
Race, Class, and the Emergence of an Immigrant Rights Movement

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The Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 fundamentally altered the tenor and substance of our nation's immigration debate. After 10 years of criminalization of the immigrant community, along with the incremental elimination of nearly all services and benefits for immigrants, an immigrant rights movement exploded onto the political scene, gained momentum, and propelled to the forefront of cities and towns across America. In direct response to legislative and political attacks exploiting the racial and economic fears of low- and middle-income Americans, this peaceful movement quickly exceeded the expectations and abilities of any one organization, leader, or immigrant community. It became a movement based on the quintessential American Dream: the gain of political and economic opportunity.

The passage of IIRIRA and PRWORA launched a decade-long legislative bludgeoning of the immigrant population residing in America. Rights, opportunities, and programs for immigrants and refugees—regardless of documentation status—were severely curtailed or eliminated altogether. The irony was that at the same time this legislation was passed, the country was becoming ever more dependent on immigrant labor. In 1980, 6.7 percent of the U.S. labor force was foreign-born—a number that more than doubled to 14.7 percent 25 years later in 2005.¹ Given the increased

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number of undocumented immigrants and high employment rates of the past two decades, it is clear our immigration system as it stands is incapable of serving labor market demands, much less the desire of immigrant families to unite with their loved ones.²

In response to the 1996 laws, organizations and communities across the nation banded together to forge legislative strategies and assist immigrant communities at the state level. Led by Washington, DC-based organiza-

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tions such as the National Immigration Forum, the American Civil Liberties Union, and the National Immigration Law Center, state-level coalitions across the country pushed governors to fill a critical gap in services left by the federal government's abandonment of immi-

grants. Republicans such as Governor Bill Weld of Massachusetts dedicated state resources to services such as health insurance for legal immigrants cut from federal benefits.

However, this advocacy for immigrant rights has struggled in the face of a federal government set on enforcing antiquated immigration laws. Furthermore, anti-immigrant forces have capitalized on a post-9/11 political environment, using fear and uncertainty to increase the number of enforcement provisions while squashing any efforts to increase opportunities for legal immigration or serve the needs of the undocumented immigrant community. As a result of the increasing tension between these two camps, the country has reached a critical point at which diametrically opposed forces are clashing over immigration policy—and, by extension, over the essential views of what it means to be an American.

The power shift dictated by the November 2006 midterm elections presents risks for both political parties as well as an incredible opportunity for the immigrant community. Leaders and members of the immigrant rights movement are in a position to pressure a polarized House of Representatives, a cautious Senate, and a legacy-obsessed White House to pass comprehensive immigration reform. With the correct strategy and tactics, legislation can be passed that increases opportunities for legal immigration, allows undocumented immigrants to regularize their status, and, quite frankly, positively shapes the future of American attitudes and policy toward immigrants.

PAVING THE WAY FOR AN IMMIGRANT RIGHTS MOVEMENT

PRWORA and IIRIRA were both rooted in a polarizing political environment that leveraged economic fears to effectively fuel a new form of race politics. The 1996 legislation was a direct outgrowth of the 1994 passage of the anti-immigrant Proposition 187 in California, which eliminated services for undocumented immigrants. More importantly, the legislation allowed a Newt Gingrich-led Congress to find a new scapegoat for the years ahead. While PRWORA's primary target was the African-American single mom (the "welfare mom"), the legislation also inserted into the national public discourse an image of the Hispanic immigrant as an illegal alien who would gladly steal American jobs, devour public benefits, and generally invade America. This short period in American political history effectively introduced hate-politics into the immigration discourse.

Immigration Legislation in 1996

In August 1996, President Clinton signed PRWORA into law. Broadly known as his signature "welfare reform" legislation, PRWORA severely cut funding for programs serving low-income children, families, the elderly, people with disabilities, and immigrants. PRWORA eliminated more than \$22 billion in benefits for legal immigrants (undocumented immigrants were already ineligible for most services under federal law). Specifically, the legislation eliminated food stamps and social security benefits for immigrants until they became citizens and denied Medicaid coverage for most legal immigrants until they were residents for at least five years. PRWORA was a blow to low-income immigrants striving to achieve the American Dream; one side effect of PRWORA was a 13.5 percent increase in the proportion of uninsured foreign-born children living with less-educated, single mothers.³

