

Our own self-induced confusion about freedom, reflected in our debased culture and our disordered economy, increases our susceptibility to this totalitarian temptation even as it deadens our awareness of the danger that it poses. Escaping its clutches will require something more than presidents intoning clichés about America's historic mission while launching crusades against oil-rich tyrants on the other side of the globe. We are in difficult straits and neither arms (already fully committed) nor treasure (just about used up) will get us out. Our corrupt age requires reformation.

Shedding or at least discrediting the spurious conceptions of freedom to which Americans have lately fallen prey qualifies as a large task. Still, when compared to the megalomania of those who, under the guise of "eliminating tyranny," are intent on remaking the entire Islamic world, the restoration of our own culture appears to be a positively modest goal. At the end of the day, as William Pfaff has observed, "The only thing we can remake is ourselves."<sup>13</sup>

And who knows? If we, as a consequence of such a reformation, actually live up to our professed ideals, restoring to American freedom something of the respect that it once commanded, we may yet become, in some small way, a model worthy of emulation.

### *Chapter 3*

## *America's Encounter with Immigrants*

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Immigration has convulsed and confounded American domestic politics these last few years, producing deeply divergent views about how to control America's borders and how to treat immigrants, both legal and illegal, in the nation's midst. That immigration has become so controversial is, in some respects, hardly surprising. In absolute terms, the number of immigrants residing in the United States—approximately 35 million—is at an all-time high. In relative terms, the density of the foreign-born population is approaching the peaks reached in the two previous waves of immigration, the 1830s to the 1850s and the 1880s to the 1920s. Moreover, the current wave, which began in the late 1960s, has spread far beyond the two areas of the country—the Northeast quadrant and the West Coast—in which most immigrants of earlier times had concentrated. Florida, Texas, Georgia, North Carolina, Virginia, Arizona, and Colorado are among the states in other regions that now have large immigrant populations. In these states and, indeed, throughout the country, immigrants have distributed themselves to second-tier cities and even small towns to a far greater degree than they ever had before. For this reason, immigration, in demographic terms, is arguably more of a national phenomenon today than at any other point in U.S. history.

Current immigrants also constitute the most diverse group of foreign-born ever to come to the United States and they are the first to be majority nonwhite, most coming from Latin America, the Caribbean, East and South Asia, and, to a lesser extent, Africa. Finally, it is the most "illegal" wave of immigration in the country's history, in the sense that as many as 12 million immigrants, representing about

15 to 25 percent of the total immigrant population, have entered the United States without a valid passport, visa, or green card. Given these circumstances, it would be surprising if Americans, both native-born and foreign-born, were not thinking about the immigrant presence and about the opportunities and problems that it presents.

Yet the timing of the immigration controversy seems surprising. It did not erupt after September 11, 2001, in retrospect a logical moment for an anti-immigrant coalition to have coalesced, but in fall-winter 2005–2006. The spur seems to have been events that had little if anything to do with immigrants per se—Hurricane Katrina and the outbreak of civil war in Iraq—and everything to do with the desperation of a Republican Party worried about the eclipse of its power in the wake of the demonstrated incompetence of the Bush administration to cope with natural disasters and overseas military reversals. In other words, the elevation of this issue into a paramount one in American politics looks in the first instance to have been opportunistic. Nevertheless, the Republican Right's embrace of this issue has succeeded in bringing the GOP the kind of law and order and values issue it craves, at a time when its other hot-button issues—abortion and right to life, school prayer, creationism—seem to be in decline. But even as the Republican Right has succeeded in putting its stamp on debates about immigration, it has also discovered how hard an issue immigration is to control, how it tends to fragment any political party that takes it on, and how assembling a winning legislative coalition is a Herculean task. To this point, conservative Republicans have been only slightly more successful than a bipartisan group of centrists have been in bending the national legislature to their will.

