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“THEY TAKE OUR JOBS!” and 20 other myths about immigration



all things (or people) related to Spain or the Spanish language, it creates a category of people that includes those from a European country—Spain—and Spanish-speaking Latin America, but not people from Brazil or Haiti. It might be a logical category for studying literature (“Hispanic literature”), but it is not one that makes a lot of sense in looking at immigrants or ethnicity in the United States.

INTRODUCTION

Today's immigration debate is rife with myths, stereotypes, and unquestioned assumptions. I—and we all—hear remarks such as: “Immigrants take our jobs and drive down wages.” “Why don't they learn English?” or “I'm not against immigration, only illegal immigration.” After twenty years of teaching, writing, and organizing about immigration, it's clear to me that many of the arguments currently being circulated are based on serious misconceptions not only about how our society and economy function, but also about the history of immigration, the law, and the reasons for immigration.

All you have to do is read the papers or listen to the radio to notice that people seem to be extremely distraught and angry about immigration. Immigrants are blamed for a host of social ills and compared unfavorably to previous generations of immigrants. Since they are legally deprived of many of the rights that U.S. citizens enjoy, including the right to vote, elected officials and the general public can marginalize, blame, punish, and discriminate against them with little repercussion. Noncitizens make easy targets and convenient scapegoats.

A lot of our assumptions and opinions about immigra-

tion today are based on a set of beliefs about this country's past. These beliefs are formed by our social studies and history classes, by our textbooks, by our politicians, and by our media—indeed they are so pervasive that they almost permeate the air we breathe. Yet they are also fundamentally distorted. They represent a sanitized version of history that can undermine our ability to analyze the world we live in today. In analyzing the issues surrounding immigration today, this book will often turn to the past to revise some of the fallacies that have shaped the way we view our society.

Most U.S. citizens believe that this country is founded on principles of equal rights. They acknowledge that throughout history many groups were excluded from access to rights—Native Americans, people of African origin, women. But the story of U.S. history is generally told as one of gradual expansion of rights to new groups of people, until finally, with the civil rights legislation of the 1960s, the last remnants of discrimination and exclusion were presumably removed.

To those included in the circle of rights, the exclusion of others has always seemed justified, so much so as to be virtually beyond the bounds of discussion. When the founding fathers wrote that "all men are created equal" it was quite obvious to them that women were *not* created equal to men, and that "all men" meant "white men."

When Patrick Henry reportedly declared, "Give me liberty, or give me death!" he assumed that liberty was something reserved for whites. A slaveholder himself, Henry admitted that slavery was morally problematic, but "Henry's

understanding of the discrepancy between his words and his deeds never led him to act differently," notes sociologist James Loewen. "I am drawn along by the general inconvenience of living here without them," Henry explained.¹

In every generation, people have found rationales for systems of social and legal inequality. Native Americans had no rights in the new country, so their land could be taken for white settlement. Africans had no rights, so it was all right to enslave them. Women had no rights, and their labor was generally unpaid. Contract workers had few rights, and their labor was underpaid. Immigrants, as well as workers in other countries, have also been deprived of rights—yet their low-paid labor provides the cheap products that our economy depends on.

Today, a large and growing portion of our population lives without the full rights of citizenship. Noncitizens work, pay taxes, go to school, and raise families; they live in our cities and towns; they participate in religious, sports, and community events; they serve (in disproportionately large numbers) in the military. But both the law and popular opinion deem them somehow different from the rest of us, and not eligible for the rights and privileges that 90 percent of the population enjoys.

As of March 2005, more than 35 million people, a little over 10 percent of the total U.S. population, were foreign born. Most of these people had legal permission to be here, but about a third of them did not. About one-third of all foreign-born people (documented and undocumented) came from Mexico, the largest source of immigrants. Over

half came from Latin America and the Caribbean as a whole (including Mexico). Another 18 percent came from East Asia. The top ten sending countries were Mexico (10.8 million); China (1.8 million); the Philippines (1.5 million); India (1.4 million); El Salvador (1.1 million); Vietnam (996,000); Cuba (948,000); the Dominican Republic (695,000); Canada (674,000); and Korea (672,000).²

During the 1990s the number of immigrants increased rapidly. In 1990, only 19.8 million reported foreign birth. In 2000, the figure was 31.1 million.³ (These figures do not include the 3.4 million Puerto Ricans who lived in the continental United States according to the 2000 census. They are U.S. citizens, although they are also Latin Americans.) Although one wouldn't guess it from the increasing anti-immigrant agitation in the 2000s, immigration actually slowed significantly after the end of the 1990s.⁴ Nativism, or anti-immigrant racism, responded as much to other trends in society as to the actual number of immigrants coming in.

The current influx of immigrants is often compared to the last large and sustained wave, which occurred between 1860 and 1920, when the rate of foreign-born persons in the population ranged from 13 to 15 percent. Because the total population was smaller, this higher percentage represented a smaller number of people. Prior to the 1980s, the highest year for the foreign born was 1930, when 14.2 million people reported foreign birth. Most of these immigrants came from southern and eastern Europe.⁵

During the 1860–1920 immigration wave as well as during that of the late twentieth century, immigration was ac-

companied by nativist reactions. Nativists worried that immigrants would fail to assimilate, would undermine the perceived linguistic, cultural, and racial homogeneity of the country, would take American jobs, and would lower wages. Commentators in various forums warned that the newcomers would bring disease and crime. Today, Arthur Schlesinger worries about the “disuniting of America,” while Samuel Huntington fears the “challenges to American national identity.”⁶ They seem to be echoing the California attorney general who wrote in 1930 that “only we, the white people, found [America] first and we want to be protected in our enjoyment of it.”

While there are many parallels between the two waves of immigration, there are also some significant differences. Ideas about race have changed significantly over the course of the century. In the nineteenth century overt racism was widely acceptable in the mainstream: today it is not. By the late nineteenth century, the academy sought to provide biological and scientific research proving the existence and nature of racial difference. Scholars of all stripes dedicated themselves to classifying the globe's population according to their supposed racial characteristics. Europeans were divided into the “Anglo-Saxon race,” the “Slavic race,” the “Mediterranean race,” and many others. Popular and legal thought varied as to whether the latter belonged to the “white” race or not.

The relationship of race to nationality has shifted in slippery ways, and is in fact still in flux. Ideas about race in the United States have been shaped by immigration, and have

also shaped the way people think about immigration. Every U.S. census has used different categories to identify race. Until 1930 Mexicans were "white," then the 1930 census designated "Mexican" as a separate race. Today, most people inside the academy and outside agree that race and ideas about racial difference are social constructs rather than scientific facts. Even the census itself acknowledges that racial categories "are sociopolitical constructs and should not be interpreted as being scientific or anthropological in nature."⁸

The U.S. economy has changed drastically between the two periods of immigration. In the 1890s, the United States was industrializing rapidly, and most new immigrants went to work in the mines, mills, and factories of the new industrial economy. In the 1960s, the country was undergoing deindustrialization, and the mines, mills, and factories were closing, creating a "rust belt" in the very regions that had previously been a magnet for immigrants. The deindustrialized economy still created a demand for immigrant workers, but in the service industry: "cleaning—all kinds of cleaning," as one immigrant worker, who ran his own small house-cleaning business, described it to me. Immigrants now clean houses and office buildings. They clean hospitals and restaurants. They clean people, clothes, and cars.

The new wave of immigrants was also different because they came from countries in Latin America and Asia that had a history of U.S. interventions and political and economic domination. In this respect, postindustrial immigration to

the United States was not unique. European countries were experiencing the same phenomenon. Industrialization had been accompanied, everywhere that it occurred in the late nineteenth century, by colonial expansion—military, political, and economic. (Sometimes this expansion took the form of direct colonial rule; sometimes it consisted of informal means of control.) Deindustrialization, in the late twentieth century, was accompanied by immigration from former colonies. These different events were part of an interconnected historical process, and to understand the differences between the two waves of immigration, we need to understand the entire historical process.

These issues of race and the global economy were also interrelated. People who were colonized were considered racially different in ways that left very deep roots in the modern world, and colonialism also left long-term economic consequences. When people of color from the colonies migrated to Europe and the United States in the late twentieth century, these deep racial and economic colonial roots were coming to the surface.

Many societies have struggled with the question of what makes a person eligible for rights. Does everybody have rights, simply by virtue of being human? Or are rights restricted to a select group of people in a society, who are defined as "citizens"? And if rights are dependent on citizenship, how is it decided who is a citizen?

After World War II there was a widespread repudiation of the kind of legalized discrimination that many believed

led to the horrors of Nazism. The Universal Declaration of Human Rights, passed by the United Nations General Assembly in 1948, upheld the idea that there was no justification for governments excluding certain groups of people from rights. The Declaration asserts in Article 2 that "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status," and in Article 6 that "Everyone has the right to recognition everywhere as a person before the law."⁹ The declaration is unambiguous: rights apply to *all* people.

The Universal Declaration embodies an expansive notion of rights. In addition to many of the rights protected by the U.S. Constitution and Bill of Rights, the Universal Declaration defines and guarantees social and economic rights like the right to work, the right to equal pay, and the right to education, food, housing, and medical care.

The U.S. Constitution is a bit more ambiguous about what rights belong to all people and what rights belong only to citizens. The law has always been utilized to exclude some people from rights—often to the advantage of employers, who can then exploit those who are excluded. When we look at the past, we generally decry exclusionist ideas and laws. (The Nuremberg Laws, for instance, excluded Jews from rights in Germany.) There is no real logic to excluding people from rights based on immigration or citizenship status. Citizenship was based on race during most of the history of

the United States and has historically been employed as a way to justify discrimination.

The U.S. Department of Homeland Security provides a "civics lesson" to help those people who are eligible for citizenship prepare for the test they'll have to take as part of the process. One question reads "Whose rights are guaranteed by the Constitution and the Bill of Rights?" The answer is unequivocal: "All people living in the United States." The lesson goes on to elaborate:

One reason that millions of immigrants have come to America is this guarantee of rights. The 5th Amendment guarantees everyone in the United States equal protection under the law. This is true no matter what color your skin is, what language you speak, or what religion you practice. The 14th Amendment, ratified after the Civil War, expanded this guarantee of rights. No state would be able to abridge, or block, the rights of any of its citizens.¹⁰

The reality is a bit more complex. United States law has always been, and still is, restrictive about who deserves rights. Until the Civil War, federal statutes took for granted, and upheld the notion, that citizenship and rights should be based on race, and that rights depended upon citizenship, which was reserved for white people. The distinction was not between the native born and immigrants, as it is today, but rather between whites—who were citizens—and nonwhites,

who were not. The Fourteenth Amendment, passed in 1868, for the first time extended citizenship to "all persons" born in the United States—except Native Americans:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Amendment thus expanded citizenship by partially separating it from race for the first time. Before this, citizenship was restricted to whites, and rights were restricted to citizens. But citizenship was not completely separated from race yet. First, the "subject to the jurisdiction thereof" clause excluded Native Americans, even those born in U.S. territories. Second, anybody born in the United States was automatically a citizen—but only white people could be *naturalized* as citizens. The 1870 Naturalization Act extended the right to naturalize to Africans and people of African descent—but they were not the only non-"white" people in the United States.

Citizenship was particularly denied to Asians—by 1882 they were prevented from coming to the United States at all, in part to ensure that nobody of Asian descent would gain

citizenship by virtue of being born here. Chinese people were not permitted to naturalize until 1943. Even then, they were subject to an immigration quota of 100 per year. Filipinos and (Asian) Indians were granted the right to become citizens in 1946, and the "Asiatic barred zone" established in 1917 was finally abolished in 1952. It was not until 1965, however, that the 100-per-year quotas were lifted for Asian countries.

The Fourteenth Amendment's second sentence extends rights even more broadly than the first: no *person*—apparently, citizen or noncitizen—can be denied equal protection under the law. The apparent contradiction in the Amendment left it up to the courts to rule on what it meant in specific cases. The U.S. Supreme Court has given contradictory rulings. Two important decisions argued that citizenship status could not be used to deprive people of rights. In 1971, *Graham v. Richardson* prohibited states from discriminating against legal immigrants in granting welfare benefits; in 1982, *Plyler v. Doe* ruled that all children have a right to public school education regardless of legal status. Other decisions, though, allowed states to discriminate, and the 1996 welfare reform incorporated unambiguous discrimination against legal immigrants.¹¹

Most Americans assume that voting rights and citizenship are identical, and that restricting voting rights to citizens is natural and reasonable. But even this relationship is far from clear-cut. "For a good part of our country's history," explains political scientist Ron Hayduk, "voting rights were determined not by citizenship, but by whether or not one

was a white, male property holder. Thus, women and post-emancipation blacks—who were considered citizens—could be denied voting rights. In fact, alien suffrage . . . actually buttressed the privileging of propertyed, white, male Christians."¹²

The Constitution allows states and municipalities to determine voting criteria. Until the 1920s, many of them permitted noncitizens to vote. It was in the context of particular political struggles—and large-scale immigration after 1850—that states began to exclude noncitizen immigrants from voting.

Hayduk explains:

In the Civil War era, Southern states resented immigrants' opposition to slavery. In many states, wartime hysteria and the Red Scare after World War I made Americans want immigrants to "prove" their loyalty before receiving the privilege of voting. And in others—like Texas during the women's suffrage struggle—ending the immigrant vote was a way for political status quo supporters to counteract the broadened electorate that came with the 14th Amendment (voting rights for African-American men) and 19th Amendment (voting rights for women).¹³

Restrictions on immigrants' voting rights went along with other restrictions—"literacy tests, poll taxes, felony disenfranchisement laws, and restrictive residency and

voter registration requirements—all of which combined to disenfranchise millions of voters."¹⁴

Many European countries, and even municipalities in the United States, allow noncitizen voting as a matter of course. Noncitizens live in communities, they pay taxes and use services—why should they be excluded from political participation in the place where they live? Conversely, some citizens are denied voting rights. In most states citizens who have been convicted of a felony cannot vote. Residents of Washington, D.C., could not vote in presidential elections until 1964, and Puerto Rican residents still can't. And citizens who live in these two areas have no congressional representation.