The political impetus surrounding the passage of PRWORA stemmed from the concept of "welfare-to-work" for the "welfare mom"—the low-income, African-American, single mother stereotyped as abusing the welfare system. The law led to a fundamental change in access to welfare benefits by requiring completion of work hours and eventual transitioning off of government support. However, by eliminating immigrant access to services, the legislation reframed the welfare debate: it was expanded to include the bogeyman of Hispanic "invaders" freeloading off of government benefits in America. This negative projection—compounded by a public that seemed all too willing to forget its own history as Irish, Italian, and

German immigrants who were scapegoated upon their arrival—launched an era of institutional immigrant bashing. The irony was rich, and the framing of the issue was deliberate.

As if to add insult to injury, President Clinton signed a second piece of legislation targeting immigrants, IIRIRA, into law on September 30, 1996—only a month after the passage of PRWORA. IIRIRA established a legal framework that positioned immigrants as threats, criminals, and burdens on society, as well as created pathways for expedited removal and expanded grounds for deportation. Along the way, these processes also eroded due process for immigrants. For example, imagine that a 15-year-old legal immigrant from Vietnam exhibits the poor judgment of a teenager and shoplifts. Thinking the community service sentence he would receive by pleading guilty is acceptable, he makes the plea and his life continues. Years later, as he proceeds through the naturalization process, the shoplifting charge comes to the attention of immigration services, and his family is told the offense is, under the immigration law changes of IIRIRA, an aggravated felony and a deportable offense. The changing definition of felony for immigrants under IIRIRA—along with a host of other details

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that must now be navigated—has led to growing numbers of families whose legal status has been severely impacted by these changes.

IIRIRA also required the establishment of programs monitoring the entry, exit, and employment of immigrants, calling on law enforcement to move toward a system of linked electronic databases. While the surveillance programs were eventually created, Citizenship and Immigration Services (formed under the Department of Homeland Security to replace the former Immigration and Naturalization Services, or INS) never received the resources necessary to create the capacity to generate high-quality, error-free data. Given the fact that there are over two dozen versions of legal immigration status, and an individual can change status quickly and legally, data entry is rarely able to keep pace with reality. As a result, the electronic files of work-authorized, legal immigrants may not match their true documented immigration status. Faced with this ambiguity, employers tend to err on the side of caution, often heeding the incorrect electronic data, and many may choose to simply not hire an immigrant.

It is clear that PRWORA and IIRIRA established an immigration policy that prioritized enforcement over substantive reform. This served only to stress a system already cracking under the pressure of a great demand for workers. The late 1990s contained a slight reprieve, in the form of the extension of the 245(i) program—a measure passed by the House allowing immigrants to adjust their status without leaving the United States through registration and payment of fines—making it possible for a good number of undocumented immigrants to obtain legal status. However, the tragedies of September 11, 2001 provided further incentive for anti-immigrant forces to tighten the borders, trapping immigrants in an economic and social underclass. As a result, undocumented immigrant workers living underground, without a political voice and unwilling to seek protection from government authorities, have become targets of exploitation by employers and politicians alike.

The Bush Administration and September 11, 2001

Having previously been governor of Texas, President George W. Bush entered office in January 2001 with a greater appreciation for immigrants and the nuances of immigration policy than past presidents. His friendship with Mexican President Vicente Fox was widely heralded as an opportunity for enlightened immigration reform. The Bush-Fox alliance provided a striking allegory for U.S.-Mexico relations: when Fox visited the Bush compound in Crawford, Texas, it was quite possibly the first time that a ranch owner, deliberately in the public eye, cleared brush shoulder-to-shoulder with a Mexican (rather than the American landowner telling the Mexican what brush to clear and how fast). That this partnership in manual labor involved the President of the United States and the President of Mexico was not lost on the American public. President Fox sought the legalization and fair treatment of millions of Mexican workers residing in America, and President Bush realized the clear value of a large labor force. Both leaders had staked a good deal of their political capital on passage of immigration reform legislation. Through this relationship, the Latino immigrant was entering the mainstream of American political consciousness.

