

# **Pessimism of the Mind and Optimism of the Spirit: Latino Youth Activism, Democracy and the Politics of Immigration Reform after 2012**

ALFONSO GONZALES

## ABSTRACT

This article interrogates the normative assumption, underlining most political science research that greater Latino electoral participation alone will bring about empowerment and social justice for Latino communities under the conditions of neoliberalism and authoritarian state practices. In contrast to this assumption, the article illustrates how after the 2012 presidential election the political energies of Latino communities were further channeled away from grassroots militant mobilizations and organizations into support for liberal Democrats and their proposed Senate immigration reform bill, the “Border Security, Economic Opportunity, and Immigration Modernization Act” (S.744). Although there are some positive aspects of this bill that immigration reformers have fought to be included especially for Dreamers and agricultural workers, the author argues that this bill, and most bills dubbed as “comprehensive immigration reform” (CIR) would result in only temporary relief from deportation for a large sector of the 11 million undocumented that would qualify. Moreover, most CIR bills would come at the expense of those that do not qualify and

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Alfonso Gonzales is an Assistant Professor in the Department of Political Science at Lehman College of the City University of New York and the author of *Reform without Justice: Latino Migrant Politics and the Homeland Security State*. New York: Oxford University Press, 2013. Print.

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much to the detriment of future flows of undocumented migrants all while ignoring the structural causes of migration that are rooted in asymmetric geopolitical relations of domination and the country's deep rooted racial hierarchies. Though critical of so-called Latino political power, the article ends with a discussion on how Latino youth activists and their allies are advancing a militant grassroots politics with the potential to forge a more favorable relations of force for the next round of legislative battles, in the short run, and to challenge the authoritarian nature of the post-9/11 migration control regime and global capitalism in the long run.

Keywords: Antonio Gramsci, hegemony, neo-liberalism, democracy, Latinos, immigrant rights, immigration reform, authoritarian statism, Nicos Poulantzas.

#### RESUMEN

Este artículo examina el supuesto normativo asumido por gran parte de los estudios realizados de que una mayor participación electoral de los latinos conduce por sí sola al empoderamiento de las comunidades latinas, así como a una mayor justicia social para dichas comunidades.

En contraste con esta hipótesis, el artículo muestra cómo, tras las elecciones presidenciales de 2012, los esfuerzos políticos de las comunidades latinas se alejaron de las movilizaciones sociales y la militancia de base, convirtiéndose en apoyo a los demócratas liberales y a su propuesta de reforma de la ley de inmigración en el Senado, la llamada "Border Security, Economic Opportunity, and Immigration Modernization Act" (S.744).

A pesar de que en el proyecto de ley hay aspectos positivos fruto de la lucha de los partidarios de la reforma de la ley de inmigración, sobre todo en lo que se refiere a los *Dreamers* y a los trabajadores del campo, el autor argumenta que dicho proyecto, y todos aquellos proyectos de ley que se agrupan en lo que se conoce como CIR (Comprehensive Immigration Reform), solo supondrían una solución temporal a las deportaciones para una parte de los 11 millones de indocumentados que se verían afectados por las reformas, es decir, para aquellos que reúnan las condiciones para optar a permanecer legalmente en los Estados Unidos.

La mayor parte de las reformas propuestas se llevarían a cabo en detrimento de aquellos que no reúnen las condiciones para legalizar su situación en Estados Unidos y de los futuros inmigrantes indocumentados, ignorando las causas estructurales que llevan a que exista esa inmigración cuya raíz está en las relaciones de poder asimétricas

existentes entre los Estados Unidos y los países de su entorno así como en las jerarquías raciales que imperan en dicho país.

Aunque crítico con el llamado “poder político latino”, el artículo acaba exponiendo cómo los jóvenes militantes latinos y sus aliados están fomentando una militancia de base con potencial suficiente como para, a corto plazo, forjar unas relaciones de poder más favorables para los latinos de cara a próximas batallas legislativas y, a largo plazo, hacer frente a la naturaleza autoritaria del sistema de control migratorio establecido tras el 11 de septiembre de 2001, así como al capitalismo global.

Palabras clave: Antonio Gramsci, hegemonía, neo-liberalismo, democracia, Latinos, derechos de los inmigrantes, reforma de la inmigración, democracy, estatismo autoritario, Nicos Poulantzas.

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Instead of mastering reality, they allowed themselves to be absorbed by it.

Antonio Gramsci

There is much fanfare about Latino political power these days. All major media outlets, both of the major political parties and many Latino political scientists in the United States speak of an emerging Latino political power and the much celebrated “Latino vote.” A record 11.5 million Latinos turned out to vote in this election according to the Pew Hispanic Center (López & Gonzalez). Some of the leading Latino political scientists, including Gary Segura and Matt Barreto, have called the election a “watershed” moment (Barreto & Segura). As they point out, nearly 72% of Latinos voted for President Obama. Indeed through their polling group Latino Decisions, they have stated that Latinos were “nationally decisive” in a U.S. presidential election for the first time in history. They often point to how the Latino vote played a decisive role in the battleground states of Arizona, Colorado, Nevada, Florida, and Virginia.

Based on these electoral outcomes there was much optimism about the potential for immigration reform to pass in the 113th Congress in the spring and summer of 2013. Two weeks following the election in November 2012, the Congressional Hispanic Caucus held a press conference in which current and incumbent members of Congress called on the nation to support comprehensive immigration reform (CIR). This was an important moment for the Hispanic Caucus because it was attempting to use its political capital in the 113th Congress, which has the largest number of Latinos in the

nation's history thanks in part to Latino voters and the new district lines that were drawn after the 2010 Census. Senator Bob Menendez opened the press conference by saying, "this election was a mandate to enact comprehensive immigration reform, and the electorate was specifically focused on the legalization of the 11 million of those who are undocumented in the country and lack a present status." (Center for American Progress). Congressman Luis Gutierrez, who also spoke at the press conference, joined in elatedly telling reporters, "When my colleagues and I demanded fairness for immigrants, we used to be kind of like the unwanted party crasher... All of a sudden we're the belle of the ball" (Ortiz).