An analysis of the 2000 census showed that in eighty-five California cities, over 25 percent of the adult population is disenfranchised because they are not citizens. In twelve of these cities, noncitizens are over 50 percent of the adult population. "A substantial number of persons, who contribute to our economy and our government's revenues, are being denied political representation," explains the general counsel for the Mexican American Legal Defense Fund.¹⁵

If the Fourteenth Amendment is taken literally, then it is routinely violated in the United States today. Noncitizens are openly denied *equal* protection, and some of them—those who are undocumented—are denied *any* protection under the law. Their very existence is termed "illegal." In many ways, their situation is comparable to that of African Americans prior to the 1870s, and again after the 1890s

when Reconstruction's attempts to make citizenship real for African Americans were unraveled. Undocumented persons, and even legal immigrants, may be physically present in the United States, but they are not treated equally under the law.

Just as in every period of U.S. history, the law today discriminates by excluding large sectors of U.S. society from its protection, and from the concept of equal rights. Rather than race, ethnicity, or gender—which have been discredited as reasons for excluding portions of the population from access to citizenship—today the dividing line is generally place of birth. Unlike in the past, there is no blanket prohibition on citizenship for any group of people. Nevertheless, many people in the United States are denied the right to become citizens, and denied the rights that go along with citizenship.

Just as it seemed obvious to those in power in the past that race, ethnicity, and gender were legitimate reasons to exclude portions of the population from rights, many American citizens today believe passionately in the need to divide the population between citizens and noncitizens, and immigrants between those deemed "legal" and those deemed "illegal." That those classed as the latter categories should be denied rights, and that large groups of people should be denied the right to become citizens or to become "legal," is considered self-evident.

Although the exclusion itself is rarely questioned, resentment against immigrants and attempts to further mar-

ginalize them are rampant in today's society. The suggestion that noncitizens, too, are created equal is virtually absent from the public sphere. However, claims that immigrants take American jobs, are a drain on the American economy, contribute to poverty and inequality, destroy the social fabric, challenge American identity, and contribute to a host of social ills by their very existence are openly discussed and debated at all levels of U.S. society.

In a series of short chapters, this book seeks to dismantle the myths that inform the major debates about immigration in today's United States. To address issues ranging from "America is a nation of immigrants" to "immigrants take American jobs," it draws on immigration history, critical race studies, labor history, Latino and Asian studies, analyses of globalization, and other academic areas to show how the parameters and presumptions of today's debate distort the way we think about immigration.

Each chapter seeks to identify and challenge the assumptions that underlie some of the prevailing arguments about immigration. The book challenges the way we understand U.S. economic and immigration history. I argue that since before this country was founded, its economy has been global. The prosperity of some within our borders has always depended on the cheap labor of others from both inside and outside our borders. This cheap labor has been justified and guaranteed by excluding certain workers from the categories of people who are afforded rights. Although race is seldom directly invoked in anti-immigrant discourse today,

INTRODUCTION

I argue that race is so deeply tied to ideas about citizenship and immigration that it is central to the discussion. I conclude with an attempt to imagine what a humane immigration policy would look like, and how creating a humane immigration policy would connect to other changes at a national and global level.

PART ONE

IMMIGRANTS AND THE ECONOMY

Some of the most widespread myths about immigration have to do with its effects on the economy. Immigrants are blamed for causing or exacerbating a wide variety of economic ills, from unemployment to low wages to the underfunding of government services. It's undeniable that many Americans feel economically pinched and vulnerable, and that the numbers of Americans in this situation are increasing. But what role does immigration really play in the larger picture of the U.S.—and the global—economy?

MYTH 4

IMMIGRANTS DON'T PAY TAXES

Immigrants, no matter what their status, pay the same taxes that citizens do—sales taxes, real estate taxes (if they rent or own a home), gasoline taxes. Some immigrants work in the informal economy and are paid under the table in cash, so they don't have federal and state income taxes, or social security taxes, deducted from their paychecks. So do some citizens. In fact every time the kid next door babysits, or shovels the snow, he or she is working in the informal economy.

Much of the service sector operates in the informal sphere. Nanny jobs and housecleaning jobs—which tend to be held primarily by women—generally use informal arrangements whether the workers are citizen or immigrant, documented or undocumented. But increasingly, jobs that used to be in the formal sector—like factory jobs—have sunk into the informal sector through elaborate systems of subcontracting. Textile and apparel manufacturing are particularly notorious in this regard.¹

There are some benefits for employers, and for consumers, from this informal sector. Employers can pay lower wages than those required by law. Consumers receive access

to cheap products and services provided by these low-wage, untaxed workers.

But workers in the informal economy don't fare so well. They don't have access to any of the worker protections that come with formal employment, like minimum wage or health and safety regulations. Workers in the informal economy can't get unemployment insurance or workers' compensation and generally get no benefits from their employer (like health insurance or sick leave or vacation time).

It's hard to calculate exact numbers for the informal economy because, by definition, it's unregulated. One recent study in Los Angeles estimated that immigrants made up 40 percent of the city's population, and one-fourth of these were undocumented. The informal economy accounted for some 15 percent of the city's workforce, and undocumented workers were concentrated there: 60 percent of workers in the informal economy were undocumented.²

Many immigrants work in the formal economy, in which case they have all of the same tax deductions from their paychecks as citizens do. Undocumented immigrants who work in the formal economy generally do so by presenting false social security numbers. The Social Security Administration estimates that about three-fourth of undocumented workers do this.³

Public commentary about this practice is often quite angry. In fact, though, the only ones who lose anything when workers use a false social security number are the workers themselves. Taxes are deducted from their paychecks—but if they are undocumented, they still have no access to the

"THEY TAKE OUR JOBS!"

benefits they are paying for, like social security or unemployment benefits.

Even with a false social security number, the federal and state taxes that are deducted from a worker's paycheck will go into federal and state coffers. Social security payments are either credited to whoever's number was used, or, if a worker uses a number that doesn't belong to anybody, they go into the Social Security Administration's "earnings suspense file." As of 2005, Social Security was receiving about \$7 billion a year through false social security numbers—allowing it to break even, because that's about the same amount as the difference between what it paid out in benefits and what it received in payroll taxes. According to the *New York Times*, "Illegal immigrant workers in the United States are now providing the system with a subsidy of as much as \$7 billion a year."⁴ Yet these workers will never be able to receive Social Security benefits.

MYTH 5

IMMIGRANTS ARE A DRAIN ON THE ECONOMY

This is a complicated question that requires us to define "the economy." Generally, those who say immigrants are a drain on the economy are referring to the myth that immigrants use more in public services than they pay in taxes. In fact the majority of immigrants, being of prime working age and ineligible for many public services, tend to contribute more to the public sector than they actually use. However, many of the services they do tap into are local services (schools, transportation, libraries), and the new wave of immigration coincides with federal cutbacks to these services, placing a greater burden on local governments. (The native born, it should be said, *also* tend to use more in local services than they pay in local taxes.)

Several state-level studies have tried to assess the level of state and federal taxes that immigrants, documented and undocumented, pay compared to the level of state and federal services that they receive. Early studies in California and in the Southwest as a whole and more recent studies in the Southeast, which is seeing the highest rates of immigrant

population growth now, have come to similar conclusions. Immigrants, documented and undocumented, are more likely to pay taxes than they are to use public services. Undocumented immigrants aren't eligible for most public services and live in fear of revealing themselves to any government authorities. Documented immigrants are eligible for some services—but even they hesitate to use them, since they fear that being seen as a public charge will make it harder for them to stay, apply for citizenship, or bring family members. Nationally, one study estimates that households headed by undocumented immigrants use less than half the amount of federal services that households headed by documented immigrants or citizens make use of.¹

There are some government services that both documented and undocumented immigrants do benefit from: public schools, emergency medical care, and the public safety system (e.g., police, prisons). These are known as "mandated services," which federal authority requires state government to provide to all people, regardless of immigration status.

The only kind of public service that immigrant households use at higher rates than natives is food assistance programs such as food stamps, WIC, and free or reduced-cost school lunches. However, it's not the immigrants themselves who use this aid—they're usually not eligible—but rather their U.S.-born children, who are citizens.²

The Georgia Budget and Policy Institute estimates that undocumented immigrants in the state pay between \$1,800 and \$2,400 a year in state and local taxes, including sales,

property, and income taxes (for those who file W-2 forms with false social security numbers). This brings from \$200 to \$250 million into state and local budgets.

"Do undocumented immigrants pay enough in taxes to cover the services used?" the report asks.

For undocumented immigrants, the answer is unclear. However, for legal immigrants, studies have shown that first-generation immigrants pay more in federal taxes than they receive in federal benefits. The same does not hold true for state taxes and services, however, as first-generation immigrants often use more in services than they pay in taxes. However, the descendants of the first-generation immigrant correct that pattern and contribute more in taxes at both the federal and state level than they consume in services at both levels. Each generation successively contributes a greater share due to increased wages, language skills, and education.³

Similarly, in Colorado undocumented immigrants were found to pay about \$1,850 in state and local taxes if they were working on the books, and \$1,350 (in sales and property taxes) if they were working under the table. Thus the estimated 250,000 undocumented immigrants in that state were paying \$150 to \$200 million in state and local taxes, covering about 70 to 85 percent of the approximately \$225 million they used in state and local services.⁴

If immigrants don't make heavy use of social services and they do pay taxes, then why don't their taxes cover all of,

or more than, the services they do use? Mostly because they earn such low wages that their tax payments are lower than those of people who earn higher wages. Low wages mean that less is withheld for income taxes, and it means that they have less money to spend, so they pay less in sales and property taxes than people who earn more. In fact, our progressive system of income taxes is designed to take a greater chunk of the income of a high earner than a low earner. So if immigrants are paying less, it's because they're earning less.

A Florida study found similar results: new immigrants tend to have lower levels of education and lower earnings—and thus pay less in taxes—than the U.S. population as a whole. Within fifteen years, immigrants' earnings—and their taxes—have caught up.⁵

Since the 1990s, economists have started to use a more complex model for evaluating the effects of immigration with respect to taxes and public services. Instead of just looking at the cost of educating the children of immigrants, for example, they also look at the potential future tax revenues of those children. This approach, called "generational accounting," is based on the notion that when government spending exceeds tax revenues—that is, when the government operates at a deficit, as is currently the case—future generations essentially have to pay back the debt. So the numbers of new immigrants in future generations will affect how the costs of the debt are distributed—more immigrants means less burden on the native born.⁶

From the perspective of businesses, employing immigrant workers, and workers in other countries, brings some

special advantages. Again, a comparison to slavery is enlightening. Slaveholders generally preferred to purchase slaves of prime working age and strength. They discovered that it was cheaper to continually import new slaves and overwork them to death rather than having to pay for the reproduction of their slave labor force. Brazilian slaveholders found that they could recover the cost of purchasing a slave with two years of harsh labor, so that any amount of time that a slave survived after that was pure profit. The average was three more years—and the profit could then be used to buy a new slave worker.

When the slave trade was abolished—at the beginning of the nineteenth century in the United States, much later in the century in Brazil and Cuba—slaveholders had to shift their strategies. In order to maintain a slave population, they had to foster reproduction. This meant that they had to invest more in their existing slaves. They had to provide for children who were too young to work, and for the women or elders who cared for the children. They had to increase the level of subsistence so that slaves would *not* die within five years.

Immigration and outsourcing (moving production abroad) fulfill the same logic, from the perspective of businesses. The New Deal social compact put the burden on businesses to give back to their workers, and to society, in order to support the reproduction of the labor force. Wages, benefits, and taxes were all ways in which businesses contributed to social reproduction.

If businesses could find a new source of workers that was

reproduced outside of the United States and the New Deal social compact, however, they could save money. If a worker is born and raised in Mexico, works for a U.S. enterprise (either in Mexico or in the United States) between the ages of twenty and forty, then returns to the home community, it is the Mexican family, community, and institutions that bear the costs of reproduction. The U.S. company gets just what the slaveholder got: workers in their prime working years, with no investment in the society that raised them or that will care for them as they age.

Of course some immigrants, even if they originally intended to work for a short time and return home, end up staying. Over time, they lose those special immigrant qualities that make them willing to work for low wages in substandard conditions. In other words, they become more like citizens: they need to work for wages, and in conditions, that will sustain their life here. The opportunities for upward mobility that European immigrants enjoyed may no longer exist, but immigrants do shift in the kinds of jobs they will do, the kinds of conditions they will accept—and the amount of taxes that they pay.

As workers leave the secondary sector—whether because they return home, grow older, or set down roots here—employers remain avid for new immigrants to replace them. A significant exception to the model of economic improvement over time is undocumented immigrants. Unlike "legal" immigrants (refugees, legal permanent residents, and those who become naturalized citizens), whose incomes increase significantly in proportion to their time in the United

States, undocumented immigrants tend to remain on the margins of the U.S. economy. Even those who had been in the United States for ten years or more in 2003 had a family income of only \$29,900—as compared to natives, whose family incomes averaged \$45,900, refugees at \$45,200, legal permanent residents at \$44,600, and naturalized citizens at \$56,500.⁷

It's not surprising, then, that 39 percent of undocumented immigrant children live below the poverty line, and 53 percent lack health insurance.⁸ The results of the 1986 Immigration Reform and Control Act, which granted amnesty to a significant portion of the undocumented population then in the United States, are also clear. Once they achieved legal status, migrants were able to improve their levels of education and income.⁹ By maintaining arbitrary status differences and excluding millions of people from legal rights, and by ensuring that immigrants will continue to arrive, and that some will continue to be classed as "illegal," U.S. policies guarantee the existence of a permanent underclass.