After years of education, organizing, and advocacy by diverse stakeholders, immigration reform was close at hand as the summer of 2001 came to a close. In fact, September 10, 2001 was a very unique moment: *Business Week* and *The Wall Street Journal* editorialized in favor of elements of immigration reform, the Senate had just days earlier passed an extension of the 245(i) program, and the Bush administration was preparing for a

visit by President Fox to announce progress, if not the actual passage, of immigration reform. As evidenced by the nature of publications opining in favor of immigration reform, this surprising shift in momentum was clearly driven by the economic and business interests of the Republican party. This was not a moral call for the fair treatment of workers that understood the humanity of the individual; it was a clear request by employers for more employees providing high productivity for relatively lower wages.

Within 24 hours, the dynamics of power changed dramatically, and both the immigrant as a worker and as a human being lost out. In an unprecedented show of force, terrorists who had entered the country legally, overstayed their visas, and utilized an international financing infrastructure enacted a plan that shook the very foundation of America. The attacks of September 11, 2001—perpetrated not by typical immigrants but by single-minded terrorists bent on destroying the United States—murdered nearly 3,000 people. The consequences were profound: the country went to war, a legislative and structural reorganization of national security was quickly completed, and the nation's immigration system came under intense public scrutiny.

The events of that day led Americans to turn inward and become more suspicious of outsiders. Responding to this sentiment, over the next

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five years Congress and the President passed nearly 60 laws and regulatory changes that impacted the American immigration system. These measures ranged from the wholesale reorganization of immigration under the newly created Department of Homeland Security to the Patriot Act. As a result, citizenship services are not supported by the Bush administration, the backlog of naturalization applications have mushroomed to number in the tens of thousands, and it takes longer and longer

to become a citizen using an under-resourced system burdened by regulations and bureaucracy.

In the years after 9/11, the economic and racial acceptance of immigrants was set back in a changed world. The nation's economy struggled to regain footing, and many people, regardless of ethnic background, were assumed to be immigrants of Arab descent. In essence, the events of 9/11 provided a reason to stereotype immigrants and a motivation to act on

growing economic and racial fears. In this climate, anti-immigrant forces gained considerable power. Elected officials at all levels, talk radio hosts, and others comfortably equate immigrants with terrorists, making what was once unacceptable stereotyping a mainstream phenomenon.

Homeland security became the political language of choice in the 2004 presidential campaign and quickly impacted the immigration reform debate. In January 2004, President Bush held a press conference calling for comprehensive immigration reform—carefully couched in the language of homeland security. Never forced by the Democrats to square immigration reform with national security, Bush's vague proposal allowed him to connect with Latinos over the course of the presidential campaign. His strategy carried the day, as he combined religious affinity with pro-immigrant rhetoric to earn nearly 44 percent of the Latino vote (a 10-point increase from 2000) on his way to reelection.⁴ In three years, the frame of reference for immigration had moved from "immigrant freeloader" to "immigrant threat."

H.R. 4437: The Legislation that Kicked the Sleeping Giant

Having consolidated power during the 2004 elections without any intention of fixing the immigration system, a Republican Congress tossed aside the interests of its corporate supporters and expanded its culture war to fully embrace "the problem of illegal immigration." Falling prey to the echo chamber they created, Republicans put their party in lockstep against any kind of legalization program, focusing instead on enforcement issues. In essence, House Republican leadership felt homeland security policy must follow homeland security politics, and trained its sights on the undocumented immigrant population.

Thus, in December 2005, while the Senate methodically considered various immigration proposals, the House, in a 239-182 vote led by Judiciary Chairman James Sensenbrenner, passed H.R. 4437, *The Border Control, Anti-Terrorism, and Illegal Immigration Control Act of 2005*. Immigration restrictionists had crafted the Holy Grail of enforcement legislation that made over 12 million people felons, along with those who assisted them.

Among several harmful measures, H.R. 4437 expanded the definition of alien smuggling in a way that would severely penalize a person who assisted an undocumented immigrant. Title II, Section 2020 includes prohibitions against "Whoever...assists, encourages, directs, or induces a person to reside in or remain in the United States, or to attempt to reside in or remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in or

remain in the United States.” Paragraph two of this section outlines various levels of punishment for such an offense, ranging from a fine to 20 years in prison.⁵ U.S. citizens married to undocumented immigrants or religious leaders doing their life’s work could be convicted of aiding undocumented aliens, and people driving their nannies to an appointment could be convicted of transporting undocumented aliens.