Members of the Hispanic Caucus were not alone in their triumphalist celebration of the power of the Latino vote and the likelihood of an immigration bill passing under Obama's second term. Immigration reformers across the country joined the chorus. For instance, as Eliseo Medina, secretary-treasurer of Service Employees International Union and a leading member of Reform Immigration for America, one of the largest national coalitions pushing for reform. Reform Immigration for America noted, "immigration reform will happen [. . .] whether it will happen over the political bodies [. . .] of some of the current members of Congress, only they can decide. They will come to vote for immigration reform [. . .] They can come out of their own will because it's the right thing to do or they can come kicking and screaming, but they will come. I guarantee that." (Ortega).

Now that the euphoria of the 2012 election is winding down it is important to ask what exactly do immigration reformers mean by immigration reform and to take a sober look at the evolution of the immigration debate and Latino political power. In this article I seek to ask if this newfound Latino political power is enough to bring about sustainable and transformative justice for Latinos, both citizens and non-citizens alike. By this I am referring to reforms that actually change the structures that cause migration and state violence toward migrants. My reference to justice is in the sense put forth by political theorist Iris Marion Young –the elimination of domination and human suffering (Young).

I advance the thesis that the increase in the traditional forms of Latino political power, that is a larger voter base and more Latino elected officials may be a necessary but insufficient step toward building the political power of working class Latino communities for bringing about a just and humane immigration reform bill. While Latinos have made some important inroads in the electoral arena,

Latino elected officials have been incapable of using the influence of the Latino vote to advance immigration reform in the 113th Congress that would actually bring about justice for migrants. At best, Latino politicians and their allied civil society based organizations are arguing for reform under the hegemonic terms of the debate established by a constellation of actors that I conceive of as an anti-migrant bloc, comprised of Nativist think tanks, politicians, corporations, Right wing foundations, media personalities and intellectuals that have dominated the immigration debate since the 1980s. Indeed, most Latino elected officials, even those considered to be on the Left have conceded to the consensus that only a certain sector of “good” undocumented migrants deserve to stay in the United States and that any reform package must include building up the homeland security state, the modern migration and labor control regime that began to emerge in the 1980s but that consolidated in the aftermath of 9/11 and which has resulted in the deportation of 4 million people since 1990.

This is a reflection of two class projects emanating from two distinct sectors of the Latino migrant movement and their allies in the United States. One project advanced by immigration reformers, a constellation of actors comprised of major unions, religious organizations, and well-funded immigration coalitions that are closely aligned with the Democratic Party and its associated civil society think tanks in Washington D.C, seeks to win moderate reforms that are well accepted within the policy beltway on Capitol Hill and major corporate foundations. Another project is advanced by oppositional migrant organizations, which are primarily comprised of politically autonomous organizations based in Latino communities and comprised of certain sectors of undocumented youth, day laborers, street vendors, carwash workers, small non-profit organizations, indigenous organizations, and their allied student and intellectual supporters. The former sector of the movement makes moderate and winnable demands that do not challenge the power of the homeland security state nor the structural causes that lead to migration on a global scale. The latter sector advances a self-conscious critique of U.S. backed global capitalism and seeks to defend the rights of all migrants regardless of age, status, criminal record, and sexual orientation. Though both sectors tend to have bases in Latino communities, the movement is not limited to, much less led by Latinos. Rather the modern migrant movement in the United States is a politically heterogeneous multiracial and multiethnic social movement that intersects with other sectors of the U.S. and global Left such as labor, religious groups, and others groups.

These two factions of the migrant movement are often characterized as simply disagreeing over the nature of a reform bill. However, one could not narrow the differences between these groups to simply questions around strategy and tactics over how to win an immigration reform. I argue that there is more at stake than strategy and tactics; I argue that the very viability of the United States as a democracy is what is at stake. Indeed, the United States is at a critical juncture in which a permanent and monstrous police state is emerging that threatens to undermine the last vestiges of democracy. There appears to be a system of governance developing in the United States that is akin to what political theorist Nicos Poulantzas called authoritarian statism in which all of the formalities of a representative democracy are preserved but with the curtailing of civil liberties and the rise of a powerful police state along with the expansion of neoliberalism. From this perspective, oppositional Latino migrant activists, are fighting for more than justice for migrants but they are on the front lines of a movement that could potentially democratize the United States and save it from its own authoritarian ghosts that have haunted it from its very inception.

To illustrate my argument I will then present some of the main points of the comprehensive immigration reform bill brokered by immigration reformers and their allies in the Senate. Then I will discuss the implications that this so called reform presents for democracy. Finally, I will end with a brief discussion on Latino youth activism in response to the Senate's immigration reform bill and migration control policies.

## 1. THE GANG OF EIGHT BILL (S.744): FORGING A 21<sup>ST</sup> CENTURY SYSTEM OF LABOR-MIGRATION CONTROL

On June 27, 2013 the United States Senate passed the Border Security, Economic Opportunity, and Immigration Modernization Act (S.744). The bill which was originally drafted by the Gang of Eight, named after the eight senators who have come together to work out an immigration bill, passed with a vote of 68 to 32. Most liberal media pundits and immigration reformers celebrated the bill as a major step forward for bringing the 11 million undocumented people in the United States out of the "shadows" and toward "fixing" our "broken immigration system."