This essay offers a historical perspective on U.S. immigration policy, in the hope that such a perspective will help us to understand the current debate and how it might be resolved. In its first century (1776–1876), the United States established itself as one of the most, if not the most, immigrant-friendly nation in the world. In its second century (1876–1976), the United States became much more like other nations, concerned about controlling its borders and limiting the number of immigrants in its midst. This shift from open to closely controlled borders, however, took a long period of time to achieve, largely because of the difficulty of pushing through Congress compre-

hensive immigration legislation. Immigration issues have almost always caused deep internal splits within each of the two dominant American parties. Comprehensive legislation, as a result, has required assembling coalitions from groups in each of the parties that have similar interests in regard to immigration but in most other respects are ideologically far apart (and often don't like each other). The inherent difficulty of fashioning and holding together such alliances has led to long periods of policy frustration and paralysis, sometimes lasting twenty to thirty years.

The United States is currently caught in such a moment of frustration and paralysis. Emerging from this stalemate in the current political climate, I suggest, is likely to lead to legislation governed more by conservative than by progressive impulses. Nevertheless, one needs to remain optimistic that a progressive politics may prevail, especially if the Democrats are victorious in 2008. In that spirit, I offer in my concluding remarks a discussion of principles that ought to inform a progressive approach to immigration reform.

Through the first hundred-plus years of its existence, the United States was far more welcoming of immigrants than most European societies. This was not an accident of history but the consequence of political design: the new nation that emerged from the British North American colonies in 1776 deliberately created a radically different approach to immigration and citizenship than what then prevailed in Europe. By the terms of the Westphalian state system and mercantilist economic doctrine that dominated eighteenth-century Europe, states claimed complete and permanent sovereignty over their subjects, reserving the right to control their movement within state territory and their freedom to move beyond it. Because the strength of a state or monarchy was measured in numbers—the more people a sovereign could claim as subjects, the mightier the realm—European rulers were reluctant to permit their subjects to emigrate, unless the latter were paupers, criminals, or some other class of undesirables. Subjects who did move to another state were still expected to give allegiance to their original state or monarch.

The British colonists in North America increasingly challenged this European state system, in part for pragmatic reasons: the North

American appetite for settlers from Europe had become insatiable. But the colonists made this materialist demand for labor into a political principle. Even prior to the 1770s, they had begun to develop rules for membership that were based on residence, consent, and voluntary loyalty rather than on birth, descent, and perpetual subjecthood.

When these colonists brought an independent United States into being, they established two principles governing freedom of movement and ease of obtaining citizenship that, in the context of the eighteenth century, were revolutionary. The first principle was that people would be free to enter and leave the new nation as they desired; the second was that any free European male immigrant—regardless of nationality, language, or religion—could elect to become a citizen after a very brief period of residence (two years) in the United States. This second principle, embodied in the naturalization law of 1790, made that statute the most radically inclusive measure of its kind in the eighteenth-century world—a judgment that holds even if we take into account, as we must, the racial restriction for which this law has recently become so well known (making nonwhite immigrants ineligible for citizenship). And even as subsequent Congresses made naturalization tougher to achieve, by mandating waiting periods stretching to five years and, at some points, longer, America continued to distinguish itself by the ease with which European immigrants could gain U.S. citizenship for themselves. Both the ease of joining the American polity and the ease of leaving it were part of the revolutionary settlement. So, too, was a willingness to accept into the polity religious groups who, in Europe, were excluded from public life. Thus the United States extended full citizenship to Catholics a half century before Great Britain and to Jews before the French revolutionaries had done so. The ease of entry into America and the ease of becoming citizens made the United States a magnet for Europeans and established America's reputation early on for being a nation of immigrants.

The racial barriers to membership were also part of the revolutionary settlement, the beginning of a systematic effort to render certain kinds of immigrants ineligible for citizenship: first Africans (a prohibition that ended in 1870) and then East and South Asians, the latter formally barred from citizenship until 1952. Not until 1965 were formal racial barriers eliminated altogether from U.S. immigration

law, revealing how much Americans through the middle of the twentieth century wanted to remain what they had imagined themselves to be at their founding—a nation of Western Europeans. That a nation consecrated to freedom and liberty maintained racial restrictions on naturalization for more than a hundred and fifty years of its existence reveals how profoundly race shaped (and misshaped) the American republic.