In addition, the bill deputized local law enforcement officials so that they would be mandated to enforce federal immigration laws—a measure local leaders felt undercut their ability to work with immigrant communities to ensure public safety. In fact, on June 7, 2006, the Major Cities Police Chiefs Association outlined its opposition to mandating local police to enforce immigration law.⁶ This statement followed the position of several local law enforcement officials’ consistent repudiation of legislative proposals along these lines.

A particularly stunning aspect of this process is that the House Judiciary Committee reviewed and voted on the bill in two days, and the House of Representatives affirmed the bill just one week later, with minimal debate in Congress or the public. The sheer speed and magnitude of the legislation took the immigrant community by surprise, eliminating the ability to craft an effective response strategy. In fact, not even furious lobbying by high-powered corporate interests on Capitol Hill could stop the legislation. It was clear that H.R. 4437 exploited the fears of America: people who looked and sounded “different” were threatening national security (and competing for the jobs) of “real Americans.” H.R. 4437 marked the apex of a process that had begun with the 1996 passage of PRWORA and IIRIRA.

However, as subsequent events showed, the Republican leadership had over-reached. The American tradition of social action combined with the political awareness of immigrant communities sparked events that matured into a movement. Building upon the strengths of organizations in existence for more than 20 years, along with a growing network of hometown associations (small, U.S.-based organizations dedicated to assisting Latin American migrants from specific towns), a massive community education campaign gained momentum throughout the late 1990s and early 2000s and played a critical role in the nationwide shift in political power that was to occur in the 2006 midterm elections.

BUILDING AN IMMIGRANT RIGHTS MOVEMENT

The Community Response to the 1996 Legislation

In response to the passage of IIRIRA and PRWORA in 1996, commu-

nity organizations across America began to educate and organize. Broadly known as “Fix ’96,” the campaign mobilized an array of immigrant, human, and civil rights organizations, among many other activists, to eliminate measures passed within PRWORA and IIRIRA. A group of statewide coalitions developed strong partnerships that were to figure prominently in the galvanization of the movement ten years later. These organizations included the Massachusetts Immigrant and Refugee Advocacy Coalition, the Illinois Coalition for Immigrant and Refugee Rights, the Coalition for Humane Immigrant Rights Los Angeles, and the New York Immigration Coalition.

The economic successes and relative political balance of life after 1996—epitomized by the technology-sector boom and the overnight wealth it created—produced a sense of gridlock between the pro- and anti-immigrant camps. As the rich got richer, the poor did not feel as poor, and the politics of fear moved from the economic (welfare, jobs, and immigration) to the social (Defense of Marriage Act, “Don’t Ask Don’t Tell,” and school prayer), causing immigration politics to recede into the background. But the challenge of an immigration system overwhelmed by forces of supply and demand would fester for a decade. As noted above, the 9/11 tragedy was a critical pivot point as anti-immigrant forces regained their position of power.

While the “Fix ’96” campaign marked the beginning of a widespread immigrant rights movement in the United States, it would fall short of success. Though the campaign did allow immigrant rights organizations to forge strong ties with civil liberties groups, it was not able to coordinate a national organizing or media strategy to escalate the tension necessary for gains during the waning years of the Clinton administration. It was only with the 2000 election of Bush, with his friendlier outlook towards immigration reform, that momentum began to swing. Then, of course, 9/11 occurred and the politics of immigration took on a whole new meaning.

Chicago: March 10, 2006

Upon the opening of the 110th Congress in 2005, national and local organizations convened the Coalition for Comprehensive Immigration Reform to coordinate legislative and field strategy. With strong bipartisan momentum built up in the Senate before the House took up the immigration issue, the coalition prioritized legislative advocacy over the seeking of significant resources for national immigrant organizations. Initially, this legislative strategy seemed promising. On May 12, 2005, John McCain,

Republican Senator from Arizona, and Edward Kennedy, Democratic Senator from Massachusetts—with the support of Representatives Jim Kolbe and Jeff Flake (both also Republicans from Arizona), and Democrat Luis Gutierrez of Illinois—filed *The Secure America and Orderly Immigration Act of 2005*. A methodical process was followed to ensure bipartisan support and advocacy groups across the country supported this strategy by targeting legislators to ensure they realized a pro-immigrant constituency existed within their districts.