The most celebrated aspect of the bill is that it will grant undocumented people who qualify and overcome major hurdles Registered Provisional Immigrant (RPI) status for ten years with an eventual path toward a green card that ostensibly makes those who qualify eligible for citizenship after waiting another three years, if certain security triggers are met. The bill also puts about 2 million undocumented migrants, primarily

Dreamers and agricultural workers, on an expedited five year path toward receiving a green card and makes some important changes to detention and immigration court practices among other concessions.

If S.744 becomes law, it will surely provide much needed temporary relief to undocumented migrants that qualify, by allowing them to travel, obtain a driver license, and to have some type of temporary legal status, but at a heavy cost for those that attempt to navigate the so called pathway toward citizenship, for those that do not qualify, for the future flows of migrants, and for the prospects of having a meaningful democracy in the United States. S.744 may provide temporary relief for a selected group but it will not provide justice for migrants and their families over the long run.

To qualify for the RPI status and start the legalization process, undocumented people will be required to pay a fine, pay back taxes, register with the government, and go through a series of background checks. From the commencement, a large number of migrants will not qualify for RPI status because of prior convictions and because many migrants arrived after December 31, 2011 both of which would disqualify them from the status. Moreover, as with DACA, there will be a large number of migrants that will not qualify because they could not produce proper documentation within the brief 1-year application filing period provided to apply for the RPI status.

For those undocumented migrants that will successfully qualify for RPI status, the path toward citizenship is a gauntlet riddled with legal tripwires and requirements that will result in only a fraction of the undocumented population being able to apply for permanent residency and citizenship - if ever. Moreover, there are a secondary set of fines and hurdles that must be met after six years to renew the RPI status. For instance, to qualify for a renewed RPI status after six years undocumented migrants will have to prove that they have not been unemployed for more than sixty days consecutively, and they must have a yearly income 25% above the Federal poverty line. These same requirements will apply four years later, along with an additional set of application fees, in order to apply for Legal Permanent Status or the green card. Given the nature of the global economic crisis and the flexible segment of the labor economy that most undocumented migrants occupy, it is highly unlikely that they will be able to successfully navigate the ten year process to qualify for a green card let alone citizenship. In a candid moment, while commenting on the requirements to meet the path for citizenship, Republican Senator Lindsey Graham noted, "hell, half my family wouldn't qualify" (The New York Times).

Some immigration reformers maintain that S.744 is a sweeping and historic reform. However, upon inspection the bill appears to be designed to prevent people from

successfully navigating the system and expanding the power of the homeland security state. The reputable immigration attorney Peter Schey of the Center for Human Rights and Constitutional Law noted that S.744 may create a fair and straight forward path toward citizenship for the about 2 million Dreamers and agricultural workers out of the 11 million undocumented people in the United States. However, Schey emphasized that, “The proposed program for 9 million undocumented immigrants is so complex, costly, drawn out over time, and burdened with obstacles that its implementation will likely legalize no more than half of the remaining 9 million undocumented immigrants now living in the U.S.” (Schey). What is more, those who meet these requirements will be in a legal purgatory similar to that of youth who qualify for DACA, and they will not be able to apply for a green card for at least ten years or until the border is “secured” (Foley).

Moreover, those given the RPI status will have to go to the proverbial “back of the line” until all those who have applied for a green card have been processed. With such ambiguous language, the bill could potentially result in certain national groups such as Mexicans being given a temporary work permit and indefinitely waiting for a green card, not to mention citizenship, because of the extensive backlogs in the system (Foley). In short, S.744 sets up a gauntlet of requirements designed to keep undocumented workers in a perpetual temporary legal status.

The Gang of Eight’s S.744 also calls for unabated political and economic support for the homeland security state (Black Alliance For Just Immigration). As originally passed by the Senate Judiciary Committee, S.744 requests 3,500 new U.S. Customs and Border Protection officers to be hired between 2014 and 2017. The bill also preserves the use of National Guard troops to be used to operate drones, install motion sensors, build fencing, and provide support including checkpoints and other duties in border regions at the request of the Governor of a border state or the Secretary of Defense.

The border enforcement provisions in S.744 were problematic to begin with. But as Gerald Lenoir of the Black Alliance for Just Immigration noted, S.744 “went from bad to worse” when an amended version of the bill was approved on June 27, 2013 (Black Alliance For Just Immigration). The amended version of the bill will provide a total of \$46.3 billion dollars for migration control. According to the National Network for Immigration Refugee Rights the so called border surge amendment offered by Republican Senators Bob Corker and John Hoeven designed to win Republican support for S.744 will provide \$30 billion dollars to double the number of Border Patrol agents from roughly 20,000 to 40,000 over the next 10 years; provide \$8 billion to add 700 miles of fencing along the U.S.-Mexico border; provide \$140 million for Blackhawk

helicopters; deploy 160 drones for border enforcement, and it would recruit former members of the armed forces to be hired by the Department of Homeland Security and its agencies (National Network for Immigration and Refugee Rights).

This so called border surge comes in the aftermath of the Secure Fence Act of 2006 and the Secure Border Initiative, which has been implemented under the Obama Administration resulting in a 21<sup>st</sup> century state-of-the-art border-control strategy with ground sensors, aerial drones, and “rapid-response teams.” Such teams come from U.S. counter-insurgency models in which commando-style units comprising up to five hundred Customs and Border Patrol agents can be rapidly deployed into the border to neutralize enemies. As the term “surge” suggests, which was originally used by the United States Armed forces to refer to the intensification of the war in Iraq, S.744 will result in the intensification of the war on migrants along the U.S.-Mexico border, which has resulted in the deaths of thousands of migrants in the desert since the 1990s. The border surge amendment was enough to win support for S.744 among Arizona Governor Janet Brewer and Senator John McCain, who candidly noted, “We will have the most militarized border since the fall of the Berlin Wall” (Russia Today).