The Fourteenth Amendment to the U.S. Constitution, ratified in 1868, mitigated some of the worst effects of those racial barriers. The amendment's first clause granted U.S. citizenship to every child born on U.S. territory, even if that child's parents were illegal immigrants or barred by race from becoming citizens themselves. No Congressional majority has ever sought to repeal this portion of the Amendment, nor has any plaintiff since 1898 successfully challenged in U.S. courts what has become known as "birthright citizenship." The Fourteenth Amendment grants citizenship to children of illegal Mexican immigrants born in the United States today much as one hundred years ago it bestowed citizenship on the children of Chinese and Japanese immigrants who were themselves ineligible. This amendment has spared America the predicament that arose in several post-World War II European societies where laws barred not only various groups of immigrants from becoming citizens but also those immigrants' children and grandchildren. Legal alienage persisting across generations usually causes deep cultural alienation and weakens, and sometimes undermines altogether, efforts at integration.

The eighteenth-century revolutionary settlement that set a racial test for citizenship initially established no limitation, racial or numerical, on the number of immigrants allowed to enter the United States. In principle, all immigrants, from every part of the world, were welcome, with the exception of a few categories of immigrants who because of pauperism or disease were turned away. In practice, America was eager, often desperate, for a large flow of human labor that would populate a sparsely populated land, till its soil, extract its minerals, and build its canals, railroads, cities, and industries. Principle and practice converged to yield, until the 1880s, a remarkably liberal immigration policy. By the 1830s, laborers were coming by the millions, a large majority of them from Ireland and Germany. In the years im-

mediately after the Civil War, hundreds of thousands of Scandinavians and Chinese began joining the still growing German and Irish ranks.

The period from the 1790s to the 1880s was the heyday of what historians have called the "open door" period of U.S. immigration. The Statue of Liberty, France's gift to the United States on the occasion of its sister republic's centenary, was a fitting tribute to a country that had made open borders a hallmark of its social and political life. But, by the time the Statue of Liberty had actually assumed its place in New York Harbor in 1886, the openness of America to the world had already begun to narrow. The United States had prohibited Chinese immigration in 1882. It then prohibited Japanese immigration in 1907, most East and South Asian immigration in 1917, and most Eastern and Southern European and African immigration in 1924. In that latter year, the United States also imposed a numerical limitation—approximately 150,000—on the overall number of immigrants allowed to enter the United States in any year, regardless of their country of origin. This decreased the flow of immigrants from Europe by about 85 percent. Immigrants from the Western Hemisphere were initially exempted from this annual quota, but they were brought under its umbrella in 1965.

If we take a long view, we might say that the United States marked its centenary by turning away from its historic and revolutionary commitment to the open door and by declaring (when it barred Chinese immigration in 1882) that its second century of immigration policy would be characterized by restriction. Certainly most milestones of immigration policy between 1882 and 1965 partake of the logic of restriction in one form or another. This is true even of the 1965 Immigration Act, which is most famous for eliminating all racial distinctions in U.S. immigration law and for unintentionally fueling the post-1970s surge in immigration due to the unanticipated effect of generous family reunification provisions in the law. The restrictionism of the 1965 act is apparent in its maintenance of ceilings both on the overall numbers of immigrants allowed into the United States in any given year and on the numbers allowed to come from any single country. The 1965 act also placed immigrants from the Western Hemisphere under this restrictionist system for the first time.

Yet, if one looks at the actual year-to-year, or even decade-to-decade, progress of efforts at restriction across the second hundred years of America's history, one cannot but help notice the slowness and unevenness of restriction's advance. While restrictionist forces achieved some major victories, they also experienced many defeats; and their victories usually required a generation or more of political agitation. Thus, for example, those who finally pushed through the 1924 Immigration Restriction Act, cutting off immigration from Eastern and Southern Europe and sharply reducing maximum immigration levels, had labored for thirty years to get a law of this sort passed. Why did restrictionists experience so much frustration during a period (1890s to 1920s) when anti-immigrant sentiment was running high? The answer lies less in some fundamental and ineradicable progressive basis to American immigration policy than in the complexity of immigration politics themselves and the way those politics have tended to fragment America's political parties and frustrate policy initiatives.

Two very different kinds of considerations have informed political debates on immigration from the 1790s until today. One consideration has been economic: was immigration good or bad for the U.S. economy? Responses have ranged across a broad spectrum, with employers, at one end, typically wanting cheap labor from abroad, and trade unionists, at the other end, insisting on the restriction of the immigrant labor supply and the raising of wages. The second consideration has been cultural-political: What kind of nation did the United States seek to be? Responses to this question have been similarly divergent, with cultural conservatives, at various points, insisting on the importance of national cohesion, racial purity, Anglo-Protestant values, "Nordic" supremacy, and "English only," and cultural liberals and radicals trumpeting the virtues of hybridity (the melting pot), pluralism, multiculturalism, diversity, and humanitarianism.