Perhaps sensing a change in momentum, the House quickly moved H.R. 4437, prompting a reassessment of strategy by immigrant advocates. Realizing their legislative strategy had failed, advocates quickly mobilized field networks, such as the Fair Immigration Reform Movement coordinated by the Center for Community Change, to increase the number and intensity of local immigration enforcement actions such as arrests and deportation proceedings. The impending legal impact of H.R. 4437

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..... quickly facilitated new, aggressive, community-based organizing opportunities. Immigrant communities were ready for action, the general public was listening, and the media was beginning to realize the scope and depth of immigrant issues. Immigrant communities across the country spent January and February of 2006 discussing the need for mass mobilization. Pastors, activists, and labor leaders adopted a common refrain: “organize, mobilize, and educate.” Small events organized early in the mobilization were surprisingly well-attended; unexpectedly large rallies calling for comprehensive immigration reform took place in Oregon and Washington, DC in early March, with participants arriving from points beyond the sphere of event organizers.

On March 10, 2006, Chicago-area organizers expected 10,000 people to converge on the city’s downtown for an immigrant rights rally under the banner “Today We March, Tomorrow We Vote.” This keen eye to the 2006 mid-term elections was a tremendous risk, but also created a long-term organizing strategy. What happened on March 10 surprised organizers and stunned the nation: as participants traveled to the rally, immigrants literally walked out their doors to join them. Suddenly, over 100,000 people were peacefully rallying for immigration reform in downtown Chicago, and the story was carried by media outlets across the country.

Joshua Hoyt, executive director of the Illinois Coalition for Immigrant

and Refugee Rights, wrote, "The marches are tied to the U.S. Senate's debate on immigration reform. That's the last hope of immigrants eager to win reasonable and workable reforms, to reunite divided immigrant families, to create a guest-worker program for the nation's future labor needs and—most divisively—to include an eventual path to earned citizenship for the estimated 11 million undocumented immigrants working and paying taxes in the U.S."⁷

Rather quickly, the DC-based legislative strategy morphed into a national community organizing drive. For the first time since the civil rights movement, people of color were taking to the streets of towns and cities across America en masse. There was no structured, formal leadership for this movement. Yet, given the political and ethnic diversity of the country's immigrant community, there was a unified energy and vision, in addition to a call for action in the U.S. Senate, which was simultaneously debating various immigration measures. Regardless of race or affiliation, marchers called upon the Senate to pass legislation that allowed for the legalization of undocumented immigrants, workers' rights, and fair treatment. Immigrant workers and their families were now the focus of the debate. Race and class demagoguery gave way to talk of change and progress.

Spring 2006: The Stars Align

The Senate started formal deliberations regarding various immigration packages with Judiciary Committee hearings on March 2, 2006. Three versions were the topic of conversation: the original legislation filed by Senators McCain and Kennedy, *The Secure America and Orderly Immigration Act of 2005* (with 23 co-sponsors of the House version and nine in the Senate); competing legislation from Republican Senators John Cornyn of Texas and Jon Kyl of Arizona titled *The Comprehensive Enforcement and Immigration Reform Act of 2005* (with four co-sponsors in the Senate); and the starting point for the Committee deliberations, the "Chairman's Mark" issued by Senate Judiciary Chairman Arlen Specter.

The McCain-Kennedy legislation balanced workplace enforcement measures and a stronger border security plan with a legalization program that required a six-year temporary visa, payment of fines, and the ability to communicate in English before undocumented immigrants would be able to adjust status. The Cornyn-Kyl legislation heavily prioritized enforcement measures and included an unwieldy legalization plan that forced undocumented immigrants to "report to deport" before allowing an adjustment of status and re-entrance to the country. Specter's "mark" was intended as a

compromise package, and included a “gold card” that required immigrants without documentation to come forward, plead guilty to a crime, waive all future rights to appeal immigration rulings, and never be unemployed for more than 45 days to retain an eternal temporary status.