PART TWO

IMMIGRANTS AND THE LAW

The U.S. Declaration of Independence asserts that humans are endowed with "unalienable rights," and that if a government deprives them of such rights, "it is the right of the people to alter or to abolish it." Henry David Thoreau cautioned against "undue respect for law" and urged his readers to rely instead on conscience. He decried the "thousands who are *in opinion* opposed to slavery and to the war, who yet in effect do nothing to put an end to them."

"When a sixth of the population of a nation which has undertaken to be the refuge of liberty are slaves, and a whole country is unjustly overrun and conquered by a foreign army, and subjected to military law, I think that it is not too soon for honest men to rebel and revolutionize," he declared in *Civil Disobedience*. (He was referring to the U.S. invasion of Mexico in 1846.)

In his "Letter from a Birmingham Jail," Martin Luther King too insisted that laws be judged from the standpoint of conscience and morality. "A law is unjust," he wrote, "if it is inflicted on a minority that, as a result of being denied the right to vote, had no part in enacting or devising the law." He was talking, of course, about laws enforcing segre-

"THEY TAKE OUR JOBS!"

gation made by southern legislatures for which blacks were denied the right to vote. He could just as well have been talking about laws that discriminate against immigrants, a minority in a country that denies them the right to vote.

(Some have even argued that all the world's citizens should be allowed to vote in U.S. elections, given the degree of U.S. political, military, and economic power around the globe. "Every action of the US President affects my life deeply in political, economic, social and cultural terms," wrote Indian journalist Satya Sagar in 2004, in an only partly facetious essay explaining why U.S. elections should be opened to all.)²

Much of the current anti-immigrant agitation stems from the idea of the sanctity of the law, and abhorrence of the crime that immigrants commit when they violate immigration law. This section will examine the arbitrary and discriminatory nature of immigration law and argue that the legal categories it creates have historically been informed by racism and politics, rather than humanitarianism, justice, or the idea that all men (or all people) are created equal.

MYTH 7

THE RULES APPLY TO EVERYONE, SO NEW IMMIGRANTS NEED TO FOLLOW THEM JUST AS IMMIGRANTS IN THE PAST DID

One of the most oft-repeated—and most puzzling—comments regarding the debate on immigration goes something like this: "I'm not against immigration, but I'm against illegal immigration. New immigrants should play by the rules, like our parents and forebears did."

The sentiment reveals a lot about how we've been taught to think about U.S. history: we've been taught to think of this as a country of white, voluntary immigrants. The history of people who don't fall into that category is incidental, rather than central, to the story we learn in school. "The rules," though, were different for Europeans than for Africans, Asians, and Native Americans. For the latter, "the rules" meant enslavement, exclusion, and conquest.

What the people (generally of European origin) who point to "the rules" ignore, moreover, is that when *their* parents and grandparents came to the United States, they in fact did exactly what so-called "illegal" immigrants are doing today. They decided to make the journey, and they made it.

All they had to do was get together the boat fare. The rules were different then. U.S. law explicitly limited citizenship and naturalization to white people. Nonwhites, however, were denied both entry and citizenship. Through a complex process of omission and commission, the law dictated open immigration for white people and restricted immigration for people of color. Immigration and naturalization law created, in the words of Aristide Zolberg, "a nation by design."¹

Between 1880 and World War I, about 25 million Europeans immigrated to the United States. They did not have visas or passports. A very small number of them—about 1 percent—were turned back at Ellis Island because they were deemed to be criminals, prostitutes, diseased, anarchists, or paupers.² There were no illegal immigrants from Europe because there was no law making immigration illegal for Europeans.

It wasn't until 1924 that numerical restrictions were placed on white European immigration, creating a situation in some ways similar to today's, in which would-be immigrants had to compete, before they left home, for the few available visas to come to the United States. The restrictions placed on Europeans, though, pale in the face of those that the 1924 legislation placed on non-Europeans: as "aliens ineligible to citizenship" because they belonged to the "colored races," they were excluded altogether. Although the 1924 quotas did not apply to the Western Hemisphere—Congress couldn't figure out what "race" Mexicans actually belonged to—the legislation also invented the concept of the "illegal immigrant" and created the Border Patrol to keep

Mexicans out. (I describe these restrictions in more detail in the section on immigration and race below.)

The last major immigration reform, in 1965, finally removed the racially defined quota system, and replaced it with a uniform quota system for all countries. But the new laws of 1965 were only one factor leading to the huge increase in immigration from Latin America and Asia.

Even more important has been the acceleration of what we now call "globalization." Today's globalization builds on structures developed during the centuries of colonialism that preceded it. One aspect of globalization in the second half of the twentieth century has been a huge population movement from the former colonies into the lands of their former colonial masters. In order to comprehend this global phenomenon, we have to look at the socioeconomic and cultural legacy of colonialism.

In broad strokes, the European colonialism that shaped the modern world could be described as the conquest of people of color by white people, the massive transfer of natural resources out of the colonies and into the colonial powers, and the dispossession of formerly self-sufficient native inhabitants as their lands were taken for the export economy. Modern colonialism began with Spanish and Portuguese expansion in the 1400s, followed by northern European expansion in the 1600s and 1700s. By the end of the 1800s the European countries had carved up much of Africa and Asia, while the United States was extending direct and indirect rule into the newly independent countries of Latin America.

Formerly self-sufficient natives of these lands conveniently served as a cheap or coerced labor force to exploit the resources (land, minerals). The colonial powers received the raw materials and agricultural products that allowed them to industrialize; the colonies were left with depleted lands and political structures that were geared toward tyranny and exploitation. If the dispossessed masses rebelled, colonial armies were quickly mobilized to repress them.

Consider the example of the Dominican Republic. It was colonized first by Spain, then by the United States. (The U.S. invaded and occupied the Dominican Republic from 1916 to 1924 and again in 1965.) The first U.S. occupation brought about massive dispossession and transfer of Dominican land into the hands of U.S.-owned sugar plantations; the second brought about the modern version of colonialism (sometimes called "neocolonialism"), in which the governments of poor countries are forced to create low-wage, low-tax, low-regulation environments for the benefit of U.S. corporations. (The proliferation of these export-processing zones there explains why so many of our clothes bear tags saying "Made in the Dominican Republic.")

The United States has the highest standard of living in the world, and it maintains it by using its laws, and its military, to enforce the extraction of resources and labor from its modern version of colonies, with little compensation for the populations. It is no wonder that people from these countries want to follow their resources to the place where they are being enjoyed.

Most of today's immigrants come from countries where

the United States has been deeply involved in the past hundred years; in addition to the Dominican Republic, they come from such countries as Mexico, the Philippines, El Salvador, Guatemala, Vietnam, and Cambodia. Given the numerical quotas and the preference system that privileges family members of those already in the United States, for most would-be immigrants from the Third World (i.e., people from former colonies—i.e., people of color) there is literally no way at all to receive permission to come here. Even immediate family members, who are granted priority, have to wait up to twenty years to get permission. For those without family members who are citizens or permanent residents, the current law is little different from the one passed in 1924: it permanently excludes them.

The law, then, is inherently discriminatory. It primarily benefits close relatives of U.S. citizens and of permanent residents. For most people who want to come to the United States, the law simply forbids it.

When the law prevented blacks from sitting at a lunch counter reserved for whites, black people protested the law by breaking it—sitting down where they were told they weren't allowed. On many occasions in the past, people have struggled for equality before the law by committing civil disobedience and entering an institution, a neighborhood, a city, a state, or a country that forbids their presence. Today, we think of many of those who broke the law in the past in the interest of equal rights as heroes.

MYTH 9

THE UNITED STATES HAS A GENEROUS REFUGEE POLICY

Since World War II, U.S. law has provided for certain would-be immigrants to be granted special rights as refugees. Despite the folklore (repeated in the citizenship exam) that "the Pilgrims came to America to gain religious freedom" and the Statue of Liberty inscription welcoming "your tired, your poor, your huddled masses yearning to breathe free," prior to World War II the country in fact had no immigration provisions at all for refugees. Although the admission of refugees since then is often thought of as a humanitarian policy, its character has been much more political than humanitarian. The vast majority of the three million refugees admitted to the country since 1945 have been from just three countries: Cuba, Vietnam, and the former Soviet Union.² For the United States, "refugee" has generally meant "refugee from Communism." From 1965 until 1980, this definition was actually written into the law.

During the 1930s, President Roosevelt clung resolutely to the established quota system as a reason for not opening the doors of the United States to those trying to flee Hitler's

Germany.³ At the end of the war, the Allies struggled to figure out what to do with some one million displaced persons in the zones they occupied. The United States finally enacted the Displaced Persons Act (DPA), which allowed 205,000 refugees to be admitted between 1948 and 1950. The refugees would be charged against future years' quotas, instead of having to wait until quota spaces became available.

Provisions of the 1948 DPA also limited the ability of Jewish refugees to take advantage of it, although the 1950 renewal, which allowed another 200,000 displaced persons to enter, this time above the existing quota system, did enable some 80,000 Jewish refugees into the country. "Refugee" status was also granted to at least several thousand Nazi collaborators under the acts.⁴ "Only a minority of those admitted . . . were Hitler's victims," concludes one analysis. "A larger number were members of groups that had supported the Third Reich or benefited from it . . . [In addition,] more than 70 percent . . . were refugees from the USSR and Eastern Europe."⁵

After the 1959 Cuban Revolution, the attorney general's office invoked its ability to "parole" thousands of Cubans who left the island. The 1966 Cuban Adjustment Act created a special legal situation just for Cubans: any Cuban who had been present for a year could be automatically granted legal permanent residence. Not only that, but a gamut of federal assistance programs facilitated Cubans' settlement in the United States.

For refugees from the neighboring island of Haiti, the U.S. extended a very different kind of welcome. Over the

course of the 1970s thousands of Haitians fled the growing repression of the Duvalier dictatorship there and sought asylum in the United States. Many came on small rafts and homemade boats. By mid-1978 some six thousand to seven thousand cases had piled up before the INS (Immigration and Naturalization Service) office in Miami, as the office hesitated to act on them. After all, Duvalier was a U.S. ally—wouldn't it be contradictory to admit that his government was creating political refugees?

In July of that year, the INS intelligence division offered a blanket opinion that Haitians should be considered "economic," not political, refugees. To deter future migration, the INS enforcement office advised that Haitians be detained upon arrival, denied work permits, and be processed and expelled as quickly as possible. Under the new Haiti Program untrained officers began carrying out forty rapid-fire asylum interviews in a day. Over four thousand applications were processed under the program, and every one was denied.⁶

It was not until the Refugee Act of 1980 that the United States finally created a refugee policy that conformed to United Nations standards of treating equally all people facing political persecution. Even though the United States had signed the 1951 UN Convention and the 1967 Protocol defining refugees, its own policy remained a Cold War policy that applied only to refugees from Communist countries. It didn't take long for the new Refugee Act to be tested. The stream of Haitian refugees continued, and only weeks after President Carter signed the law, thousands of Cuban

refugees began arriving on the shores of South Florida. After a large group of Cubans occupied the Peruvian embassy in Havana demanding the right to emigrate to the United States, Fidel Castro reversed a long-standing policy of restricting emigration by sea and announced that those who wanted to leave were welcome to do so. Between April and September of 1980, some 125,000 Cubans departed, in what became known as the Mariel Boatlift, after the town from which many set sail.

Cuban immigrants arriving through the Mariel Boatlift were universally accepted as "political" refugees, while Haitians fleeing the violence of the Duvalier dictatorship at the same moment were denied refugee status, under the argument that they were leaving because of the economic devastation of the country. "Photographs of shirtless black refugees huddled aboard barely seaworthy craft evoked images buried deep in the American collective mind. Like the slave ships of yore, these boats also brought a cargo of black laborers, except that this time, they came on their own initiative, and this time, nobody wanted them. Still more pathetic were those black bodies washing ashore Florida's pristine beaches when their craft did not make it."⁷

In September 1981, President Reagan announced that Haitian immigrants posed a "serious national problem detrimental to the interests of the United States." He negotiated an agreement with the Duvalier dictatorship that allowed the Coast Guard to block immigration by patrolling Haitian waters and return all ships before they could reach U.S. territory.⁸ No agreement like this existed anywhere else

in the world.⁹ By the end of 1990, 23,000 Haitians had been stopped at sea under the new policy, and only 8 of these were granted asylum.¹⁰

In one particularly glaring case, in July 1991 a large Haitian boat filled with refugees stopped to rescue some Cubans whose boat had wrecked at sea. When the Coast Guard intercepted them, the Haitian ship was returned with its passengers to Haiti—except for the Cubans, who were brought to Florida.¹¹

At the heart of the policy divide between the warm welcome for Cubans and the cold one for Haitians was a logical leap that was rarely articulated. U.S. policy was based on the premise that in Communist countries, economic difficulties were the result of government policies, and were therefore political. Thus the Cubans who left in the early 1960s when faced with the threat of losing their property or their lifestyle, or those who left in the 1980s out of exhaustion from economic hardship, were political refugees: they were fleeing the policies of Cuba's Communist government.