What has made immigration politics so complex and so bewildering is the frequency with which conservatives on the economic spectrum (industrialists wanting cheap labor) discovered that their best allies were radicals on the cultural-political spectrum (humanitarians demanding that America receive the world's dispossessed). Both groups historically have favored the open door. The reverse was

also true: economic populists and trade unionists realized that their biggest supporters, other than native-born workers themselves, were cultural conservatives who, despite their opposition to organized labor, were important allies in the battle for immigration restriction. The latter's desire to keep America "for Americans" meant closing the door to cheap foreign labor.

These patterns of political divides and allegiances have led to what we might call the iron law of immigration reform: that virtually every law passed by Congress to restrict or increase immigrant access to the United States has required alliances between groups who, in most respects, do not like each other and who often inhabit different ideological universes (and different political parties). Sometimes these strange bedfellows have worked together successfully, as when cultural conservatives and pro-labor groups combined to push through the Chinese Exclusion Act of 1882 and the Immigration Restriction Act of 1924. At other moments of immigration debate, however, the strain of making unconventional alliances became too great. Or, political parties found themselves unable to impose discipline on their own warring factions: free-trade apostles versus social conservatives in the Republican Party, and economic populists versus humanitarians and immigrant advocacy groups in the Democratic Party. Legislative failure or paralysis at the national level then ensued. This occurred first in the 1850s, then again from the 1890s until the 1920s. Such paralysis helps to explain why it took an entire generation to marshal the necessary support for the Immigration Restriction Act of 1924.<sup>1</sup>

The inherent difficulty of assembling successful legislative coalitions has created a bias in favor of maintaining the status quo, whether that status quo is liberal or conservative. When the status quo regarding immigration policy was liberal, as it was for most of the nineteenth century, restrictionists met with numerous defeats. When the status quo was conservative, as it was in the 1920s and 1930s, those who wished to make America's immigration regime more progressive (by eliminating racism from immigration policy and by making special provisions to admit immigrants fleeing political and religious persecution in Europe) achieved little for twenty-five years. Breaking the Congressional logjam has sometimes required a huge international or

domestic event not directly related to immigration but with major implications for immigration policy: World War I and the Russian Revolution performed this function early in the twentieth century, and the civil rights revolution did so in the 1960s.

America today is living through yet another generation-long period of immigration policy paralysis. Dissatisfaction with current immigration policy has been brewing for at least fifteen years, for several reasons. First, so many immigrants have arrived since the early 1990s that immigrant density in America is nearing its all-time nineteenth-century and twentieth-century highs. Second, the number of illegal immigrants has soared, creating concerns about the declining respect for law and order on one side and about the ill-treatment of foreign-born workers with little access to workplace rights or to labor unions on the other. Third, a large percentage of immigrants, legal and illegal, are Spanish speakers and live in close proximity to their countries of origin: many non-Hispanics fear that these immigrants would prefer to Hispanicize the United States than to assimilate into America. And fourth, many Americans believe that the influx of immigrants into the unskilled labor market is worsening the already poor economic circumstances of native-born male workers, white and black, with a high-school education or less.

Thus, the preconditions for a movement to restrict immigration exist, and have existed, for some time. A briefly energetic effort in the mid-1990s to restrict immigration and make the life of illegal immigrants tougher in the United States fizzled by the late 1990s. The September 11, 2001, attacks on the World Trade Center and the Pentagon surprisingly did not provide the boost, as the World War I and the Russian Revolution had done, necessary to pass legislation that would dramatically restrict the flow of immigrants into the United States. The 2001 attacks and the subsequent war on terror did change some elements of immigration policy, especially in terms of heightened scrutiny directed at all foreigners wishing to enter the United States and against Muslim and Arab foreigners in particular. But huge numbers of immigrants continued to enter the United States after September 2001, especially from Latin America, East and South Asia, and Africa, making America even more of an immigrant society than it

was before the war on terror began. Moreover, with the important exception of the Spanish language question, America seems to have become comfortable with what I have elsewhere called its "soft multiculturalism"—a regime that tolerates, even celebrates, cultural differences among Americans as long as those preserving their subcultures agree to embrace core American values: fluency in English, pride in the American nation, and love of American liberty and democracy.<sup>2</sup> The culture wars in America, even the one involving Spanish language and Hispanic culture, seem tame compared to the raw nerves exposed by the Islamic-secularist struggle in Europe today.