Given the enforcement-only approach of H.R. 4437, Senate leaders on both sides of the aisle responded with an emphasis on security. The first three weeks of Committee debate focused on enforcement and never touched on future immigrant flows or the 11 million undocumented immigrants already in the country. Immigration advocates closely followed the debate and began to worry the Senate would mirror the enforcement-only approach of H.R. 4437 (albeit in a less draconian manner) and leave a legalization package to another legislative vehicle. It was at this juncture that organizers looked toward the November elections and began to organize under the cry, “Today We March, Tomorrow We Vote.” This attempt to mobilize immigrant citizens, as well as those on the path to becoming citizens, exponentially raised the political stakes, forcing lawmakers to acknowledge the strength of the immigrant lobby and its constituency.

Recognizing the potential for another mass mobilization to rival the scale and impact of the March 2005 rallies in Oregon, Washington, DC, and Chicago, Senator Kennedy pushed the Judiciary Committee to seriously consider a legalization package. Kennedy and other immigration reform advocates in the Senate realized that a legalization program would be wholly unacceptable to the House, due to its intense desire to be seen as “tough on illegal immigration” in the upcoming elections. To avoid the draconian H.R. 4437 or similar legislation landing on the president’s desk, the difference between House and Senate legislative positions would have to be so great that any legislation would never make it out of conference.

On March 16, 2006, the Judiciary Committee recessed for one week, with an intention to reconvene on March 27 for one day to finalize a legalization component and report a final bill to the Senate floor. By coincidence, on March 16, over 100 immigrant rights organizations and funders were meeting in Chicago to discuss program evaluation methods. The larger organizations participating in the Chicago meeting had working relationships going back to “Fix ’96,” so they were able to quickly capitalize on this alignment of the stars and use the meeting as an opportunity to organize a national day of action for March 27.

In less than 10 days, over 200 religious leaders and 5,000 community members were organized from across the country to rally in Washington on March 27 as the Senate Judiciary Committee was scheduled to reconvene.

Wearing handcuffs to signify their impending convictions under H.R. 4437, clergymen personally challenged the Senate Judiciary Committee to incarcerate them by passing enforcement-only legislation. The DC rally was echoed by several others across the country, ranging from a turnout of 500,000 in Los Angeles (organized by the Coalition for Humane Immigrant Rights Los Angeles) on March 25 to over 7,000 attendees in Boston on March 27. Immigration-related news blanketed the airwaves as national and local media covered the sudden explosion of energy. *The New York Times* editorialized:

The marchers recognize—as much of the nation seems not to—the urgency of comprehensive immigration reform to the nation's future. Their indignation is mixed with pride in their work and hunger for fair treatment. Their protests have been a model of peaceful dissent and a blow against the mental straitjacket that defines immigration reform as entirely a problem of policing.⁸

After hours of negotiations, the Judiciary Committee reported legislation to the Senate that closely matched the measures of McCain-Kennedy. However, the legislation also included what immigrant advocates felt were excessive enforcement measures and sections that severely curtailed due process. By and large, the rallies were a success, and momentum was shifting in the direction of comprehensive immigration reform.

Despite the progress that had been made, immigrant advocates knew the debate on the Senate floor would only weaken the bill and that the community must continue to apply pressure. This proved not to be a problem: in the months ahead, an outpouring of people, ideas, and emotion poured onto the streets of America. Through mass mobilizations on April 10 and May 1, 2006, the public realized that immigrants were America. A new, positive image of immigrant families as contributors to communities, immigrants as civic participants engaging in social change, and immigrants as patriots serving the American flag had become the center of the debate. The image of “immigrant threat” briefly receded into the background as the image of the immigrant worker and neighbor was etched into the American consciousness as a result of seeing millions of people peacefully take to the streets.

THE SECURE FENCE ACT OF 2006

The spring 2006 rallies successfully stopped H.R. 4437 in its tracks—but not before an ugly Senate debate severely weakened the more balanced bill reported by the Judiciary Committee. Senate Bill 2611, sponsored

by Republican Senators Chuck Hagel of Nebraska and Mel Martinez of Florida, passed on May 25, 2006 and contained a variety of concessions to hardliners, ranging from a declaration that English was the official national language to placing the National Guard on the U.S.-Mexico border to a completely unrealistic legalization plan requiring a complicated exit/entry process. Immigrant advocates carefully approached the Hagel-Martinez bill; some called for an outright dismissal of the bill while others spoke about it in vague terms. The end goal was the same: legislative deadlock. All pro-immigrant parties realized that the current political environment would not allow anything close to a positive bill to reach the president's desk.