In a capitalist country like Haiti, however, U.S. policy was based on the idea that poverty was merely an economic, not a political problem. Even Haitians who clearly faced direct political persecution—like Solivee Romet, who described his torture at the hands of the government-sponsored Tontons Macoutes and showed INS agents his scars—were classed as economic, rather than political refugees.¹² Those who made the mistake of telling INS agents that they intended to work if admitted to the United States were likewise doomed to the "economic" category and denied entry.

These events were eerily recapitulated in the summer of 1994, when a growing economic crisis in Cuba, including massive power outages, provoked another exodus from the island, coinciding with increasing desperation and repression by the military government that had overthrown President Jean-Bertrand Aristide in Haiti. The September 1991 coup in Haiti had provoked another huge wave of refugees in the last months of the year. Hundreds were dying in unseaworthy vessels. In November, amidst growing protests by Congress and human rights groups, a federal judge ordered the Bush administration to stop its long-standing policy of repatriating fleeing Haitians.¹³

Bush refused, however, to allow the refugees into the United States. Instead, ships intercepted at sea were taken to the U.S. naval base at Guantánamo Bay, Cuba. "Stories in the mainstream U.S. media continued to portray Guantánamo as a haven for refugees. Haitians, including the Haitian print and radio media, tended to refer to the base as a 'concentration camp,' a 'prison,' or, at best, 'a detention facility.'"¹⁴

The rationale for detaining and then repatriating the Haitians on Guantánamo rather than giving them the right to seek asylum in the United States was a curious one, but one that would become familiar later on. "While conceding that the Haitians are treated differently from other national groups who seek asylum in the United States, the Government claimed that the U.S. Constitution and other sources of U.S. and international law do not apply on Guantánamo."¹⁵ The U.S. Refugee Act of 1980, and international law, were

thus conveniently dispensed with, to the outrage of the UN High Commissioner for Refugees.¹⁶

In May 1992, with the camp overflowing, Bush reverted to the old Haiti Program: Haitians picked up at sea would once again be returned to Haiti. In the words of medical anthropologist, physician, and Partners in Health founder Paul Farmer, "Haiti resembled more and more a burning building with no exits."¹⁷

When President Bill Clinton took office in January 1993, he reversed Bush's policy of returning Haitians and reopened the Guantánamo camp. What he did not expect was a flood of Cuban rafters in the summer of 1994.

On August 18, 1994, with 21,000 Haitians in the make-shift camp, President Clinton did the unprecedented: he announced that Cubans picked up at sea, instead of being admitted to the United States, would join the Haitians at Guantánamo. "In a stroke, Clinton turned Cubans into the legal equivalent of Haitians," the *Washington Post* noted in wonderment.¹⁸ By the end of 1994 some 50,000 refugees were housed there, at a cost of \$500,000 to \$1 million a day.¹⁹

Although the treatment was ostensibly equal, in fact it was not. In September 1994, U.S. troops occupied Haiti, and in November the massive repatriation of Haitians began, over the vociferous objections of immigrant and human rights organizations. Meanwhile in October, humanitarian evacuations began bringing Cubans from the camp into the United States. By the end of 1994, three-fourths of the Haitians had been "voluntarily" returned to Haiti, and in January 1995, those who refused were forcibly repatriated.²⁰

In May 1995, the Clinton administration opened the way to admission for the 20,000 Cubans remaining in the camp. Only a few hundred Haitians were still in Guantánamo: most were unaccompanied children who had relatives or sponsors in the United States, pleading for them to be allowed in. Right as the doors were opened for Guantánamo's Cuban detainees, the repatriation of the Haitian children began. "Many of the children sent back to Haiti have been left to fend for themselves in squalid and dangerous conditions. Some are destitute and living in the street."²¹

The 1995 agreements that allowed the Cubans in did lead to the first small retreat from the welcome provided by the 1966 Cuban Adjustment Act. Clinton agreed to work with Castro to stem the tide. The new "wet foot, dry foot" policy announced in May 1995 allowed any Cuban who reached U.S. shores to continue to receive the preferential treatment of the 1966 act. Those picked up at sea, however, would be returned to Cuba. The United States also agreed to implement an orderly distribution of immigrant visas through its U.S. Interests Section in Havana (which is part of the Swiss embassy), to discourage people from seeking the dangerous sea route to immigration.

The case of refugees from Central America in the 1980s was similarly politicized.²² After the 1979 Sandinista victory in Nicaragua, the right-wing governments of El Salvador and Guatemala stepped up their campaigns against leftist guerrillas and their supposed civilian supporters. In El Salvador, the FMLN rebels succeeded in gaining control of significant portions of the country's territory. Military raids

against civilians in rebel-held territories, in addition to military and right-wing death squad repression against unarmed religious, social justice, and human rights activists, led to a mass exodus from the country.

In Guatemala, the smaller guerrilla groups operated mainly in isolated areas of the country, but the government and right-wing armed reaction was, if anything, more vicious. Hundreds of indigenous villages were destroyed in a scorched-earth policy that has been described as a genocide. Millions were internally displaced, and another million fled the country. Over the course of the 1980s, up to a million Salvadorans and Guatemalans sought refuge in the United States.

Because the United States opposed the revolutionary government in Nicaragua, and supported the right-wing governments in El Salvador and Guatemala, its response to refugees from the three countries could not have been more different. Between 1984 and 1990, 45,000 Salvadorans, 48,000 Nicaraguans, and 9,500 Guatemalans requested asylum; 26 percent of the Nicaraguan applications were approved, while only 2.6 percent of those submitted by Salvadorans and 1.8 percent of those submitted by Guatemalans were granted.²³ (Meanwhile, applicants from countries that the U.S. government considered enemies were approved at far higher rates: for Syrians, it was 73 percent; for people from the People's Republic of China, 52 percent.²⁴) Thousands of refugees were arrested at the border and returned to Mexico without having the chance to even apply for asylum.

The Central American situation spawned a significant solidarity movement in the United States. Activists sought to end U.S. military support for the Contras in Nicaragua and for the governments of El Salvador and Guatemala. They worked with religious, human rights, and social justice organizations in Central America. Thousands of Americans traveled to Central America to learn firsthand about the situation, and to support the movements for social change there. They also created the Sanctuary Movement inside the United States, to provide refuge and aid for the thousands who came fleeing the violence there.

In 1985, a group of over eighty religious and refugee organizations brought suit against the federal government for unfairly applying its own laws regarding refugees in denying asylum applications by Guatemalan and Salvadoran refugees. Because of the leading role of the American Baptist Church, it became known as the ABC lawsuit. The decision in favor of the refugees, in December 1990, halted all deportations and granted Salvadorans and Guatemalans temporary legal status while they were allowed to resubmit their applications.²⁵

Despite the ABC decision against the INS, and another 1990 ruling against the INS for "engag[ing] in a pattern and practice of pressuring or intimidating Salvadorans" to discourage them from applying for asylum, the 1996 immigration reforms imposed new obstacles for asylum applicants. For people already in the United States, a time limit was imposed: if they remained in the country for a year without filing an application, they lost their chance altogether. For

"THEY TAKE OUR JOBS!"

those who arrived at the border and requested asylum, under the new rules they would either be denied summarily by whatever immigration agent they happened to encounter at the border, or they would be placed in detention while their case was investigated.²⁶

Except Cubans. Even with the 1995 modifications, the Cuban Adjustment Act remained in place. To this day, Cubans are not detained, and they don't have to prove a well-founded fear of persecution. Like most pre-1924 immigrants, they just have to arrive here and say they want to come in.

PART THREE IMMIGRATION AND RACE

Most people in the United States are unaware of the degree to which racial distinctions and exclusions have been embedded in U.S. history. Although the territory that is now the United States has been racially diverse ever since the first Europeans arrived, the political entity of the *country* was restricted to people from Europe. Even today, sources from textbooks to popular culture promote the idea that the real essence of the country is white.

The oft-repeated phrase "this is a country of immigrants" reaffirms that notion. The "immigrants" it refers to are European immigrants. Only by a large stretch of the imagination could Native Americans, or enslaved Africans, be included in the category "immigrants." U.S. immigration and naturalization policy was one piece of a national political structure and identity aimed deliberately at creating, and preserving, a white country. The legacies of this history are very much with us still today.

MYTH 10

THE UNITED STATES IS A MELTING POT THAT HAS ALWAYS WELCOMED IMMIGRANTS FROM ALL OVER THE WORLD

In most of the world, the concepts of race and nation are very closely connected. In the nineteenth century, when the first nation-states of Europe were coming into existence, the two terms were often used interchangeably: "the French race" or "the German race." Borders, and governments, were supposed to reflect "nations" that were unified by historical, linguistic, and cultural ties that were often thought of in terms of bloodlines.

Even in Europe, these ideas were very problematic. Since Europe was populated by waves of migration and conquest from the Mediterranean and from Central Asia over the course of many centuries, nowhere did a really homogeneous population exist. Spain emerged as an apparently coherent entity in the 1400s only by driving out Muslims and Jews, and by declaring one of the many dialects of the peninsula to be the official language. Ethnic nationalist move-

ments even today, like those in the Basque Country and Catalonia in Spain's northwest and northeast, respectively, still challenge the hegemony of Spanish language and government. Most European conflicts of the twentieth century were the result of groups trying to enforce some kind of racial, ethnic, or cultural purity, or to define exactly where the borders of one nation end and those of another begin.

Most histories of the United States portray its national identity very differently, as a melting pot made up of ethnically diverse immigrants. The citizenship test reveals what most people believe to be the basis of U.S. nationality. To become a citizen, you have to demonstrate knowledge of English and knowledge of certain aspects of U.S. history and institutions. There are no racial or ethnic requirements.

But in fact U.S. nationality has historically been based very much on race. Congress first enacted a naturalization law—determining who could become a citizen of the United States—in 1790, fourteen years after the country was established. The law restricted naturalization to "free white persons." "White" was not defined—its meaning was thought to be obvious. Neither, for that matter, was "persons"—but it went without saying that "persons" meant "male persons." With the growth of racial pseudoscience in the nineteenth century, Congress and the courts were increasingly drawn into trying to define who was and was not racially "white" and therefore eligible for citizenship.

There were many people, though, who were definitively not white, yet were present in the newly established country. Native Americans, even if physically present in the new

country, were considered permanent foreigners belonging to different nations. The United States was established as a country based on slavery, and in order to justify slavery, those enslaved had to be denied the rights of citizenship.

But slavery and race were also intertwined. If slaves had no legal rights, what about blacks who were not legally enslaved? Some states abolished slavery shortly after independence, and some granted citizenship to free blacks, but that did not make them citizens of the United States. People of African origin, whether slave or free, were nonpersons as far as the federal government was concerned. The relationship of nationality and race was very firmly established. The "nation" remained clearly defined as an entity composed of white people.

Events in the 1800s entrenched the restriction of rights to white people. The Fugitive Slave Act, state immigration laws, and the Dred Scott decision raise interesting parallels to today's debate on immigration. The Fugitive Slave Act, passed by Congress in 1850, required residents of non-slave states to enforce the institution by assisting in the arrest and return of former slaves who sought freedom in states where slavery was illegal. The federal government thus prohibited equal rights, and equal treatment, in all states. Even if a state wanted to grant equal rights, it could not. The law essentially criminalized those who treated blacks as human beings rather than as property—just as some immigration proposals today propose to criminalize those who treat immigrants as human beings.¹

Although some of the older non-slave states argued for

the rights of all persons, the laws of many non-slave states actually prohibited African Americans from moving there at all, though these laws were not always enforced. Illinois, Ohio, Michigan, Indiana, California, and Oregon all passed legislation as they became states that banned African American immigration. The Illinois state constitution passed in 1848 required the legislature to "prohibit free persons of color from immigrating to and settling in this state."² Indiana voters—and only whites could vote, of course—approved a law written during the state's Constitutional Convention in 1850–51 that prohibited African Americans from entering the state. And Article 13 of the state's constitution made it illegal for employers to hire African Americans.³

As early as the 1790s, when there were only about sixty thousand free blacks in U.S. territory, state and federal governments had begun looking for ways to eliminate this unwanted population. In 1819 the federal government amended the law prohibiting the slave trade to ensure that captured enslaved Africans would not be admitted to the United States. Colonization schemes at the state and national levels attempting to deport free blacks littered the nineteenth century. Luminaries from Francis Scott Key to Daniel Webster to Andrew Jackson sponsored the American Society for Colonizing the Free People of Color in the United States (ACCS), and southern states pursued the project of deporting manumitted (freed) slaves, as did Abraham Lincoln. Over its fifty years of existence, the ACCS "resettled over 1,000 captives from slave ships and sponsored the trans-

portation of 12,000 Negroes, most of them recently manumitted from the large estates in the Deep South, under conditions close to deportation."⁴

In 1857, the Supreme Court ruled that a person descended from Africans could not be a citizen of the United States, and thus could not have rights under U.S. laws. Dred Scott was born a slave in Virginia, but lived as a free man when he moved with his master to Illinois and the Wisconsin territories, where slavery was prohibited. When the master's family tried to reenslave him in Missouri, he sued for his freedom. The court decision was very clear: even after being emancipated, the descendants of Africans could not be citizens.

In the court's opinion, Justice Taney wrote that the framers of the Constitution clearly intended to refer to *white* people when they guaranteed rights and privileges to all citizens. Blacks, Taney explained,

had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect. . . . This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics which no one thought of disputing or supposed to be open to dispute, and men in every grade and position in society daily

and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion.⁵

Thus spoke the judge. The job of the Court was to uphold the intent of the Constitution—which was to deny rights and citizenship to people of African descent. As for the Declaration of Independence, the justice further explained, "it is too clear for dispute that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration."⁶

Whites were part of the community of "men" by virtue of being here. Blacks were excluded from the community of "men" by virtue of having been enslaved by white people. Arguments about the rights of citizens and "aliens" today reflect many of the same ideas. Immigrants may be physically present—as African Americans were—but they are excluded from the community that is accorded rights. Rights are reserved for the portion of the population defined as "citizens."