This border enforcement strategy is part of a broader migration-control paradigm that will also include expanding the police powers of the homeland security state for interior enforcement along with a system of employer verification. Interior enforcement has already been greatly expanded under the Obama Administration, which has expanded the Secure Communities program from about a dozen police jurisdictions to almost every jurisdiction in the country.

Moreover, the amended version of S.744 that passed in the Senate will empower the DHS to share information with local law enforcement agencies on people who have overstayed their visas. Such intelligence sharing will inevitably lead to ICE detainers being issued and hence more deportations. This unconditional support for interior enforcement comes at a time when the House Appropriations Committee approved a bill that would provide \$147 million dollars more than what was originally allocated to the DHS in 2014 to keep the 34,000 bed quota in immigration detention centers and to fund deportation programs (Detention Watch Network).

The expanded capabilities of the homeland security state to police its borders and the interior of the nation will take place in the context of the greatly expanded system of employer verification. As mentioned in the previous chapter, the current employment-verification program of the federal government, E-Verify, has become mandatory for all federal institutions and private employers with a contract with the Federal Government under the Obama Administration. Moreover, many states have implemented the same

program in their public facilities. Employment verification will be expanded to include all employers across the nation in five years under S.744. Finally, the Gang of Eight bill contains provisions for the expansion of a guest-worker program and visas for high-skilled workers in technology and science, among other critical areas. As we will see, the guest-worker program and the expansion of programs such as E-Verify is the linchpin of current immigration reform proposals.

All of this comes at a great expense for those that will not qualify for the RPI status and future flows of migration. Undocumented migrants that do not qualify for RPI will be further criminalized and face a more powerful homeland security state through programs such as E-Verify and Secure Communities that will starve and police them out of the United States. In fact, amendment 31 to S.744 known as the Grassley Amendment, will require the United States Immigration and Citizenship Services to create a weekly report on individuals whose information did not match the E-Verify system, which in turn will be handed over to Immigration and Customs Enforcement. This is likely to result in a witch-hunt against migrants that do not qualify for RPI status, people who have overstayed their visas, and future undocumented migrants.

The Gang of Eight's S.744 creates a pipeline to the immigration detention system. It does this by imposing the harshest penalties ever seen for illegal entry and illegal reentry. Currently being undocumented is a civil offense. Under S.744, being undocumented in the United States will be punishable by 1 year in prison and reentry, that is returning after being deported or accepting a voluntary departure, will be punishable with 3 years of prison time (National Immigration Justice Center). The bill also creates harsher penalties for people who use or attempt to use fraudulent documents. Provisions such as these will create the conditions for the maintenance of an immigration detention system for years to come long after S.744 becomes law. Even if the bill dies in the House of Representatives, any bill founded along the same bipartisan consensus more likely will yield the same results.

Just as critical as what the bill does is what it does not do. First and foremost, the Gang of Eight principles enshrined in S.744 will not result in a bill that will give the eleven million undocumented workers in the United States a clear and simple path toward citizenship. Rather, it assigns people a punitive and temporary status that makes them deportable for the smallest infraction and thus creates a population that can still be targeted for policing, detention, and deportation. Moreover, because the proposal will not repeal repressive and punitive immigration laws that have been implemented over the last two decades—such as the Illegal Immigration Reform and Immigration Responsibility Act of 1996, which makes noncitizens retroactively deportable for a host

of minor violations that are considered “aggravated felonies” under immigration law—there will be millions of people who are still detainable and deportable. For instance, if there are currently thirteen million people with green cards who are easily deportable under the 1996 immigration laws and if the current eleven million undocumented people in the United States are given RPI status and, under the best circumstances actually given an eventual green card, the result is that there will still be at least twenty-four million detainable and deportable people in the United States.

The Gang of Eight bill, and most CIR bills for that matter, will not address the driving force behind mass migration from Latin America over the last thirty years—that is, U.S.-backed neoliberal globalization, which was implemented through asymmetrical relations of domination with Latin American and Caribbean nations particularly in the 1980s and 1990s. Moreover, the proposal is based on the same good immigrant–bad immigrant binary that has been used by both the anti-migrant bloc and immigration reformers over the last decade. This binary does not allow for proposals that recognize the fundamental and inalienable human rights of migrants. One audacious journalist, Maegan Ortiz, pointed out, “Embedded in the [Gang of Eight] principles is an emphasis of the economic versus the human worth of people and ensures a continuation of immigration policy that will divide the undocumented into the ‘good and deserving’ and the ‘bad, criminal, and undesirable.’ We have already seen what so-called ‘smart enforcement’ has yielded, record number deportations, even of ‘good’ immigrants” (Ortiz).

The Gang of Eight’s S.744 has not led us to a historic civil rights bill, as many had hoped and many will be tempted to argue still. Rather, it has resulted in a historic compromise between nativists and capitalists, who, only under the pressure of the migrant movement, changing demographics, and the Latino vote, may concede to a deal that will include legalization for some undocumented people but result in the emergence of a 21<sup>st</sup> century migration- and labor-control system.

This system of labor-migration control will be unrivaled by any other in U.S. history, including the *Bracero* Program, or others perhaps in the world. When one looks at all of the enforcement measures that have been put in place at the border and in the interior alongside the employment verification system of the homeland security state, there will be little room for undocumented workers to come to the United States except as guest workers. This is because E-Verify and similar programs are a key component in the enforcement through attrition strategy cooked up by the nativist Right several years ago. It will push undocumented workers either out of the United States because they will not be able to find work, or it will push them even deeper into the underground

economy. Undocumented workers under such conditions will have no choice but to tell employers that they are undocumented to work in the most precarious labor sectors or face a dreaded no-match letter. This is nothing new per se.