The leadership of the House of Representatives, seeing that conference committee rules put Senator Kennedy in a position of great power, refused to appoint conferees. Instead, under the guise of providing a balanced view of immigration legislation to the public, House Republican leadership launched a series of Congressional hearings over the summer of 2006. Serving the dual purpose of laying a new foundation for enforcement-only legislation and inserting the topic of immigration into Congressional races, over 40 hearings took place across the country. Referred to by media commentators as a "road show," the hearings consisted of one-sided arguments that drew the public debate back to one of race and class.

The House Republican leadership's strategy appeared to be backfiring. As a local newspaper in Concord, New Hampshire—one of the hearing sites—editorialized, "in 2000, the U.S. Immigration Service, which is now part of the Department of Homeland Security, estimated that New Hampshire was one of eight states with fewer than 2,500 illegal immigrants. So that's not why the committee decided to hold a hearing in Concord. Could the decision mean Congressmen Charlie Bass and Jeb Bradley are in danger?"⁹ (Both Bradley and Bass lost their seats to Democratic opponents in the November 2006 elections.) Once again, the public discourse had been reduced to the scapegoating of nameless hordes of immigrants intent on invading America and stealing U.S. jobs.

Despite the ability of some observers to see through the charade of the hearings, House leadership spun the events, creating a mandate to file additional enforcement legislation: *The Secure Fence Act of 2006*. This legislation sought to build two layers of reinforced fencing along the U.S.-Mexico border. Yet after much bluster, passage on bi-partisan support, and a hastily planned signing ceremony with President Bush, *The Secure Fence Act* was, in actuality, an unfunded plan for a 700-mile fence that was roundly criticized by all. Senator Cornyn acknowledged, "It's one thing to authorize. It's another thing to actually appropriate the money and do it.

I'm not sure that's the most practical use of that money."¹⁰ The president of the McAllen, Texas Chamber of Commerce, Steve Ahlenius, said, "[The fence is a] 19th-century solution to a 21st-century problem. How it hurts us economically is, the image that we send to Mexico is that, 'We are going to build a wall and we don't want you here.'"¹¹ This imaginary fence was bi-partisan political theater at its most absurd.

Yet in November 2006, as a result of the hearings and *The Secure Fence Act*, the shadow of immigration loomed large over Senate and House races across the country. The Arizona GOP primary to replace Representative Kolbe (a House sponsor of McCain-Kennedy) was a battle won by the individual who demagogued the most over immigration. In Rhode Island, Senator Lincoln Chaffee, a moderate Republican and supporter of immigration reform, was an ironic beneficiary of anti-immigrant propaganda, as the national Republican Party ran television spots linking his opponents' support for undocumented immigrants' access to driver's licenses with terrorism. GOP strategy clearly intended to make immigration the wedge issue of 2006—much as the question of same-sex unions was used as a political football during the 2004 election season. With the inflammatory variables of race and class, it made for the perfect issue to scare voters to the polls.

On a parallel track, the immigrant community saw an opportunity to leverage the work of the spring 2006 rallies to increase voter turnout in immigrant communities. Buoyed by the coming of age of 14.25 million children of immigrants who will be eligible voters by 2008, immigrant advocates prioritized the processing of naturalization applications and voter registration, education, and mobilization leading up to the November elections.¹² "Today We March, Tomorrow We Vote" became a challenge to the community to organize itself as a political constituency that would change the political face of America. The choice to target voter education and mobilization among this community was a focused effort to frame the immigration debate around the immigrant as a civic participant—a voting constituency that could contribute to the American political system and civic culture, and not simply be a drain as was often assumed throughout the past decade.

As a result of Republican scapegoating and pro-immigrant community organizing nationwide, Latino voters turned out in record numbers—and over 70 percent voted Democrat (nearly a 30-point shift from the 2004 elections). Combined with corruption, personal scandals, and mismanagement of the Iraq war—which drove many independent voters to vote Democrat—this shift in Latino numbers proved the death knell for Republican control

of the House and Senate. While one must hesitate to call it a firm win for immigrants, it is indisputable that an increasing portion of the electorate demands rational reform of the nation's immigration system.