Post-Civil War legislation took a first step away from white exclusivity by implementing the notion of citizenship by virtue of birth in the United States, and by nominally extending naturalization privileges to people of African origin. The Civil Rights Act of 1866 redefined citizenship by stating that "All persons born . . . in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States." The Fourteenth Amendment further clarified this in 1868, stat-

ing that "All persons born or naturalized in the US, and subject to the jurisdiction thereof, are citizens of the US and of the state wherein they reside." The exclusion of Native Americans reiterated by the "and subject to the jurisdiction thereof" clause was upheld by the Supreme Court in 1884. It was not until 1940 that the last restrictions on Native American citizenship and naturalization were removed.⁷

Except in the case of Native Americans, these acts seemed to privilege the place of birth of the individual, rather than "race" or the place of birth of parents or ancestors, as the key to citizenship. (Children of U.S. citizens, however, were automatically granted citizenship even if born outside of the country.) But they still made it clear that rights apply only to some people, not to all people.

Racial/national exclusion still applied to naturalization: only some people were eligible to be naturalized. U.S. law restricted naturalization to people who were "white" until 1870, when it added the category of people of "African nativity or African descent." Because there was virtually no immigration from Africa until much later in the twentieth century, this addition was essentially meaningless—in practice, naturalization was still limited to white Europeans.

The framers of the Constitution may have had Englishmen in mind when they wrote "all men." The authors of the Fourteenth Amendment clearly had two categories in mind when they wrote "all persons": whites, and the descendants of African slaves. But they wrote the Amendment just as a new wave of immigrants was about to enter the country. How would U.S. law and society respond to newcomers who ar-

rived from Canada, from Europe, but also from Asia and from Latin America (primarily Mexico) after 1868? If people who were not white were not allowed to become citizens, were they still allowed to come to the United States?

In 1882, Congress answered with a resounding "no" by passing the Chinese Exclusion Act. As "aliens ineligible to citizenship," the Chinese, and other groups that followed, such as Japanese people and other Asians, were stripped of other rights as well. The Fourteenth Amendment prohibited discrimination based on race, but it did not prohibit citizenship based on race. The Chinese-origin population fell from a high of 118,746 in 1900 to 85,202 in 1930. Political scientist Aristide Zolberg described this "willful reduction of a national group" as "the only successful instance of 'ethnic cleansing' in the history of American immigration."⁸

California and ten other states banned Japanese residents from owning land through a prohibition on land ownership by "aliens ineligible to citizenship." Arkansas was even more specific, declaring that "no Japanese or descendant of a Japanese shall ever purchase or hold title to any lands in the State of Arkansas." A 1907 federal law stipulated that a female citizen who married an alien would be stripped of her own status as a citizen, and a 1922 revision that allowed such women to retain their citizenship still removed it from women who married aliens who were racially ineligible for citizenship. (Not until 1940 was a woman's

citizenship status made completely independent of her husband's.)⁹

In 1923, the Supreme Court ruled that Asian Indians were not eligible for citizenship. The federal government immediately "began a campaign to strip naturalized Asian Indians of their citizenship." California expanded its ban on land ownership to Asian Indians. Suddenly, a group of people with rights became a group of people without rights—because the court had ruled that they were not white.¹⁰

The immigration restriction laws of 1917, 1921, and 1924 codified these racial/national exclusions. Most accounts describe these laws as aimed against southern and eastern Europeans, who made up the majority of people migrating to the country at the time. What is less remembered in the history books is how these laws treated non-Europeans. The 1917 Immigration Act, most commonly known because it instated a literacy requirement, also created a "barred Asiatic zone" that covered most of the world's territory, from Afghanistan to the Pacific. Chinese and Japanese immigrants had already been completely excluded and declared ineligible for citizenship; now all people defined as Asian were excluded.

The 1921 and 1924 acts created numerical limits based on "national origins"—but only of white people. The 1924 act looked at the "national origins" of the population of the country as revealing the correct balance between northwestern and southeastern Europeans. Allowing for a total of 155,000 immigrants a year, it divided them proportionally

by country—16 percent to come from southern and eastern Europe, and 84 percent from northern and western Europe.¹¹

In designing these acts, Congress made it clear that, despite the Fourteenth Amendment and the extension of citizenship and even naturalization to people of African origin, this was essentially a white country. The presence of people who were not white was incidental, not central, to its composition. So when the population was examined in order to determine its "national origins," it was only the white population that was counted. People who were "the descendants of slave immigrants," and "aliens ineligible for citizenship or their descendants" (i.e., people from the "barred Asiatic zone") were simply not counted—and they got no quotas.¹²

(Something similar happens today in the U.S. census. When it counts people of Hispanic origin in the United States, it excludes Puerto Ricans living in Puerto Rico. They're citizens—but somehow they're different from other citizens, and thus not counted.¹³)

The quotas did limit the immigration of southeastern Europeans and privilege those from northern Europe. But it's a sign of just how much our history books accept the idea that the United States is a white country that the law's prohibitions against people who were not white is usually not even mentioned. The quota system established by the 1924 law remained in effect until 1965.

The law listed sixty-four countries of the world outside of the Western Hemisphere, with their corresponding quotas. The minimum quota was 100, and thirty-nine countries

—primarily those in Asia and Africa—received the minimum. Great Britain and Northern Ireland, and Germany, topped the list with 65,721 and 25,957, respectively, followed by the Irish Free State with 17,853. The other countries of Europe received between 1,000 and 6,500 slots.¹⁴

(Just to add to the confusion, Asian countries like China and India got the minimum hundred-person quota—but Chinese and Indians were still prohibited from immigrating. So the quota was more symbolic than real.)

It was not until the 1940s that people other than whites and those of African descent were, gradually, afforded the right to naturalize (though not necessarily to immigrate): first Native Americans (in 1940), then Chinese (1943), then Filipinos and Indians (1946). Finally, in 1952, all racial/national restrictions to citizenship were lifted. Part of the probable impetus for expanding the categories of those eligible for citizenship was embarrassment at being the only country in the world besides Hitler's Germany to uphold such a racially exclusive definition of citizenship.¹⁵

What, then, was the status of those in the United States who did not belong to one of the two categories—whites and people of African descent—allowed to be citizens between 1870 and 1940? It's worth noting that the two categories themselves are somewhat unwieldy. One refers to a race—without specifying how that race is defined—and the other refers to a birthplace.

In the wake of the post-Civil War upsurge in immigration, it fell to U.S. courts to decide who, in fact, belonged to the "white race." Would it be decided by skin tone? National

origin? A combination of the two? In either case, exactly where and how would the lines be drawn? Was the Japanese man who showed the court the "pinkish" hue to his skin white? What about the Syrian, who complained that since he hailed from the land of Jesus Christ, denying his whiteness would be like denying that Jesus was white? Or Armenians, whom the law classed as nonwhite until 1909, and white subsequently? Between 1878 and 1952—when the racial requirement for citizenship was overturned—dozens of individuals sought to establish their race, and the courts became more and more involved in making decisions in individual cases that then became the basis for policy.

The immigration and naturalization restrictions constituted a neat circumvention of the Fourteenth Amendment. The amendment guaranteed equal rights to all citizens—but it did not specify that all people should have equal access to citizenship. In the *Dred Scott* decision, the court ruled that it was obvious that "all men" did not include blacks. Now, states could not "make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." But if only whites and people of African ancestry could be citizens, the amendment still allowed groups of people to be excluded from rights based on race.

Mae Ngai argues that "unlike Euro-Americans, whose ethnic and racial identities became uncoupled during the 1920s, Asians' and Mexicans' ethnic and racial identities remained conjoined. The legal racialization of these ethnic groups' national origin cast them as permanently foreign and unassimilable to the nation. . . . These racial formations

produced 'alien citizens'—Asian Americans and Mexican Americans born in the United States with formal U.S. citizenship but who remained alien in the eyes of the nation."¹⁶

The experience of African Americans further illustrates this notion of "alien citizens." Legally granted the rights of citizenship during Reconstruction, they were also subject to a new wave of exclusionism during the period between 1890 to the 1930s, which historians refer to as the "nadir of race relations" in the postemancipation period.¹⁷ The wave of immigration from southern and eastern Europe and U.S. expansion, which incorporated new nonwhite peoples under U.S. rule, contributed to a hardening of the racial boundaries of citizenship. Whites, who were voluntary immigrants, were people inherently eligible for citizenship. Nonwhites, who were to be conquered and exploited, were not.

Civil rights legislation passed in the 1950s and 1960s furthered the job begun in the 1860s of creating a legal basis for racial equality. The immigration reforms of the 1960s (discussed in Part One) ostensibly created racial equality in immigration policy as well, by granting equal quotas to all countries.

Nevertheless, the historical structures that privileged white people continued to shape social realities and even immigration policy. Congress enshrined its continuing belief that the country needed more white people in the new "diversity visa" program established in 1992, in the context of the large Asian and Latin American immigration since 1965. The program set aside fifty-five thousand visas to be

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granted to citizens of countries that were underrepresented in the number of immigrants they sent.

In arguing for the legislation, Senator Alfonse D'Amato pointed to the "painful, and even tragic problems for Irish, Germans, Italians, Poles, and others without immediate family members in the United States." During the first two years of the program, 40 percent of the visas were reserved for Irish immigrants.¹⁸ In 1995 the program was expanded to include all "underrepresented" countries—or rather, to exclude "overrepresented" countries. Countries that had sent over 50,000 immigrants to the United States in the previous five years were specifically excluded. As of 2006, those countries excluded were Canada, mainland China, Colombia, the Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, the Philippines, Poland, Russia, South Korea, the United Kingdom and its dependent territories *except Northern Ireland*, and Vietnam.¹⁹

While the diversity program is a small piece of U.S. immigration policy, it nevertheless responds to a deep and long-standing assumption in U.S. history: that whites are the true citizens here. If non-Europeans have not assimilated in the same way that Europeans have, it's because everything from the Constitution to immigration and naturalization law, to the political, social, and economic factors discussed in the next two chapters has been founded on and perpetrated the notion that the United States is, and should be, a white country.

MYTH 11

SINCE WE ARE ALL THE DESCENDANTS OF IMMIGRANTS HERE, WE ALL START ON EQUAL FOOTING

The United States has incorporated populations through voluntary immigration, involuntary immigration, and conquest. Saying it is a nation of immigrants obscures the latter two types of population incorporation. Even voluntary immigration includes some people who lack rights: contract workers, indentured servants, braceros. When people compare today's immigrants to previous generations, they are generally using the model of white European voluntary immigrants as the comparison. The law privileged white European immigrants from the beginning.

Immigrants of color share many characteristics with those forcibly incorporated into the country, including Native Americans, African Americans, Mexicans, and Puerto Ricans. Scholars of ethnic studies have used the terms "internal colonialism" or "colonized minorities" to explain the way people of color have been incorporated into the United States. Latin American and Asian immigrants are entering a society that has historically defined itself against their an-

cestors, and through the conquest of their ancestors. Customs, beliefs, and laws that constructed people of color as subject peoples rather than potential citizens, to be admitted or excluded according to the needs of U.S. employers, have extended into the twenty-first century.

The United States came into existence through a process of English conquest of lands inhabited by Native Americans. From the first English settlement until 1898, the ideology of conquest, and of the fitness of English and English-descended people to rule over others, was virtually unquestioned among the country's leaders. Commentators in the 1890s spoke unashamedly of the unique capacity of the "Anglo-Saxon race" for self-government, and its need for expansion. "The Anglo-Saxon race," a columnist for the *Atlantic Monthly* wrote in 1898, "now holds the foremost place in the world. . . . It stands for the best yet reached in ideas and institutions, the highest type of civilization. . . . Our own best interests imperatively demand that we should maintain the Anglo-Saxon race in the occupation of every foot of land which it now justly holds anywhere on the globe, and that wherever we can do so righteously, we should endeavor to increase its influence and its possessions."

Historian and philosopher John Fiske spoke for many when he emphasized the English nature of the United States. "The indomitable spirit of English liberty is alike indomitable in every land where men of English race have set their feet as masters," he wrote. "The conquest of the North American continent by men of English race was unquestionably the most prodigious event in the political annals of

man kind." The American Revolution "was not a struggle by two different peoples," rather "it was sustained by a part of the English people in behalf of principles that time has shown to be equally dear to all." The American Revolution, in fact, "made it apparent to an astonished world that instead of *one* there were now *two* *Englands*, alike prepared to work with might and main toward the political regeneration of mankind [emphasis in original]."²

Furthermore, the Anglo-Saxon race was destined to migrate—in fact, because it was the superior race, its migration would be the salvation of every part of the world it moved to. It was not migrating to assimilate; it was migrating to dominate. In the words of Josiah Strong, secretary of the Congregational Home Missionary Society, in his influential 1885 book *Our Country*, the Anglo-Saxon had "an instinct or genius for colonizing. His unequalled energy, his indomitable perseverance, and his personal independence, made him a pioneer. He excels all others in pushing his way into new countries." As "the highest civilization—having developed peculiarly aggressive traits calculated to impress its institutions upon mankind," the Anglo-Saxon race "will spread itself over the earth."