Guest worker programs have been at the heart of most immigration legislation since the infamous immigration reform negotiations between presidents George W. Bush and Vicente Fox in the late 1990s. Indeed, before 9/11 and before the Pink Tide led by the late Hugo Chávez effectively challenged the so-called Washington Consensus in Latin America and before the Great Recession, a guest-worker program was seen as a natural corollary to NAFTA and the Free Trade Area of the Americas. According to labor historian Gilbert G. Gonzalez, there was an “upsurge of publicity as this matter swelled in the media, including research institutes. The Carnegie Endowment for International Peace, together with the Autonomous Technological Institute of Mexico, published a policy statement arguing that any ‘comprehensive new strategy should match Mexico’s surplus of young workers with the U.S. industry’s shortage of unskilled labor.’” (Gonzales). During this period, the United States sought to seal the border and create a guest-worker program as the neoliberal project guided by a benevolent imperialist power seemed invincible.

We now know that the post-9/11 climate created conditions in which such proposals fell apart because the nativist Right was able to exploit the new security climate to push for a more effective and omnipresent homeland security state. Yet after the Great Recession and the crisis of global capital more broadly, securing a flexible temporary labor force, or what Richard Vogal called “transient servitude,” is still a necessity to the dominant classes in the United States and in Latin America (Vogal). Such a labor force will allow business to break the back of organized labor in the United States and provide an escape valve for Latin American countries, especially Mexico, to release social pressures brought about by economic crisis, endemic violence, and social and political polarization, not to mention maintain their remittance-based economies. Moreover, such a state-sponsored system of labor and migration control may have a negative impact on native-born blacks and Latinos, who, under the conditions of neoliberalism and dwindling social programs, will likely face mass policing and incarceration, as employers prefer the more flexible temporary workers.

This scheme for a 21<sup>st</sup> century system of labor-migration control goes beyond “immigration enforcement,” which implies that states are solely concerned with controlling who comes into their borders. In fact, states are concerned with migration control that regulates the importation of temporary workers when it is beneficial to certain fractions of capital but that can also remove such workers when they are unruly

(i.e., become politicized) and or are no longer needed. Sociologist Robyn M. Rodriguez describes the role of guest worker programs under the conditions of global capitalism in her writings on the Philippine State's labor export program. In her view guest workers offer "a kind of institutional 'fix' resolving global capital's demand for labor and neo-liberalizing labor-importing states' demand for temporary migrant who will not make claims for membership and will return to their countries of origin once their jobs are done." (Rodríguez).

Almost fifty years after the end of the *Bracero* Program (1942-1964) and sixty years since Operation Wetback in the mid-1950s, the United States is forging a new migration control system that could simultaneously import temporary flexible workers and deport those it does not need but this time with technologies of a 21<sup>st</sup> century police state built for a global service based economy. Indeed, those in RPI status will become the new *braceros* of the 21<sup>st</sup> century who have been lured into this status with the promise of legality and a pathway to citizenship.

This need for a flexible labor force is a recurring contradiction in the history of the United States since slavery; Anglo-American capital has had an unquenchable thirst for a racialized army of rightless workers to provide cheap labor when needed, but it has been unwilling to provide them with the same legal and substantive rights as white Americans. Not much has changed. For Mexicans in particular, we are always seen as the worker and never as the citizen. The last thing that the major political parties, the Gang of Eight, and their associated corporate-funded think tanks on the Right or the Left seek to do is abandon the neoliberal model and asymmetrical relations between the United States and Latin America. Rather, they seek to fix the system by making it more efficient—not altering the relations of domination between states in North America, much less changing the system of racial domination that has characterized politics in the United States since its founding as an Anglo-American settler colony.

Perhaps the most insidious effect of S.744 is that it further divides the migrant movement between the gamut of immigration reformers and oppositional forces. On the one hand, leaders such as Frank Sherry of America's Voice issued a statement where he heralded S.744 as a landmark victory and thanked the Gang of Eight Senators for their courage on passing a Senate immigration bill that, though imperfect, is "consistent with our movement's principles." (America's Voice). On the other hand, oppositional Latino migrant organizations such as Hermandad Mexicana, one of the oldest Latino migrant organizations founded by the legendary Mexican labor leader Bert Corona, issued the following statement,

There is no Faustian bargain for us. S.744 smells rotten to the core and the most recent border militarization amendment and the corollary House Judiciary Committee bills moved us to publicly oppose this legislation.... We admonish those “advocates” and union leaders who do not recognize the national security character of the proposed legislation and related amendments under the guise of “comprehensive immigration reform” that moves the country closer to a police state with all the insidious totalitarian trappings (Hermandad Mexicana).

Such divisions over how to proceed should not be reduced to being a reflection of one group’s pragmatism and another’s idealism. Rather, as Hermandad Mexicana’s statement suggests this is a matter of democracy.

## 2. LATINO YOUTH AND DEMOCRATIZATION FROM BELOW

The politics of migration control as Kathleen Arnold reminds us, “cannot be divorced from the status of democracy.” (Arnold 141). Democracy, as often used in the United States is a loaded term that assumes that the United States has set the standard on the matter. It is often taken for granted that other nations should model themselves based on this Anglo-American centric view on democracy. Indeed throughout the 1990s U.S. foreign policy was centered on democracy promotion and often reduced democracy to holding elections and having unregulated capitalism.