The most recent effort to restrict immigration began in late 2005. In summer 2005, increasing levels of violence in Iraq overwhelmed the Bush administration's ability to persuade a majority of Americans that the occupation and reconstruction effort there were going well. Then, in September, the Bush administration's credibility suffered another blow when it displayed first indifference and then incompetence in responding to the physical destruction and human suffering that Hurricane Katrina had unleashed on the Gulf Coast. By October 2005, Bush's poll numbers were plunging. Many Republicans feared that political power in Washington would soon slip from their grasp. In this moment of crisis, the social conservative wing of the Republican Party seized on immigration as an issue that could rally the party's demoralized base and restore the party's credibility in time for the fall 2006 Congressional elections. Socially conservative Republicans pushed through the House of Representatives harsh anti-immigrant legislation (the Sensenbrenner bill) meant to militarize further the border between the United States and Mexico and to make it a felony to enter the United States illegally or to assist anyone who had. If this bill were to become law, every one of the 12 million illegal immigrants resident in the United States, and anyone who had assisted them, risked being arrested as a criminal, and subjected to jail or deportation.

The militant restrictionism of the Republican social conservatives in the House antagonized big business and internationalist Senate Republicans, who viewed the large flow of illegal aliens into the United States as a reasonable response to labor market demand. They further believed that the free movement of labor, like goods, was the

best way to maintain the vigor of American capitalism, and that steps ought to be taken to protect and legalize that flow. Bush lined up with these Republican free-traders, as did the editorial page writers of the *Wall Street Journal*.

Republican social conservatives in the House of Representatives found even fewer friends in the Democratic Party. The once strong forces of immigration restriction in the Democratic Party had become more inchoate after the 1970s as the labor movement lost political clout while also turning away from its restrictionist past in its bid to appeal to Latinos and other groups of immigrant workers. Anti-immigrant, economic populist forces still existed in the Democratic Party among African Americans, Reagan Democrats who were returning to the fold, and other constituencies. But none of these groups or individuals possessed the influence that organized labor once wielded. In part for that reason, and in part because of the rapidly rising number of Latino voters in electoral contests, the Democratic Party has been leaning more heavily in recent years toward its humanitarian-immigrant rights pole. Republican social conservatives, hemmed in by business internationalists in their own party and deprived of erstwhile allies among the Democrats, thus were not able to push through Congress the harsh anti-immigrant legislation they so desired. The results of the November 2006 midterm election not only cost the Republican Party its majority status in Congress, but also revealed that the party had probably lost as much as it gained by giving the militant restrictionists in its ranks a bully pulpit.

After the 2006 elections, the initiative in the immigration struggle passed to a centrist bipartisan group of Democrats and Republicans, led by Senators Edward Kennedy (Democrat) and John McCain (Republican), who did most of their work behind closed doors and out of the public eye, where the national interest and a pragmatic search for common ground would, they hoped, trump the search for partisan advantage. This group developed a plan to militarize the southern border with Mexico very similar to what the social conservatives had proposed. But they insisted that the millions of illegal aliens already in the United States must not be treated as criminals. Because most illegals had become important contributors to the economy and valued members of their communities, the Senatorial group believed,

they ought to be given an opportunity to put themselves and their families on the road to legal residence and then citizenship. The Kennedy-McCain caucus did not intend to make the “pathway to citizenship” an easy one. Indeed the proposed path was long (a minimum of thirteen years), expensive (more than \$10,000), and bureaucratically cumbersome. Illegal immigrants wanting to get on this path would have to wait eight years and then return to their country of origin to become eligible to apply for permanent resident visas to the United States. Theoretically, they would be given these permanent resident visas as soon as the eight-year waiting period had ended, provided that they paid their taxes in the United States, had stayed out of legal trouble, learned English, and could pay the visa fees. With such visas in hand, the now legalized immigrants would become eligible for U.S. citizenship five years later.

