than taking Latinos for granted), and making and fulfilling clear commitments to Latino immigrants.

The View from Latin America and the Future of the Americas

However uncertain their prospects appear as of mid-2006, proactive immigrant rights strategies for legalization and citizenship will not disappear, but will remain on the agenda both in the U.S. and hemisphere-wide. As we have argued elsewhere (Jonas and Tactaquin, 2004), long-range structural considerations in the Americas are breaking down borders. Among the most prominent are: (1) the essential role of migrant remittances in sustaining the economies of the home (“sending”) countries in Latin America; (2) the well-documented, permanent, and ongoing need for (addiction to) low-wage Latin American migrant labor in the U.S., even during periods of political immigrant-bashing; and (3) new free trade agreements, such as the planned Dominican Republic/Central American Free Trade Agreement (DR-CAFTA), which follows the model established by the neoliberal North American Free Trade Agreement (NAFTA) with Canada and Mexico, and like NAFTA and other free trade agreements around the world, will certainly increase migration after opening up regional borders to capital.

Today, there is also a changing political balance in the Americas, with the rise of numerous left-of-center or neo-populist governments that are not 100% beholden to the U.S. The most recent additions are Bolivia, Chile, and possibly, most importantly, Mexico (which is under pressure to clean up its treatment of Central American trans-migrants). For the first time, under pressure from immigrant rights groups based in their own countries, Latin American media and politicians are taking positions on an issue of domestic U.S. politics. The treatment of migrants in the U.S. has become a central theme in some Latin American elections. Conservative presidents (e.g., Vicente Fox in Mexico, Antonio Saca in El Salvador) who have aligned themselves with U.S. President Bush and/or S.B. 2611 have faced sharp criticism from their own citizens, who reject any “lesser of two evils” U.S. legislation that fails to prioritize immigrant *rights*.⁸

For these and many other reasons, Latino immigrant advocacy organizations within the U.S. have begun to coordinate with migrant rights organizations across borders in their home countries in Latin America and the Caribbean, hemisphere-wide. NAFTA and its planned future clones have raised the obvious demands that cross-border mobility for capital be matched by mobility and rights for labor. Along with pressure from migrant rights organizations, issues of cross-border and labor rights for migrants are also beginning to be addressed by para-state institutions such as the Inter-American Human Rights Court of the Organization of American States. A key to the potential power of proactive, decolonizing rights strategies “from within” U.S. Latino immigrant communities lies in their transnational ties throughout the region of the Americas—i.e., their increasing coordination with counterpart communities and organizations in the countries of origin. Beyond these

ties, we are seeing the gradual emergence of *transregional* civil society networks for migrant rights within the hemisphere. Here, “transregional” means not simply between immigrant communities in the U.S. and a home community or country, but multidimensionally *throughout* the region (see Jonas, forthcoming).

The shifting realities and organizing strategies mentioned above present a particular challenge to public intellectuals in the U.S. who reject the Huntingtonian worldview and seek to define an alternative: *What kind of society do we propose to create in the U.S., and what social norms for the Americas as a hemisphere?* In both cases, the answers revolve centrally around the treatment of migrants. Racist, punitive anti-immigrant strategies undermine the quality of democracy for U.S. citizens. The fabric of our society (and of the hemisphere) is severely damaged by the increasing mass of undocumented migrants whose labor is essential to the U.S. economy, but who have been excluded from participating in U.S. public life. The fact that they are now asserting their right to participate is important to citizens as well as immigrants; in this sense, they are marching for us all. What is at stake here is not simply the future for immigrants, but the very quality of democracy in the U.S.⁹

Furthermore, in the light of cross-border, transregional organizing efforts in the Americas, we can see the importance of currently emerging paradigms and practices generated by migration activists and scholars from the sending countries. *Their worldviews are not permeated by considerations of “national security,”* as is the case so pervasively in the U.S. My experiences in Central America and Mexico have taught me the importance of cross-border coalitions and contacts for public intellectuals in the U.S. Particularly since September 11, it has become easier to see the unnecessarily defensive assumptions (e.g., the compulsive need to prove that Latino immigrants are assimilating into U.S. culture) embedded in U.S. perspectives when viewed *from outside the U.S.* Cross-border ties can help U.S.-based activists and scholars to strengthen our hand in the battles for hegemony in immigration debates, against national security discourses, and for legalization and reconceptualizations of citizenship.