But democracy is more complex than elections and markets. Rather, as Arnold August notes, the first American political commentators were influenced by indigenous people’s egalitarian ideas that were not based on the protection of private property at all costs. Moreover, August notes that there are new models of democracy emerging from South America and the Caribbean that are rooted in the traditions of the global south and alternatives to neo-liberalism. While not perfect, such models are constantly evolving and they emphasize participation in civil society over electoral institutions and much less static and self-serving conceptions of history. From his point of view, democracy is constantly in motion, rather than a fixed static arrangement of political institutions (August 1-13).

In the case of the United States, the oppositional sector of Latino migrant activists is democratizing the United States in radical ways. They are demanding a system in which most people have relatively equal chances to effect the decisions that affect their lives, and when people –regardless of their legal status– could enjoy the right to have rights and protection from arbitrary abuse and coercion. Moreover, their actions raise questions about democracy in the United States and are casting a shadow over its ability to promote democracy abroad when it has incarcerated millions of black Americans and deported 4 million people since 1990. The consequences of such a system are inherently

undemocratic, no matter how many black and Latino elites are incorporated into the upper echelons of formal state power. In the face of this inherently undemocratic system more broadly, there must be a movement to build Latino political power from below that is capable of forging new cross-racial and class-based coalitions in civil society if there is going to be a chance to democratize the United States.

This may seem counterintuitive since much of the political science literature operates under the normative assumption that greater political incorporation under the traditional indicators of power will translate into greater political power. However, this formula does not necessarily guarantee a more democratic and just future under the conditions of neo-liberalism that limit the power of elected officials and policy makers to create change in areas of governance that affect the everyday realities facing Latinos. As Raymond Rocco reminds us, voting is a necessary but insufficient activity for guaranteeing the human rights of Latino communities (Rocco 40-43). This insufficiency does not mean that traditional forms of political participation should be discarded; however, it means that those forms of political participation will not be enough and that a dual strategy should be pursued. Indeed, political parties and elected officials respond best to organized bases in Latino communities, which, regardless of their legal status, could hold elected officials accountable. But as Poulantzas warns, "Unless the State is radically transformed by the Left in power" the opposition runs the risk of reproducing authoritarian statism (Poulantzas). Therefore, there must be an effort to build political power that contests the power of the homeland security state and that pushes for democratic victories from below.

During the conjuncture between 2001 and 2012, several battles have been won and lost, but the greatest victories have not come from the corporate board rooms in Washington D.C. but from politically independent movements that acted from below. Indeed a new generation of seasoned and battle-tested Latino youth leaders have emerged from California to New York City and from Kansas City to Fort Meyers, Florida and beyond. It was this generation of leaders that produced the firestorm of Latino migrant activism unleashed by Dreamer youth, especially in the months before the 2012 election, that helped create relatively more favorable relations for the migrant movement at the end of 2012 and the beginning of 2013. Even more so than the youth who took to the streets during the 2006 *Mega-Marchas*, youth activism around the Dream Act was more structured and capable of moving the immigration debate. This youth activism is heterogeneous and contradictory, but it could not be completely detained by Washington D.C., insiders and the Democratic Party despite their efforts to do so. Although a certain faction of Dreamers bought into the same good immigrant-

bad immigrant binary that many of their counterparts in the migrant rights movement helped to perpetuate, they became a liability for the Obama Administration.

These youth were able to expose how the President and the Democratic Party failed to pass immigration reform and to pass the Dream Act in Congress. The Spanish-language media and even immigration reformers began to question the president in public about his lack of action on immigration reform. In the face of this pressure the President instituted DACA in an effort to win over strategic sectors of the Latino vote. This action came at a moment when oppositional sectors of the migrant rights movement sought to denounce the president's deportation policies in the months before the election. Undocumented youth took over the president's headquarters in the heat of the election, and other undocumented youth infiltrated Broward Detention Center in Florida to denounce the president's policies of going after only "high-priority" immigrants as a farce.

There is an entire generation of young leaders emerging like those that took over President Obama's headquarters. A significant portion of these oppositional leaders understands the urgency of winning immediate victories, but they also know that if there is ever going to be a substantive multiracial and multilingual democracy in the United States, there must also be a concerted effort to fight for the rights of migrants and people of color beyond the Gang of Eight bill and any proposal for comprehensive immigration reform (CIR). This sector of Latino migrant activists understands that if S.744 or any similar bill passes, it may bring temporary relief to some, but there will still be people dying at the border, there will still be a massive buildup of prisons (both private and state-owned) to be filled with brown and black bodies, and there will still be human suffering at the hands of the homeland security state. Beyond efforts to create a kinder and gentler "civil" homeland security state, these young leaders are pushing for the demilitarization and democratization of our society.

If we are to learn anything from the 2006 *Mega-Marchas* that defeated HR 4437 and the movement of undocumented youth which pressured the Obama Administration to implement DACA, it is that for a popular sector to gain ideological leadership within the migrant rights movement and in society at large, the people directly affected must be in the lead. Moreover, for this leadership to be effective, it must have a great deal of political and financial autonomy from the dominant political parties and corporate forces. This autonomy does not mean that allies cannot play a support role. However, it means that the actors with nothing to lose but their chains must be the driving force of an effective counter hegemonic movement. This would require a subtle but important

shift from a movement based primarily on professional leadership and dependent on a campaign strategy financed by the major foundations, union brass, and Democratic Party political operatives at the state-civil society nexus to a movement led by the people most affected, financed through alternative funding, and predicated on a mass-based social movement strategy.

The differences between these two approaches and forms of leadership may seem subtle, but they are important. In campaign mode, organizers attempt to win justice for migrants in the same way that a union wins a contract, or a community group shuts down a polluter, or a party gets a candidate elected. This tactic has essentially been the strategy used by groups like Reform Immigration for America to try to win CIR in Congress. A mass-based social movement strategy requires that movement leaders distinguish between a civic version of what Gramsci called a war of maneuver and a war of position. In the former, one struggles for a direct and immediate victory, via elections or through a campaign; in the latter, groups struggle to build forces in civil society to change the relations of force before transforming the state and society at large.