The proposed legislation, however, contained a potentially major delay mechanism: visas for illegals would only become available once U.S. immigration authorities had processed all of the millions of existing legal petitions for permission to enter the United States. The Kennedy-McCain group believed that eight years was more than enough time to clear up this backlog. But given the Department of Homeland Security’s reputation for moving slowly on immigrant petitions, eight years may have been far too rosy a scenario. Anyone trying to arrive at a realistic estimate for how long it would take an illegal to become a citizen under the Kennedy-McCain plan would have to reckon on fifteen to twenty years.

The Kennedy-McCain caucus presented its legislation as a compromise measure. But the torturous nature of the proposed path toward citizenship they held up as the sign of the package’s liberalism actually revealed how far sentiment in the United States had shifted against immigrants. Immigrants and their supporters had difficulty mustering enthusiasm for the bill, while the opponents of immigrants, sensing weakness in the supporting group’s ranks, went for the kill. They condemned the “path toward citizenship” as a blanket amnesty for illegal aliens that rewarded “criminals” for breaking American laws. Supported by a well-oiled right-wing media machine that filled radio and television airtime with talking heads who railed against “amnesty” for aliens who had broken the law, and deluging

Capitol Hill with a blizzard of petitions, e-mails, and phone calls, social conservatives persuaded enough Senators to vote against the bill to send it down to defeat. The Kennedy-McCain group tried to save the bill by adding additional punitive measures to it, in the process weakening its appeal among liberal Democrats even further. By July 2007, the legislation was dead.

The 2005–2007 struggle over immigration has changed some things. The Department of Homeland Security and allied agencies in the federal government have ratcheted up enforcement of their existing powers vis-à-vis illegal immigrants—stopping more from entering the country, stripping more of those already here of their access to jobs and benefits, and deporting large numbers. State and local governments, meanwhile, have been trying to take matters into their own hands by sending National Guard units to the U.S.-Mexico border and passing laws of questionable legality punishing landlords who rent apartments to illegal immigrants and employers who hire them. In these circumstances, it does not seem surprising that illegal immigrants have become more pessimistic about their future in the United States and have begun returning home in large numbers. Crops are going unharvested in Colorado and California, prompting Colorado farmers desperate for labor to find new workers among the state’s prison inmate population, and concerned California agribusinessmen to begin thinking about moving portions of their operations to Mexico. Recently, too, suspicion of illegal immigrants has spread to legal ones, revealing the growing nativist fear of foreigners who allegedly are not assimilating and thus who have to be stopped from entering the United States not because they are illegal, but because they have been judged uninterested in learning English or in integrating themselves into American society.

The political struggle over immigration is not over, however. The legal population of Latino immigrants in the United States is well more than 10 million and the entire Latino population—encompassing several generations—is well more than 30 million. Increasing numbers of them have either gained the right to vote by becoming citizens or are choosing to exercise their right to vote for the first time. George Bush began cultivating the Latino vote when he was governor of Texas. In the 2004 election, he received 40 percent of

the Latino vote, a record for a Republican presidential candidate. The recent hostility of Republican social conservatives to immigrants, however, has now identified the Republican Party as the enemy of immigrants. The draconian anti-immigrant bill fashioned by House Republicans in winter–spring 2005–2006 ignited among Latinos in spring 2006 an immigrant rights movement of breadth and intensity without precedent in American history. Demonstrations involving tens and even hundreds of thousands of immigrants and their supporters erupted in numerous American cities, from Washington, D.C., and Atlanta to Houston and Los Angeles. And even as that movement receded from view in 2007, the sentiments that energized it are still strong, and may well reappear in the 2008 presidential elections. Republicans have reason to be worried, not only because the popular vote among Latinos is expected to lean heavily Democratic, but also because Latino votes may be the margin of difference in a number of states, such as New Mexico, Arizona, Nevada, Colorado, and Florida, considered critical to Republican chances.

If the Democrats take the White House and Congress in 2008, and thus have the opportunity and responsibility to devise a progressive policy toward immigrants, what might that program look like? What follows is not a draft piece of legislation, but rather a list of principles that ought to inform a progressive and Democratic approach to immigration reform.