"This powerful race will move down upon Mexico, down upon Central and South America, out upon the islands of the sea, over upon Africa and beyond. And can any one doubt that the results of this competition of races will be the 'survival of the fittest'?"³ Anglo-Saxons, then, were supposed to migrate, and to conquer everyone in their path. Non-Anglo-Saxons were supposed to stay put and be conquered—

unless Anglo-Saxons decided to move them around to serve as a labor force.

Anglo-Saxonism justified U.S. imperial expansion; it also nurtured racism against the southern and eastern European immigrants who were entering the United States at the same time. These racisms were intertwined, though not identical. European immigrants were "in-between," identified in "semi-racial" ways. Italians were called "guineas"—in a derogatory reference to their supposed closeness to Africa; "Huns" and Slavic peoples were suspiciously Asiatic. Between the 1910s and the 1930s, however, all of these people "became white"—as part of the same process that reiterated the exclusion of those who could never be white.⁴

When the national origins quotas for immigration were implemented in the 1920s, the Western Hemisphere was conspicuously left out of the calculations. Not because Mexicans were considered potential members of U.S. society—quite the contrary. Mexicans were omitted from the exclusionary legislation because industry and agriculture in the Southwest depended on their labor, just as it depended on their less-than-full-citizen status.

Mexican Americans were first incorporated into the country with the annexation of Texas in 1845, and then under the Treaty of Guadalupe Hidalgo that ended the Mexican-American War in 1848 and granted the United States 55 percent of Mexico's territory. Prior to the reforms of the 1860s, citizenship was still reserved for whites. Yet Guadalupe Hidalgo offered citizenship to Mexicans living in

the newly acquired territories. What was the logic for granting citizenship to these newly conquered peoples?

For one thing, annexation carefully encompassed the least populated areas of Mexico and stopped where the population started to increase.⁵ There were some 80,000 to 100,000 Mexican nationals in the territory taken in 1848, in addition to uncounted numbers of Native Americans.⁶ In the racial worldview of the Anglo-Saxon conquerors, Mexicans were an anomaly: not white, not black, not Indian, not Asian. By being granted citizenship, Mexicans were tacitly accepted as white, even though they had just been conquered under the rationale of Anglo-Saxon expansion and Manifest Destiny. "The whole race of Mexicans here is becoming a useless commodity," wrote the *Caleston Weekly News* in 1855. Lynchings, vigilante justice, and land dispossession confirmed the racialized way in which Anglos viewed Mexicans.⁷

Official confusion about Mexicans' racial character was compounded in the 1920s, when people of Mexican descent who came to the United States as immigrants were even allowed to naturalize (unlike Asians). In 1929 the secretary of labor explained, "The Mexican people are of such a mixed stock and individuals have such a limited knowledge of their racial composition that it would be impossible for the most learned and experienced ethnologist or anthropologist to classify or determine their racial origin. Thus, making an effort to exclude them from admission or citizenship because of their racial status is practically impossible."⁸

Mexican Americans learned, as African Americans did several decades later, that even citizenship was no guarantee of equal rights. Socially and legally, these new citizens who were not Anglo-American occupied a distinctly second-class status. Like African Americans, Mexican Americans were barred from jobs, from schools, from public facilities, from land ownership, from residential areas. As David Gutiérrez writes, "within two decades of the American conquest it had become clear that, with few exceptions, Mexican Americans had been relegated to a stigmatized, subordinate position in the social and economic hierarchies."⁹

Strange as it seems, prior to the 1920s the new border between Mexico and the United States was open and unmonitored. "Immigration" and the laws governing immigration referred to those who arrived by sea in New York or California. White U.S. citizens had been migrating—undocumented—to Texas and other parts of Mexico since the early 1800s. In fact it was Anglo immigrants in Texas who rebelled against the Mexican government to declare the independent Texas Republic, and U.S. citizens who crossed into Mexico without permission who fought the Mexican-American war.

The Anglo-Americans who immigrated to Mexico clearly saw themselves as colonizers, and their goal as conquering, not assimilating into, their new homeland. "Texas should be effectually and fully Americanized," wrote Stephen Austin in 1835, "in language, political principles, common origin, sympathy, and even interest."¹⁰

The development of mining, agriculture, and railroads

in the Mexican north and the U.S. west was a linked venture: U.S. capital operated on both sides of the border, and Mexicans moved back and forth rather fluidly. A transborder railroad completed in 1890 further facilitated movement.¹¹ "Immigration inspectors ignored Mexicans coming into the southwestern United States during the 1900s and 1910s" because the U.S. government "did not seriously consider Mexican immigration within its purview." Only beginning in 1919 did Mexicans have to formally pass through an immigration station and request permission to enter.¹²

Labor recruitment in Mexico was not inhibited by the 1885 Contract Labor Law prohibiting foreign recruitment, which, like other restrictive measures, was aimed primarily at Europe and China. In fact, the Chinese Exclusion Act and the prohibition on contract labor led employers to actively recruit Mexican workers deep in the interior of Mexico for the first time. Now Mexican workers in the United States did not come just from the already fluid, integrated border region. A true migrant stream from the interior of Mexico into the interior of the United States, including areas of the Midwest like Kansas and Chicago, was established.¹³

The 1917 Immigration Act, which imposed a literacy requirement and a head tax on immigrants, also created explicit provisions for Mexicans to be exempted from these so that southwestern agricultural interests could continue to import them as temporary workers. It was the first "guest worker" program, and it illustrates the tangled network of immigration legality. It remained in place until 1922.¹⁴ Puerto Rican labor migration was also strengthened in 1917,

with the unilateral granting of U.S. citizenship to inhabitants of the island.

Although the 1924 national quota law did not place a numerical restriction on Mexican immigration, it made a fundamental change in the way immigration was to be dealt with. Instead of a basically open border and welcoming attitude toward immigrants—including Mexicans, who were considered nominally "white" and therefore eligible for citizenship—the 1924 law closed the border and demanded that every potential immigrant be scrutinized. It created two new things that now seem to be a natural part of our immigration policy: the Border Patrol and deportation. In the process, it also created the category of the "illegal immigrant."

Prior to 1924, immigrants could be deported for committing certain crimes, but with an open border there was no such thing as illegal entry or an "illegal" immigrant. The 1924 law made "unlawful entry" a crime and created a new police force, the Border Patrol, to prevent and punish it. Suddenly, there was a new legal category of people in the country: not citizens, not immigrants. They were people entirely without rights. And almost all of them were Mexican—those people without a race who couldn't be denied citizenship or excluded on a racial basis. Now there was a new rationale for excluding them.

Racial exclusions from citizenship were removed in 1952, and Congress revised the national origins quotas in 1965. Legalized segregation and second-class citizenship based on race were also dismantled at the federal level in the 1950s and '60s. But the Border Patrol, the policy of depor-

tation, and the concept of the "illegal immigrant" were here to stay.

Mexicans became the ultimate subject labor force, especially for seasonal agricultural work. Employers, and the government, could perfectly control the labor supply, first opening the gates and then closing them, deporting workers when the season ended or when the depression began. Over 400,000 people of Mexican origin were deported during the early 1930s, some 60 percent of them U.S. citizens.¹⁵

The 1942 bracero program reaffirmed the role of Mexicans as workers to be imported and exported according to the needs of U.S. agribusiness rather than as humans with rights. A similar program, the British West Indian Program, brought temporary workers from the Caribbean to work in agriculture on the East Coast from 1943 to 1952. The 1952 immigration overhaul created yet another method for bringing in temporary workers: the H-2 program, which allowed for the contracting of temporary agricultural workers. The H-2 program was later divided into H-2A for agricultural workers and H-2B for other temporary, seasonal workers and continues in existence to this day. Because West Coast growers already had other systems in place, the H-2 program was used primarily by East Coast agriculture. In 1999, almost half of the nearly 30,000 H-2B visa entries worked in the Southeast, mostly in tobacco. The top states using the program were North Carolina (by far the largest, with over 10,000 H-2 workers), Georgia, and Virginia.¹⁶

Initially, the H-2 program brought workers primarily from the Caribbean. Interestingly, it was implemented just

as British West Indians were excluded from actually immigrating under the Immigration and Nationality Act of 1952. The INA specifically stipulated that residents of Britain's colonies would not be considered eligible as immigrants under the quota assigned to Great Britain—even though they were British. It was an eerie recapitulation of the rationale of slavery: we want black people to come here to work, but we won't consider them potential citizens.

"Operation Wetback" in 1954, in which over a million Mexicans were deported, provides another example of the dueling logic of U.S. attitudes toward Mexicans. It occurred in the midst of the bracero program, which was bringing about 200,000 Mexicans a year into the country as guest workers. The deportations meant that there were fewer workers available for agriculture, and that more were recruited as braceros—about 300,000 in 1954, and 400,000 to 450,000 a year in subsequent years.¹⁷ Deportations and recruitment served the same purpose: they provided workers, but ensured that the workers remained "aliens" without rights. And they reinforced the notion that citizens and people with rights were white people.

Operation Wetback occurred in the same year that *Brown v. Board of Education* marked the resurgence of a movement for rights for black people—a concept that had been experimented with during Reconstruction and then submerged for several generations. As in the past, the tentative expansion of rights for some was accompanied by simultaneous repression, making it clear that the concept of rights was still an exclusionary one.

When the bracero program (which served mostly the Southwest) was ended in 1964, the demand for cheap, exploitable, temporary workers didn't evaporate—in fact it was increasing, due to the structural changes in the economy described earlier. Over its twenty-two-year life, the program had brought some five million Mexican workers into the country.¹⁸ So a new category for filling that demand emerged: workers who were deemed "illegal."

They may have been crossing the border legally to do agricultural work for decades. Their employers were still recruiting them, and they still needed the work. But with the stroke of a pen, they lost even the meager rights offered under the bracero program. Suddenly, they were "illegal." It seemed the United States couldn't live with imported Mexican workers, and couldn't live without them.

The civil rights impulse that was restoring or extending some rights to black citizens, and creating national unease with the guest-worker program, ended at the bounds of "legality." Agribusiness could live with civil rights, as long as it could also be assured of a workforce without rights. The AFL-CIO and even, for a time, the United Farm Workers union, went along with the notion. As long as popular opinion accepted the division between "legal" and "illegal," the social structures of inequality—and the profits they facilitated—could continue.

Starting in the 1990s, the numbers of workers brought in on the H-2 program rose sharply, and recruitment shifted from the Caribbean to Mexico. By 1999, 96 percent of H-2 workers came from Mexico.¹⁹ In the well-established pat-

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tern, recruitment programs set off a stream of migrants: precisely those states that were bringing in large numbers of temporary workers from Mexico in the 1990s began to see increases in permanent migration in the 2000s. By 2004 these three recent destinations for immigrants were each estimated to have from 200,000 to 300,000 undocumented immigrants.²⁰ Between 1980 and 1990, the foreign-born population rose from 1.3 percent to 1.7 percent in North Carolina, 1.7 percent to 2.7 percent in Georgia, and 3.3 percent to 5 percent in Virginia.²¹ By 2003, the foreign born had reached 6.2 percent in North Carolina, 7.9 percent in Georgia, and 9.2 percent in Virginia.²² By 2005, the proportions were 7.0 percent in North Carolina, 8.8 percent in Georgia, and 9.7 percent in Virginia—and they ranked fourteenth, ninth, and eleventh, respectively, in numbers of immigrants by state.²³

Today's immigrants, then, are heirs to a long history of immigration and expansion that has incorporated people into the country's population in a distinctly unequal manner. Today's immigrants are still immigrants, like the Europeans of a century ago. But they are also Asians and Latinos, whose history in the United States has been one of exclusion and conquest. Both of these intertwined histories structure the ways in which today's immigrants come to, and are received by, U.S. society today.

MYTH 12

TODAY'S IMMIGRANTS THREATEN THE NATIONAL CULTURE BECAUSE THEY ARE NOT ASSIMILATING

In 1993, Toni Morrison wrote, in a special issue of *Time* magazine on immigration, that the "most enduring and efficient rite of passage into American culture" for immigrants was "negative appraisals of the native-born black population. Only when the lesson of racial estrangement is learned is assimilation complete." Blacks, she said, were permanent noncitizens. "The move into mainstream America always means buying into the notion of American blacks as the real aliens."¹

Italian, Polish, and Jewish immigrants may not have identified with, or been accepted into, white society when they first arrived in the United States. But they, or more often their children, assimilated by becoming "white" and experienced upward mobility as they melded into the white majority. And part of the assimilation into whiteness meant the adoption of white racial attitudes.

Black Puerto Rican author Piri Thomas described the generational gap among Italians in his Bronx neighborhood

in the 1940s: the mothers and grandmothers accepted him as one of their own while the new generation attacked him as a "spic." One of the Italian boys speculated that if Piri had a sister, they could "cover the bitch's face with the flag an' fuck 'er for old glory," in a graphic rendering of Toni Morrison's point.²

James Loewen points out that just as European immigrants moved out of their inner-city enclaves and merged into white America, African Americans were being residentially segregated as the phenomenon of "sundown towns," which explicitly prohibited blacks from remaining in them after the sun set, spread across the country.³ Assimilation for people of European origin was accompanied by ongoing exclusion of people of color already in the United States.

For immigrants of color, assimilation means something very different than it historically has for European immigrants. For Latin American immigrants, assimilation more often means shedding their American dream and joining the lowest rungs in a caste-like society where Native Americans and African Americans, the most "assimilated" people of color, have been consistently kept at the bottom. When Haitian immigrants assimilate, explains one study, "they become not generic, mainstream Americans but specifically African Americans and primarily the poor African Americans most vulnerable to American racism."⁴

As Toni Morrison suggested, racial inequality is so deeply embedded in the national culture and social fabric of the United States that assimilation has historically meant finding, learning, and accepting one's place in the racial

order. If new immigrants could succeed in challenging and transforming the racial order of the United States, that would be a good thing. But the signs do not point in that direction. The current anti-immigrant sentiment reinforces racial inequality.