Gramsci argued that the fight against the fascists needed to be a war of position. Along similar lines, I suggest that the struggle for not just Latino migrants but racial justice and democracy more broadly goes way beyond any immigration reform bill. Like the African American freedom struggle, which did not actually end with passage of the civil rights acts, it requires winning short-term meaningful victories that improve people's lives, to be sure, but it also requires that Latino migrant activists and their allies develop a long-term vision and strategy. This strategy requires challenging white supremacy and transforming the social and economic structures rooted in geo-political asymmetries between the United States, Latin America, and the Caribbean that cause people to migrate and that allow society to consent to the production of state violence against brown bodies and racial others.

Winning a civic war of position, however, is a complicated and difficult task. It requires that a new social bloc, perhaps not even a Latino one, emerge to transform U.S. politics. If such a movement congeals, it must be able to counter individual laws and state acts of violence against migrants, and it must also be able to dismantle and hence demilitarize specific police programs such as 287(g) or programs like Secure Communities. Moreover, it must also be able to win moral and intellectual authority on the issue of who belongs in the United States and what are the acceptable conventions of belonging. For such a movement to be successful, a new generation of leaders and intellectuals must grapple with people's common sense and try to create a new moral, intellectual, and ethical reformation in civil society. A new common sense must

emerge among Latino migrant activists and their allies, those sectors of working-class communities of color — especially among those who do not consider themselves activists or who may not have ethnic and class consciousness. Otherwise, at best, the migrant rights movement will be led by the Latino political elite and their allied immigration reformers to fight for CIR bill that will not get to the root of why people migrate in the first place (U.S.-led global capitalism) and that will preserve the homeland security state and more severely authoritarian statism.

Such groups are emerging across the nation. One example of such a formation is the Migrant Power Alliance (MPA), or *Alianza Poder Migrante* a promising but precarious group that has emerged in New York City. Fiercely autonomous, this multi-ethnic and multi-sector grassroots coalition is comprised and led by Caribbean, African, Mexican, and Pilipino migrant, student, and worker organizations, and their unique genealogies of struggle emerged with the goal of building migrant power, the social and political capacity of migrants to make rights claims in global civil society. Part of its organizational philosophy is that the people directly affected by the homeland security state should lead their own movement. Also by consciously using the word migrant versus immigrant the group is asserting its right to have rights from a different epistemic location as part of a global diaspora of migrants displaced by the forces of global capitalism and asymmetric geo-political relations of domination between “North” and “South” over the last thirty years.

A particular strength of this formation is that it brings black and Asian migrants into a coalition with Latino migrants. Black migrants, which could be from any country in the Americas, the Caribbean, from Africa, and sometimes Europe, are an especially potent force in the migrant rights movement because they serve as an important bridge between African Americans and Latinos (including Afro-Latinos). Moreover, black migrant organizations, such as the Black Alliance for Just Immigration (BAJI), an organization founded by African Americans and black migrants that joined MPA, often emphasizes the need for rejecting the good immigrant / bad immigrant binary and they stress relationship between the criminal justice system and the migration control system. But perhaps most critically, black migrant organizations such as BAJI have a deep understanding of the history of racial domination faced by African Americans that could enrich Latino and Asian migrant organizations by exposing the limits of formal citizenship in a society that practices racial policing and other forms of domination.

In the first months of the debate around what would become S.744 the Migrant Power Alliance staged protests outside the office of Senator Schumer demanding an end to all deportations and the criminalization of non-citizens including the 13 million

legal permanent residents living in the United States that are still potentially subject to deportation due to the 1996 immigration laws. Such demands broke with the code of silence that kept many immigration reformers applauding the bill and thanking the Republican Senators for their support. MPA's call for an end to "all" deportations and its effort to build a multiethnic and multi-sector alliance are examples of fighting for the rights of migrants beyond immigration reform. As of December 2013, MPA has launched a campaign to end "all" cooperation between ICE and local police agencies in New York City. Indeed, this coalition comprised of primarily young people is calling for the dismantling of the enforcement machinery.

With the government shutdown and the deadlock over immigration reform in Congress, the migrant rights movement is now split further between immigration reformers and oppositional groups. Immigration reformers across the country launched an aggressive multimillion dollar campaign to put pressure on the House of Representatives to vote on H.R.15, "The Border Security, Economic Opportunity, and Immigration Modernization Act." The bill is modeled on S.744, without the border surge amendments and some other provisions, which came under criticism from oppositional forces and eventually some immigration reformers. If approved in the House, this would allow for a conference committee in Congress to reconcile the bill and send it to the President who would most likely sign it. Immigration reformers held a massive civil disobedience where 200 people were arrested in Washington D.C. on October 7, just two days after the October 5 mobilization. Later in the winter of 2013, reformers held a 22 day hunger strike in Washington D.C. from November 12 to December 3. The group of protesters, which were visited by President Obama and members of Congress, demanded that the House of Representatives take a vote on H.R. 15 to no avail.