THE ROAD AHEAD: A NEW POWER BASE

From state legislatures to governors to the Congress, a monumental power shift has occurred. Political parties are retrenching with an eye to legislative action well before the onset of presidential primaries leading up to the 2008 elections. Democrats are touting the changing demographics and increasing demands for action among the electorate, while Republicans write off their significant 2006 loss to the cyclical nature of power.

Republicans, however, are finding new strength and energy as a vocal minority. Using immigration as an opportunity to stand up to "liberal" Democrats and an unpopular president, Republicans in the House are holding firm to their enforcement-only position on immigration, with some previously pro-reform members now leaning to the right. Many Senate Republicans feel the Hagel-Martinez compromise is an adequate starting point from which to work, though most pro-immigrant advocates see it otherwise.

Democrats, now in the leadership of both the House and Senate, have a more complicated stance. Approximately 30 House members are seen as "blue dogs," socially conservative Democrats not likely to support a legalization package, and many of whom actually pledged not to support "amnesty" over the course of their campaigns. Meanwhile, in the Senate, 30 members are up for reelection in 2008. The centrist tendencies the Democratic Party exhibits when in power may very well dilute any immigration reform legislation.

Unfortunately, it is likely that the immigration debate will continue to be a convenient form of culture war for politicians of all stripes. However, recent polls point to a growing majority of Americans who desire immigration reform that is realistic, fair, and enforceable.¹³ Furthermore, Congress and the president should realize that the failure of *The Secure Fence Act* to dupe the public into believing enforcement can happen without reform is a clear sign that comprehensive, practical solutions are in high demand.

As put forth by the New American Opportunities Campaign, any immigration reform legislation considered by the U.S. Congress in the years ahead, if it is to be fair, realistic, and rational, must:

1. **Be comprehensive.** Federal legislation should simultaneously deal effectively with undocumented immigrants working and living in the

United States, the future flow of workers and close family members, the need for tailored, targeted, effective enforcement of more realistic policies, and support for the successful integration of newcomers in the communities where they settle;

2. **Provide a path to citizenship.** Opportunities should be provided for undocumented immigrants currently living in the United States to receive work permits, travel permission, access to educational opportunities, and be made eligible for permanent residence and citizenship once they undergo background and security checks;
3. **Protect workers.** Policy should also allow workers to change jobs, meaningfully enforce both the program's rules and existing labor laws, protect law-abiding employers from unscrupulous competitors, and provide a path to permanent status;
4. **Reunite families.** Those waiting in line should have their admission expedited, and those admitted on work visas should be able to keep their nuclear families intact;
5. **Restore the rule of law and enhance security.** A smart enforcement system requires a comprehensive approach, and should include smart inspections, screening practices, fair proceedings, and efficient processing, as well as strategies that crack down on criminal smugglers, get tough with lawbreaking employers, and reduce illegality;
6. **Promote citizenship and civic participation and help local communities.** It is time to renew our nation's commitment to the full integration of newcomers by providing adult immigrants with quality English instruction, promoting and preparing them for citizenship, and providing them with opportunities to move up the economic ladder.¹⁴

As the events of 2006 have shown, what was once seen as a simple issue with clear sides has become a complicated matrix of ideology, emotion, and posturing. While the fringes of both major political parties have radical positions on immigration reform, these factions are small, but vocal. The far right advocates building a border wall, while the far left proposes open borders. One camp says the current legislative options are amnesty and a disservice to American workers, while the other feels that current options fall far short of protecting workers and treating immigrants as human beings.

In order to bridge the immigration reform gap, something is needed in Washington that is in short supply: courage. Do members of Congress have the ability to educate their constituencies on the need for comprehensive reform? Do members of the immigrant advocacy community have the

savvy and strength to support the courageous? If all sides of this debate can exhibit the necessary political courage, there is real opportunity for productive change in immigration policy. If clear reform principles are prioritized and there is an emphasis on local, community-based education and organizing, a thoughtful, practical legislative solution can be devised.

To say the future of America depends on immigration reform is overly simplistic and carries no political currency. However, to say the future of America is immigration reform may not be so far off the mark. Over 14 million new voters from immigrant families and the ongoing diversification of rural, suburban, and urban communities are realities politicians ignore at their own peril. ■

ENDNOTES

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