The United States, as we have seen, defined itself from the first as a white, Anglo-Saxon country. Africans and Native Americans may have lived in the territories claimed by the United States, but they were not citizens. The Mexicans—primarily people of Spanish and Native American origin—who were added to the U.S. population with the 1848 conquest were granted citizenship, of a sort—but without shaking the firmly held idea that the United States was an Anglo-Saxon country.

The new, non-Anglo-Saxon immigrants, starting with the Irish in the 1850s and growing with the southern and eastern Europeans from the 1870s on, were neither Anglo-Saxons nor people of color. Many of these new European immigrants came from nations that Anglo-Saxons considered inferior, and many of them came from peoples without states. They were oppressed minorities in the countries or empires they came from. Many came from the Ottoman Empire or the Austro-Hungarian Empire. Many were Irish, from a land controlled by England, or they were Jews from Eastern Europe. Some were southern Italians, in a country only just unified, where the South was economically dependent on the North.

When European immigrants assimilated, they joined white society in social and cultural terms. Obviously, the

color of their skin did not change—but the category of "white" expanded from its former association with Anglo-Saxons to include these newcomers. Anglo-Saxonism was fundamentally based on the domination of Africans, Native Americans, and Asians, and the institutions and ideologies of the United States reflected this reality. Southern and eastern Europeans were not originally part of this racial dynamic. Assimilating into it meant accepting it and identifying with the racial inequality it entailed—insisting, successfully, on their place among whites.

When Asian and Latino immigrants assimilate, they also assimilate to the United States racial hierarchy, but in a different way. Very few of them can cross the line into whiteness. Instead, they assimilate by becoming people of color in a racially divided society. Assimilation, instead of bringing upward mobility, brings downward mobility. Of course there are exceptions, but overwhelmingly, the social and economic statistics have told the same dreary story for many generations: blacks, Hispanics, and Native Americans are at the bottom of the social hierarchy, even—perhaps especially—those whose ancestors have the longest presence in the country. It's not lack of assimilation that keeps them marginalized—it's assimilation itself.

The relationship between assimilation and downward mobility has been especially noted in studies of schoolchildren. Education professor Marcelo Suárez-Orozco conducted two major studies of Latino adolescents in which he found that the most recent immigrants tended to be the students with the highest aspirations and the strongest belief

in the American dream. This was because, as immigrants, they were not yet educated into the U.S. racial order. Teachers consistently reported on new immigrants' commitment to education, their work ethic, and their respect for their teachers. As they became more Americanized, they entered an oppositional inner-city teenage culture that valued money, drugs, and reckless behaviors defined as cool—the opposite of the hopeful and hard-working recent arrivals.

Over time new immigrants lost their optimism. They became acculturated by becoming aware of the long-standing historical place of Latinos in U.S. society. They realized that education was not the solution they had originally believed it was. In fact, studies have shown that the higher the educational level, the greater the income disparity between whites and nonwhites in U.S. society. Rather than leveling the playing field, educational achievement maintains or even exacerbates inequalities.⁵

Although students of color may not be aware of the statistics, their decisions seem to reflect a larger awareness that education is not an automatic ticket to the American dream. A 2000 study found graduation rates to be 76 percent for white students, 57 percent for Native Americans, 55 percent for African Americans, and 53 percent for Hispanics.⁶ The newest immigrants look a lot like the oldest "foreigners" in the United States in terms of social status. Unlike whole generations of European immigrants, no amount of assimilation will ever make them white.

Like earlier generations of immigrants, those arriving today still see learning English as crucial to survival and suc-

cess. But new immigrants also become aware that learning to speak English will not resolve the problems of race. Native Americans and African Americans are native speakers of English—but this has not helped them to assimilate into a U.S. society that still in many ways defines itself as white.

Of all Latino groups in the United States, it's Puerto Ricans who are the most assimilated. All Puerto Ricans have been citizens since 1917. Puerto Ricans tend to know English, and to speak English as their primary language, at much higher rates than other Latinos.⁷ Puerto Ricans also have a huge advantage over other immigrants because their citizenship status makes them eligible for public social services and gives them the automatic right to work, rights that many immigrants from other parts of Latin America lack.

Although Mexican nationals are not automatically citizens the way Puerto Ricans are, Mexicans have the longest history in the United States of any Latino group. Mexicans residing in the territories taken by the United States in 1848 were granted citizenship, and Mexicans have been migrating into the United States for a longer time than any other group.

Yet Mexicans and Puerto Ricans have the *highest* poverty rates of any group of Latinos in the United States. Cubans, the vast majority of whom came to the United States after 1959, Dominicans, who started coming in large numbers in the 1970s, and Central Americans, whose massive migration dates to the 1980s, all have much lower poverty rates: 24.1 percent of Mexicans and 23.7 percent of Puerto Ricans in the

United States lived below the poverty line in 2003, while only 14.4 percent of Cubans did.⁸

In an interesting study of black West Indian immigrants, Mary Waters found that "immigrants and their children do better economically by maintaining a strong ethnic identity and culture and by resisting American cultural and identity influences . . . those who resist becoming American do well and those who lose their immigrant ethnic distinctiveness become downwardly mobile . . . When West Indians lose their distinctiveness as immigrants or ethnics they become not just Americans, but black Americans."⁹

The picture is clear. Immigrants of color do assimilate into U.S. society, but, in contrast to white immigrants, for people of color assimilation means downward mobility. Assimilation means learning the racial order of the United States, and for people of color it means joining the lower ranks of that racial order. The association often made between assimilation and upward mobility is based on the experience of white immigrants. For immigrants of color, the trajectory of assimilation is a very different one.

"THEY TAKE OUR JOBS!"

to be give and take, not just take, take, take by the United States."⁶⁰

The specific events described here help to explain why the Philippines, like Puerto Rico, sends such an extraordinarily high proportion of its population to the United States. They also reveal a larger pattern. Colonialism sets up a system in which colonized peoples work for those who colonized them. This system is not erased after direct colonialism ends. Rather, it evolves and develops. The colonizer continues to use former colonial subjects as cheap workers, and the unequal economic relationship is also reinforced in this way. Immigration is just one piece of this larger puzzle, interlocking with all of the other pieces.

PART FIVE THE DEBATE AT THE TURN OF THE MILLENNIUM

The immigration debate has become increasingly acrimonious in the first years of the new millennium. Pundits and politicians demand a solution to the immigration "crisis." The more they talk about the crisis, the more worried people seem to become about it. With so many well-placed voices talking about a crisis, people begin to feel there really is one.

We need to pause, though, and think about what exactly is so dangerous about immigration—what makes it a crisis.

For many Americans, there is indeed a crisis. It's a crisis of worsening jobs and working conditions, of deterioration of public services, of lack of health insurance. It's an economic crisis. It's also a crisis that benefits one sector of society: the very rich. And it's a crisis that has very little to do with immigration.

There's also another crisis facing many Americans, and that's the crisis of national security. Americans are being sent to fight in far-off wars, and like Rudyard Kipling's "new-caught, sullen peoples," people in Iraq and Afghan-

for her children's education and for her older son's wedding. Again, she was not alone: over one-third of Guatemala's population received some of the \$3 billion in remittances that migrants to the United States sent home in 2005.¹³ Deported across the border and deposited in Tijuana, Martínez wanted to get back to Los Angeles, to her job, as quickly as possible.

Crossing the border in Tijuana was extremely difficult, so Martínez and several others traveled 150 miles east toward Mexicali. It's easier to cross the ungarded border in the desert between Tijuana and Mexicali, but it means an eight- to ten-hour hike through remote trails in punishing heat.

Martínez's group succeeded in getting across the border. But after four hours of hiking in hundred-degree heat with little water, she began to suffer from heat exhaustion and finally collapsed at the side of the trail. Part of the group continued, but when their water ran out they panicked and turned back to Mexico along a different trail. Martínez's sun-blackened, decomposing body was discovered by a Border Patrol helicopter days later.¹⁴ Her story reveals the real "problem" of immigration—a problem that few U.S. citizens ever see.

MYTH 18

COUNTRIES NEED TO CONTROL WHO GOES IN AND OUT

Governments have often tried to control the size and makeup of their populations by how they establish their borders, by expelling or exterminating groups of people within their national borders, by controlling movement and settlement, and by controlling reproduction inside their frontiers. Generally, when we study how governments have done this in the past, we are horrified.

There's a parallel between racial thinking and economic thinking here. One pattern is that colonizers fear losing their racial control over those they colonize. There is talk of race suicide, and worries that people of color are reproducing far too quickly and will overwhelm the white population. Population control becomes a method for preserving white dominance.

The economic pattern is that in societies divided between haves and have-nots, the haves often see eliminating the have-nots as the best solution to inequality, rather than redistributing the resources. As a solution to poverty, the

haves propose methods to make poor people stop reproducing.

Because the division of the world, and of individual societies, into haves and have-nots has been so structured by conquest and ideas of racial superiority, the racial and the economic arguments are often two sides of the same coin. And the solution too is the same: find ways to eradicate, and justify the eradication of, poor people of color.

Let's look at some examples. In the United States, Native Americans were the original aliens who had to be expelled from the land in order to create a white, English society here. English migrants had no intention of assimilating into the land they migrated to: they wanted to replace the societies that existed there. "The tribes which occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites," President Andrew Jackson explained in an address to Congress in 1830. This history justified his own Indian removal program, "the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements," which he announced was "approaching to a happy consummation."¹

African Americans constituted a different kind of alien in white America's midst: not potential citizens, yet necessary as a labor force. So they were forced to be physically present, while legally, they were nonpersons. Until the 1870s, that is. After the brief experiment with Reconstruction, white society embarked on a century of African American expulsion. Jim Crow laws, lynchings, and regulations

drove African Americans out of institutions, towns, counties, and even states.

Like African Americans, the Chinese were used for labor, denied citizenship, then excluded. For Mexicans, temporary worker programs and periodic waves of deportation followed the same pattern. The incarceration of Japanese, and people of Japanese descent, during World War II reiterated the message: this is a white country, and you are not wanted among us.

Advances in technology, combined with the development of the pseudoscience of eugenics, provided another means of population control. When they weren't physically driven out or slaughtered, people of color were the subject of eugenics campaigns to try to curtail their reproduction. The same "eugenical thinking" that was behind immigration restrictions was also behind anti-miscegenation laws aimed at keeping the races separate, and anti-reproduction strategies aimed at preventing population growth among those considered racially inferior.

Part of the rationale for eugenics policies was that medical and social advances had interfered with the process of natural selection, which would have naturally eliminated the inferior races in the absence of human intervention. As geographer James A. Tyner explains, "especially pronounced was a popular belief that welfare and charity programs were counteracting the 'bloody hand' of evolution. Rather than succumbing to nature's law of 'survival of the fittest,' misguided philanthropy—including minimum wages, set working hours, free public education, public

health reforms—was enabling inferior peoples to live longer and to reproduce."²

Madison Grant, the U.S. scientific racist thinker, wrote in 1918 that "the most practical and hopeful method of race improvement is through the elimination of the least desirable elements of the nation by depriving them of the power to contribute to future generations."³ His ideas were behind the 1920s immigration restrictions and also provided scholarly justification for sterilization campaigns directed against citizens who were considered undesirable. From Vermont to California to the Deep South to Puerto Rico, nonwhite women were sterilized in disproportionate numbers by zealous doctors intent on improving the race.⁴

California, consistently the state with the highest rates of involuntary sterilization, kept its law on the books from 1909 to 1979. By 1942, over 15,000 people had been sterilized. Mexican Americans were sterilized at a rate double their proportion of the population, and African Americans at four times their proportion.⁵

Shortly after taking Puerto Rico in 1898, U.S. officials started to worry about "overpopulation" on the island. "It was first used in policy debates to explain off-island labor contracts, where agents from U.S. business or agriculture would offer transportation to places like Hawaii, Arizona, or Georgia, in exchange for work contracts... By the 1930s, however, the term 'overpopulation' had acquired another meaning, one that blamed excessive sexuality and fertility for the poverty of the island as a whole."⁶

Women's studies professor Laura Briggs explains that

"by 1932, responding to the problem of 'overpopulation' had become the cornerstone of federal policy in Puerto Rico." Promoters of birth control policies in Puerto Rico believed that "it was better to prevent poor or dark-skinned people from being born."⁸ In the 1940s and '50s, U.S. pharmaceutical companies used the island as a giant laboratory for contraceptive research, including early trials of the birth control pill.⁹

High rates of sterilization of blacks and Native Americans also continued into the second half of the century. In the 1950s, sterilization, "preponderantly aimed at African American and poor women, began to be wielded by state courts and legislatures as a punishment for bearing illegitimate children or as extortion to ensure ongoing receipt of family assistance."¹⁰ Sterilization rates rose again, especially after the War on Poverty in the 1960s introduced federally funded sterilizations through Medicaid and the Office of Economic Opportunity, leading to what one analyst called "widespread sterilization abuse" during the 1960s and '70s. Between 1960 and 1974 over 100,000 sterilizations were carried out annually.¹¹

The Indian Health Service began providing family planning services in 1965. Protests and federal investigations revealed that regulations requiring consent were routinely violated. In an article in *American Indian Quarterly*, Ph.D. student Jane Lawrence cited a study by the Health Research Group in Washington, D.C., that found that "the majority of physicians were white, Euro-American males who believed that they were helping society by limiting the number of

births in low-income, minority families. They assumed that they were enabling the government to cut funding for Medicaid and welfare programs while lessening their own personal tax burden to support the programs."¹² Between 25 percent and 50 percent of Native American women were sterilized in the 1970s. A study by a Native American physician concluded that Indian women often agreed to sterilization because they were told that otherwise they would lose their children or their welfare benefits.¹³

In spite of a national outcry when Dr. Helen Rodríguez Trias discovered rates of sterilization approaching 40 percent in Puerto Rico in 1965—prompting federal legislation to restrict involuntary or coerced sterilizations—federally funded sterilization programs continued to target women of color. Over 40 percent of Puerto Rican women were still getting sterilized in the 1980s.¹⁴ Studies in the 1970s and 1990s showed that black women had double the sterilization rate of white women.¹⁵ Former Reagan administration official William J. Bennett revealed that "eugenical thinking" has not completely disappeared from our culture with his notorious comment that "you could abort every black baby in this country, and your crime rate would go down."¹⁶

Of course the United States is not the only country to have used exclusionary citizenship, expulsions, racial purification campaigns, sterilizations, and eugenics to try to create an ethnically homogenous nation. Jews, the quintessential "others" in the European nation-states in which they lived, were subject to periodic expulsions and exterminations there. They then reversed the balance in Palestine,

where they drove out Palestinian inhabitants and created laws allowing Jews who had never set foot there to "return," while Palestinians became aliens forbidden to return to their homes in 1948 and again in 1967.