*Principle One:* Reaffirm the United States' historic role in opening itself to immigrants. The prejudice that new groups often faced in the United States (and that denied certain groups entry into America) must be acknowledged, but so too should America's success in admitting large numbers of immigrants, creating decent conditions for them in which to work and live, and integrating them into American life. This success has been substantial, a positive legacy of the American Revolution that is worth preserving.

*Principle Two:* Affirm the role of a labor movement as a positive force in improving the conditions of labor in the United States and as an institution capable of bringing native and foreign-born workers together in pursuit of common goals: higher wages, better working conditions, and social justice. In the 1930s and 1940s, the labor move-

ment in the United States played a vital role not only in organizing immigrants and regulating labor markets (and thereby improving living standards for all American workers) but in integrating immigrants into American life. A progressive approach toward immigration should attempt to create the conditions that allow a labor movement to do this work again.

*Principle Three:* Illegal aliens must be brought out of the shadows and put on a reasonable path to legality and citizenship. Many of these immigrants have been important contributors to the American economy; many have sunk roots into American society and culture. As long as these immigrants remain illegal, however, they lack basic economic and political rights, remain vulnerable to manipulation and exploitation, and must contend with cultural isolation. They should be brought into the economic, political, and cultural mainstream. The Kennedy-McCain group was right to insist that immigrants meet conditions for legalization, especially in terms of learning English, paying taxes, and staying clear of jail, but wrong to insist that their wait for citizenship take the form of a purgatory extending across fifteen to twenty years.

*Principle Four:* Bilateral discussions with Mexico ought to replace unilateral militarization of the border as the favored strategy for reducing the flow of future illegal immigrants. Militarization is hugely expensive and of questionable value. Portions of the border where policing has become more effective have so far mainly shifted the points of entry to other less well defended (and far more physically hostile) territory. This has also led to such unintended consequences as the rise of criminal activity at the border, especially through the role of smuggling rings that traffic not only in human "contraband" but in drug contraband as well.

Undertaking bilateral discussions with Mexico signals first that the illegal immigration problem in the United States has more to do with Mexico than with any other country and that a satisfactory solution to the problem will require the governments of both nations to work together. The United States might offer Mexico a program of economic assistance, in exchange for a Mexican government pledge to invest funds in education, physical infrastructure, and other areas that would invigorate the Mexican economy, create jobs, and per-



suade potential migrants to stay at home and the ones who had left to return. The two countries might also strike bilateral labor accords that grant workers in both countries adequate and similar protections. Such accords would help to insure that American investment dollars would benefit Mexican's poor and not just flow into the pockets of Mexican business elites.<sup>3</sup>

The two countries would be wise to resist embracing one kind of bilateral accord for which there is likely to be substantial support on both sides of the border: a large temporary worker (or guest worker) program that ferries Mexican migrants back and forth across the border on short-term labor contracts. Powerful groups in the United States would welcome such a program for promising employers a steady supply of cheap labor while freeing the country from having to worry about complicated questions regarding the place of Mexican migrants in American political and social life. Many Mexicans might welcome such a program because of the promise that virtually all migrants would be gone for only short periods and maintain their lives and families in Mexico.<sup>4</sup>

The problem with guest worker programs, however, is that they create "hostage" labor markets in the receiving country. Temporary workers are highly vulnerable to exploitation. More often than not, they are segregated from the culture and politics of the society in which they are laboring and lack the rights of workers who are citizens or who have the right to permanent residence. Over the long term, these programs sow the seeds of resentment and alienation.

A preferable bilateral agreement would be one built around the program of economic assistance and labor reform noted above. It may be that such an agreement would require a broader evaluation (and perhaps renegotiation) of the terms of the North American Free Trade Association (NAFTA). This would actually be a useful time to undertake such an evaluation, given that this free-trade zone has been in existence for almost fifteen years. It should include an assessment not simply of NAFTA's own successes and failures but also of the achievements and limitations of other experiments in continental trading zones, most notably that of the European Union. This is a conversation in which progressives need to make their voices heard. And it is a conversation that ought to begin now so that progressives,

should they do well in the 2008 elections, can move quickly and confidently to implement a progressive agenda, fully cognizant of alternatives from which they have to choose. Immigration will not be an easy issue for them to address, any more than it has been for the Republicans. But it is too important an issue for this country's future for progressives to ignore.