In Latin American migrant-sending nations, scholars and activists are strongly criticizing their governments’ neoliberal policies, which make migration a necessity rather than an option, and are applying pressure to prevent their governments from capitulating to unilateral U.S. policies. This critique is long-range, considering that even some of the recently elected progressive and neo-populist governments have not broken with neoliberal policies. From all sides, immigrant rights advocates and public intellectuals in the Americas will be most effective by working collaboratively, transregionally, across borders.

Immigrants Are Human Beings, Not “Aliens,” “Criminals,” or Commodities

Returning to immediate priorities, a first goal for immigrant rights movements in the U.S. is to undo the damage of the 1996 and 2001 laws, and to insist that any new

bill reverse the punitive “national security” regime for immigrants. A second goal is to organize for the legalization of immigrants who have been living and working in the U.S. for years, even decades, but remain undocumented or “in limbo.” A third goal is to facilitate political participation by immigrants at all levels of society, in the electoral and mobilizational arenas, so that national, state, and local politicians come to *require* their support and understand that a “comprehensive policy” means taking responsibility for the consequences of the laws they pass.

Despite the desperate maneuvering by Washington politicians to fashion a bipartisan compromise acceptable to everyone, there will be no “comprehensive immigration reform” bill for George W. Bush to sign before November 2006. Given that any compromise would have been a sell-out to hardliners by Democrats and “moderate Republicans,” *no* legislation is the best possible outcome for immigrants and immigrant rights advocates. This gives us time to reframe the immigration debate, incorporating principles such as those developed by the National Network for Immigrant and Refugee Rights (see Appendix).

But we cannot rule out a “nightmare scenario” in which hard-line Republicans, aided by mass media distortions, manage to ride a wave of nativist populism stirred up by summer hearings near the border and succeed in their campaign for a “border security first” bill before November (in essence, a disguised version of H.R. 4437). This strategy would be possible only if moderate Republicans and Democrats were to capitulate altogether, a defensive stance that we have seen too often already. Such a scenario could put nativism on the offensive and even pay off in the mid-term elections—a Proposition 187 reprise, which could postpone any immigrant rights legislation for years.

The best weapon against this nightmare scenario, and the best weapon for the immigration battle in any case, will be ongoing mobilizations by immigrants and their supporters, highlighting our message: Immigrants are not “aliens,” “criminals,” or commodities, but human beings endowed with inalienable rights that they carry with them as they cross borders.

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NOTES

1. This is not to imply that previous immigrant advocacy campaigns had been purely defensive. Over time, during the early 2000s, immigrant rights organizations had begun to develop proactive coalitional strategies. Examples of these strategies at the national level include the fall 2003 Immigrant Workers Freedom Ride, organized largely by major labor unions with significant immigrant membership. In February and May 2004, broad coalitions of immigrant advocacy organizations came together in Latino Immigrant Summits in Washington, D.C., with extensive agendas for immigrant rights and legalization. (See Jonas and Tactaquin, 2004.) What is different in 2006 is the quasi-spontaneous grassroots uprising by undocumented migrants themselves, which has been supported, but not organized solely, by advocacy organizations.

2. While conveniently forgetting the draconian laws of 1996, politicians and the media have a long memory about IRCA, the 1986 Immigration Reform and Control Act—enacted 10 years earlier, during the Reagan administration—which, while establishing unenforceable employer sanctions for hiring undocumented workers, granted amnesty to several million Latino undocumented immigrants. That is the negative touchstone for today’s debate.