Immigration restrictions against people of color in the United States have historically responded to the same logic as other forms of population control. Today's immigration restrictions do not explicitly mention race, but they still apply, overwhelmingly, to people of color. And they still respond to the idea that governments should mandate the composition of the populations within their territories, and ensure that socially dominant groups remain numerically dominant.

An interesting twist on this logic in the United States has been the move to take children away from sectors of the population being eliminated and have them raised by the dominant sectors. The Native American boarding school program starting in the late 1800s was one early example of a dominant society trying to culturally and racially remake the population by removing children from their families.

Governments ranging from Franco's Spain in the 1940s to the dictatorships of Argentina in the 1970s and El Salvador in the 1980s engaged in programs of abducting children of supposed leftists and placing them for adoption.¹⁷ In the words of women's studies professor Laura Briggs,

Raising the "orphans" of colonized people is a very familiar practice. From the nineteenth century French orphanages in Indochina to U.S. children's homes in

Puerto Rico in the early years of the twentieth, managing children and raising youth to belong to a different culture from that of their ancestors has a history.

Indeed the white settler colonies of the British empire—the United States, Canada, Australia—made acculturating native children in boarding schools as indispensable a part of their policies toward indigenous people as war and reservations.¹⁸

The American Association of Indian Affairs (AAIA) noted in the 1960s that an astonishing one in four Native American children in some states had been removed from parental care into adoptive, foster, or institutional homes. In the '60s and '70s, Native American and African American groups including the AAIA and the National Association of Black Social Workers protested the ongoing state-mandated removal of children from these communities and their placement with white families.¹⁹

The current growth in international adoptions illuminates the continuing ironies in U.S. immigration policies. Most international adoptions are carried out by white, middle-class families from countries whose inhabitants face severe restrictions in trying to come to the United States. For the children entering white families, however, law and practice smooth the way. In the summer of 2006, as Israeli bombs systematically flattened the country of Lebanon, Lebanese desperate to escape to safety found the doors of the so-called liberal democracies slammed in their faces. Calling to mind what Paul Farmer had said about Haiti

in the early 1990s, the country was coming to resemble a burning building with no exits. In the midst of it all, the *Boston Globe* reported cheerily that "Logan Edward Maroon Gabriel is home, finally." A Salem, New Hampshire, woman was waiting in Beirut to complete the adoption of the baby when the invasion unfolded. In contrast to the hundreds of thousands of Lebanese who had no way out, this baby's papers were quickly put in order, and the beaming family pictured prominently in the newspaper as they were welcomed by "100 cheering relatives and friends."²⁰

MYTH 19

WE NEED TO PROTECT OUR BORDERS TO PREVENT CRIMINALS AND TERRORISTS FROM ENTERING THE COUNTRY

The potential that a citizen will commit a crime or even a terrorist act is just as real as the potential that an immigrant will. No country has a monopoly on violent lawbreakers, and in no country are they nonexistent. The rule of law, and the lawful prosecution of those who commit crimes, makes a lot more sense than closing borders as a way to reduce criminality.

Terrorist acts in the United States have been committed by citizens and by immigrants, and for causes related to domestic as well as international issues. In 2000, the FBI reported no incidents of international terrorism carried out inside the United States and eight incidents of domestic terrorism, all carried out by U.S. citizens belonging to animal rights groups or environmental groups. In 2001, there were twelve incidents of domestic terrorism, one (the September 11 attacks) of international terrorism, and one (the anthrax-laced-letter incidents) of unknown origins. Environmental and animal rights groups (in this case the Earth Liberation

Front and the Animal Liberation Front) were again the apparent perpetrators of several of the twelve domestic incidents, joined in 2001 by two carried out by anti-abortion activists.¹

Those involved in the 9/11 attacks, which in scale dwarfed the other attacks taking place in the United States, were not citizens. However, all but four were legally in the country at the time of the attacks, having entered on tourist or student visas. A study of forty-eight "militant Islamic terrorists" who committed crimes in the United States, by the anti-immigration Center for Immigration Studies, found that thirty-six of them were in the country legally at the time they committed crimes, and seventeen were either permanent residents or naturalized citizens. Those who were not permanent residents had received visas—mostly tourist visas—to come to the country, and most of them had not violated the terms of their visas.² Not even the highest fence or the most militarized border in the world would have kept them out. Their crimes were crimes of violence, not crimes of immigration.

It's true that there have been in the past, and may be in the future, individuals working with international terrorist organizations who want to enter the United States. However, these are actually among the *least* likely people to risk arrest and death trying to cross the border illegally. It's much more likely that members of an international organization like Al-Qaeda will, like the September 11 perpetrators, use perfectly legal channels to get into the United States.

Does this mean that we need to do better, or different,

"THEY TAKE OUR JOBS!"

screening of those who want to enter the United States by legal means? Possibly. But the idea that screening people who cross borders is an effective way to deter terrorist attacks is also a kind of a mirage. Just as U.S. planes cross international borders to drop bombs, usually without going through any kind of immigration control process, so could the United States become the victim of international attack, regardless of its border control policies. The planes that flew into the twin towers on September 11 happened to take off in Boston . . . But they could just as well have taken off from some other country. Hijackers, like invaders, have proven quite able to cross borders and kill people without permission. And criminals can be born anywhere, including inside the United States. There is just no logical relationship between border security and the prevention of terrorism.

Is there, then, nothing that can be done to prevent future terrorist attacks? First, those of us who live in the United States should remember that the number of civilians killed by U.S. military attacks on other countries has far, far exceeded the number of U.S. civilians killed by attacks on the United States, or against U.S. citizens elsewhere. So curbing U.S. military aggression would probably be the most effective way to achieve a global reduction in attacks on unarmed civilians.

As far as preventing future attacks against U.S. targets, a combination of two approaches seems most likely to achieve that result. On one hand, seeking to reduce global tensions, and in particular U.S. unilateralism and aggression, could substantially reduce anti-Americanism in other countries.

THE DEBATE AT THE TURN OF THE MILLENNIUM

Second, effective police and investigative work—abiding by international law, international agreements, and the Geneva Conventions—at least offers the possibility of working toward a world ruled by law, in which criminals are prosecuted under the rule of law for the crimes they commit, and those not accused of any crime are spared the fate of becoming collateral damage.

MYTH 21

THE PROBLEMS THIS BOOK RAISES ARE SO HUGE THAT THERE'S NOTHING WE CAN DO ABOUT THEM

In this book I've tried to show that immigration is part of an interconnected global system that has been shaped by history and economics. People have been moving around the earth ever since they stood upright millions of years ago. National borders, and attempts to govern the flows of migration from above, are only a few hundred years old.

Today's immigration is structured by contemporary relationships among countries and regions, and by their history of economic inequality. Unequal economic relationships should be changed—not because they lead to migration, but because they lead to human suffering and an unsustainable world. High levels of migration are a symptom of a global economic system that privileges the few at the expense of the many. It could be called capitalism, it could be called neoliberalism, it could be called globalization, it could be called neocolonialism. As long as it keeps resources unequally distributed in the world, you're going to have people escaping the regions that are deliberately kept poor and

violent and seeking freedom in the places where the world's resources have been concentrated: in the countries that have controlled, and been the beneficiaries of, the global economic system that took shape after 1492.

If our goal is to slow migration, then the best way to do so is to work for a more equitable global system. But slowing migration is an odd goal, if the real problem is global inequality. Fences and borders might be touted as a curb on migration, but in fact they serve to harden global inequality.

Of course global inequality can't be transformed overnight. And immigration policy is only one piece of a much larger system. It may seem overwhelming to try to imagine how to get from our current state to a more just and egalitarian world.

Still, there are certainly concrete steps that we could take to make our immigration policy more humane. A more humane immigration policy would reduce human suffering by a significant, if limited, amount. It would not, in and of itself, make much difference in the way the world is structured. If changes in immigration policy were accompanied by similar small steps to ameliorate glaring injustices in other areas, though, we might actually be on our way to creating a better world.

In a more equal world, border issues would cease to hold the importance that they do. Consider the example of the European Union. Given the relatively equal distribution of resources, power, and opportunity among the countries of Europe, the virtual elimination of borders among them was not an earth-shattering event. Another example of rela-

tively open borders is that which exists among the various states in the United States. Residents of Massachusetts can travel freely to Connecticut, through an entirely unpoliced border. Still, while there they must obey Connecticut's speed limit, tax, and seat belt laws. It's entirely possible for open borders to coexist with orderly administration and a state of law.

Our current immigration policy is so overloaded with inhuman, and inhumane, provisions that improving it would be first and foremost an exercise in eliminating its most baleful characteristics. We could start by rolling back the punitive and discriminatory changes that have been made in the last several decades, especially in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act.¹ Revoking some of the most draconian elements of that law would be a logical first step in a process aimed at eventually guaranteeing full equality before the law for immigrants.

Another step forward would be to reverse the militarization of the border that began with Operation Gatekeeper in 1993. The decriminalization of border crossing would encourage almost all would-be immigrants to pass through established inspection stations, just as, for example, the vast majority of U.S. citizens do when they travel to Mexico or Canada. Would-be immigrants would no longer have to turn to smugglers and risky desert crossings. Those in the United States could return home freely. Families could be reunited.

Extending full legal rights to all immigrants would go far toward eliminating the economic exploitation of immigrant workers. Some immigrants—just as some citizens

do—would probably still work under the table. But employers would no longer be able to use the threat of deportation, and workers would no longer be subject to the constant fear of discovery. Their ability to stand up for their rights, and to unionize, would be greatly enhanced. These first steps would put us on the road to a humane immigration policy.

Would these steps lead to a huge influx in immigration? It's hard to tell, but most of the signs suggest that they would not. The increasingly punitive, dangerous, and exploitative policies of the past two decades have not led to any decrease in immigration—just the opposite. Immigration has steadily increased as anti-immigrant policies have become harsher. As I've tried to show in this book, the main causes of immigration are structural, economic, and historical, and they have to do with global relationships and global inequality.

Taking steps to humanize immigration policy would not, of course, eliminate the global and domestic economic inequalities that are the underlying cause of migration. But there are also small steps we could conceive of taking toward creating a more equal society, and a more equal world. While these steps would inevitably lead to a slowing of migration, that's not the main reason we should follow them. We should work for a more just world for moral, ethical, and humanitarian reasons. Migration would be reduced because poor people's lives and livelihoods would become more sustainable—which is a worthy end on its own.

Domestically, we could think about rewaving and strengthening the social safety net that has been so frayed since the 1970s. Working for national health care and uni-

versal preschool might be a place to start. Or restructuring the tax system so that corporations and the super-rich pay their fair share. Or enforcing corporate accountability toward workers and communities. We could work toward a thirty-hour work week and full employment.

Globally, we could forgive Third World debt and create a system of democratic oversight for U.S. corporations operating abroad. We could respect the sovereignty of governments like Cuba's, Venezuela's, and Bolivia's, which are experimenting with different economic models. We could eliminate military "aid" that is used primarily, in Latin America, to repress domestic movements for social change.

Trying to build a new world of more just relationships is a worthy goal in and of itself, regardless of the effect it might have on migration. But a more just world will, inevitably, also lead to a drop in migration. Some migrants leave their homelands for fun, adventure, or curiosity. The vast majority, though, leave because they have no alternative. They leave their homes, their families, and their loved ones as a last resort.

More of the same kinds of foreign policies that have brought the world to its present state will not change the structures of global inequality. More invasions, more foreign domination, more free trade, and more foreign investment are not the answer. A different kind of global system would necessarily entail a more just distribution of the world's resources. It would mean that the industrialized countries—led by the United States, by far the world's largest consumer of resources—would have to lower their levels of

consumption, so that there would be something left for the rest of the world.

Uruguayan journalist Eduardo Galeano wrote in 1992:

The average American consumes as much as 50 Haitians . . . What would happen if the fifty Haitians consumed as many cars, as many televisions, as many refrigerators or as many luxury goods as the one American? Nothing. Nothing would ever happen again. We would have to change planets. Ours, which is already close to catastrophe, couldn't take it.

The precarious equilibrium of the world depends on the perpetuation of injustice. So that some can consume more, people must continue to consume less. To keep people in their place, the system produces armaments. Incapable of fighting poverty, the system fights the poor.²

Fifteen years after Galeano wrote these words, today's war on immigrants continues the fight against the poor.