3. In 1994, California Governor Pete Wilson won reelection by basing his campaign on Proposition 187, which denied all public services to undocumented immigrants and required all state employees to report “suspected” undocumented immigrants to state authorities. A striking feature of Proposition 187 was its distinction between “illegal” and “legal” immigrants—very much like the rhetoric of today. The proposition was ultimately declared unconstitutional, primarily on the grounds that immigration policy is a function of federal, not state, law. Nevertheless, the measure achieved its real objective—to “send a message to Washington.”

4. The Bush administration has also revived the Cold War practice of denying visitor visas to many left-oriented Latin Americans, including distinguished intellectuals and social activists, on purely ideological grounds.

5. A recent example was reported by the American Immigration Law Foundation. During the May Senate debates, the ultra-conservative Heritage Foundation presented nightmarish scenarios of hundreds of millions of Mexicans and Central Americans invading the U.S. (up to or exceeding 200 million over the next 20 years). In this theater of the absurd, such projections—considered wild distortions by the Congressional Budget Office—were believed and even used by key senators, including Democrats Dianne Feinstein (California) and Jeff Bingaman (New Mexico), during the Senate floor debate to limit the proposed guest worker program.

6. See Pew, “The State of American Public Opinion on Immigration in Spring 2006: A Review of Major Surveys,” at <http://pewhispanic.org/files/factsheets/18.pdf>. However, polls conducted in late 2005 and mid-2006 by the Tarrance Group, a national Republican polling firm, for the conservative (“free-market”) Manhattan Institute found that likely Republican voters do not support an enforcement-only approach to immigration legislation, but prefer combining earned legalization for immigrants with increased border security.

7. The evangelical churches themselves, even those that turned out in droves to elect Bush in 2004, are quite divided on this issue, as they do not want to lose Latino citizen or immigrant members by being on the wrong side of the immigrant rights issue.

8. The tug of war between the U.S. and Latin America is also occurring at the symbolic level. From the U.S. side, there is great negative publicity about Latino immigrant marchers carrying Mexican or Salvadoran flags and singing *Nuestro Himno* (in Spanish)—in essence, fulfilling Huntington’s worst nightmare. From the Latin American side, *any* reinforcement of U.S. borders (especially by the National Guard, a military unit) is recognized as militarization and the construction of a *muro* (wall) no better than the Berlin Wall.

9. There are historical parallels. It was impossible to consider South Africa a democracy (even for its white citizens) so long as it was an apartheid regime. Similarly, looking at the U.S. today, it is no longer possible to pursue racist, colonizing strategies or repressive/punitive strategies against Third World immigrants and noncitizens without damaging the quality of democracy for citizens of the colonial power.

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APPENDIX

What We Want: Fair and Just Immigration Reform

Fair and just immigration reform means:

- Genuine legalization and opportunities to adjust status for all undocumented immigrants, including youth and farmworkers;
- Preservation of due process, including restoration of access to the courts and meaningful judicial review for immigrants;
- No indefinite detention or expansion of mandatory detention;
- No expansion of guest worker programs;
- No more wasted resources allocated to further militarize our borders and to contribute to the crisis of human rights and lives in the border regions;
- An end to employer sanctions and electronic worker verification systems;
- The strengthening and enforcement of labor law protections for all workers, native and foreign born;
- No use of city, state, or other local government agencies in the enforcement of immigration law;
- No more criminalization of immigrants, or their service providers;
- Expansion of legal immigration opportunities, support for family reunification, and immediate processing of the backlog of pending visa applications;
- Elimination of harsh obstacles to immigrating, including the HIV ban, “3 and 10 year bars,” and high income requirements for immigrant sponsors.

Source: Extracted from the “National Statement to Support Human and Civil Rights for All Immigrants and to Oppose Compromise Immigration Reform Proposals.” The National Network for Immigrant and Refugee Rights (Oakland, California), April 2006.