Oppositional organizations have given up pushing for a CIR bill at least during the 113th Congress. Rather, they are shifting their strategy to put pressure on the Obama Administration to use its administrative power to halt deportations and to dismantle draconian migration control policies and programs. The latter oppositional forces convened a national gathering of activists to shut down ICE facilities in Phoenix, Arizona during the second week of October. These actions, attended by about 250 people, were convened by the National Day Laborer Organizing Network and Puente Arizona. They were designed to disrupt Operation Streamline, a federal program that charges those unauthorized to enter the United States with federal crimes and most often results in mandatory immigration detention and then deportation. During the action about 20 migrant activists were arrested after they successfully stopped Streamline for a day by chaining themselves to buses carrying undocumented migrants and to the entrance to

the building housing operation Streamline (Bogado). This was just one of many actions that took place across the country during the winter of 2013 where undocumented youth activists took bold steps to advance the oppositional agenda. Such actions included those of three young women from the Inland Empire Youth Coalition who chained themselves to the entrance of the Adelanto Detention Center in San Bernardino County, California. These young Latinas demanded the release of specific detainees and called on the President to halt deportations. In New Jersey youth activists laid down in front of ICE buses carrying detainees and made similar demands. Perhaps the action that got the most attention was one of an Asian migrant activist that interrupted President Obama during a speech in San Francisco by urging to use his executive power to stop deportations in November of 2013.

Civil disobedience tactics are being used by both immigration reformers and oppositional groups, the difference is in the nature of their strategy, demands and autonomy from the state-civil society nexus that is dominated by the Democrats and their allied Washington D.C. policy organizations. While the former is staffed by highly paid political operatives that are often working hand-in-glove with the Democratic party and civil society based organizations to demand comprehensive immigration reform, the latter is bringing attention to the enforcement apparatus and gross human rights violations taking place in the homeland security state and calling for its demilitarization.

While the differences between these sectors may seem profound, they are also complimentary. Immigration reformers have a tight network and an inside strategy with the administration and Democratic members of Congress, and oppositional sectors have creativity, courage, a vast network of young people who are pushing the immigration debate to the Left with their bold actions and mass based civil society strategy. These forces have been able to galvanize not just youth but other sectors of the migrant movement including some immigration reformers and intellectuals who have begun to publicly question the Obama Administration and to rethink their commitment to CIR proposals that exchange border militarization for legalization. Indeed, without the oppositional forces, it is unlikely that the Democrats would have dropped the border surge amendment in H.R.15. Oppositional forces have the political autonomy to organize bold actions and push the immigration debate to the Left in ways that immigration reformers are too imbedded in the state-civil society nexus to advance.

Given the climate in Congress, it is unlikely that the 113th Congress will pass immigration reform in 2013. With the growing discontent aimed at Republicans, it is likely that some of the most reactionary forces in the Republican Party will be voted out of office during the next midterm election and the Democrats will be in a more favorable

position to pass a bill that has more concessions for migrants. Such a scenario could bring about a reform bill that could provide short term relief from deportation, but not sustainable and transformative social justice.

The fight for justice, the elimination of state and civil society violence against migrants, goes much beyond any CIR bill and it will take a mass-based civil society movement calling for the dismantling of the homeland security state, especially its most egregious programs such as Operation Streamline and Secure Communities to say the least. For the oppositional sector of the migrant rights movement to be effective, several issues must be addressed. Most critically, it will require what Gramsci called pessimism of the mind but optimism of the spirit. When it comes to winning sustainable and transformative social justice victories for migrants, the struggle cannot be judged by its ability to arrive at the 279 votes in Congress needed to pass the Gang of Eight bill, or any CIR bill. It must also move beyond immigration reform or getting more Latinos elected to office. Indeed, if anything, the first four years of the Obama Administration exposed the structural limits of multiculturalism in a world system dominated by hegemonic states and global capitalism.

Latino politics, and all politics for that matter, are about the struggle for power, and power is much more than the ability to shape the outcome of an election, get a candidate elected, or have a place at the table in a meeting with White House staff (Gonzales). Elections, voting, lobbying, and high-power meetings are simply a means to an end. Power is much more fluid and complex; it is the ability for groups with competing interests and values to have their needs and demands met in a polity shaped by racialized class relations. Power, in the end, determines a group's access to social justice. The ultimate measure of Latino political power in the 21<sup>st</sup> century will be to win a sustainable and transformative social justice that dismantles the structures of state violence for working-class Latinos, regardless of their legal status.

No one can precisely predict the future of the fifty-five million Latinos in the United States in light of the global economic crisis and authoritarian statism. History, while shaped by macro-structural forces, is always contested by rival forces and thus could unfold in any direction. Indeed, Gramsci noted, "The decisive element in every situation is the permanently organized and long prepared force which can be put into the field when it is judged that a situation is favorable (and it can be favorable only in so far as such a force exists, and is full of fighting spirit)" (Forgacs). Judging by the 2006 *Mega-Marchas*, the struggle for the Dream Act through countless mobilizations, meetings, and actions, that have taken place over the last two decades, it is clear that there is a fighting spirit in Latino communities. But just like the spirit needs the body to

make concrete interventions in the material world, the fighting spirit of Latino migrant activists must find greater levels of organization and political clarity if they plan on being a democratizing force for turning the tide against, not just the homeland security state but, more profoundly, authoritarian statism. Regardless of what happens with immigration reform there are no easy answers, just struggles to be fought.

## REFERENCES

- Americas Voice, Blog. "Landmark Immigration Bill Passes". Web.
- Arnold, Kathleen R. *American Immigration Reform, After 1996: The Shifting Ground of Political Inclusion*. Pennsylvania: Penn State Press, 2011. Print.
- August, A. *Cuba and Its Neighbours: Democracy in Motion*. London: Zed Books, 2013. Print.
- Bogado, A. "A Group of Immigration Activists Disrupt ICE". *Colorlines*. 16 October 2013. Web.
- Barreto, M & G. Segura. "2012 Election Eve Poll." *ImpreMedia/Latino Decisions*. 7 November 2012. Web.
- Center for American Progress. "Sen. Robert Menendez and Pollster Matt Barreto on the 2012 Latino Vote and the Future of Immigration Reform" [video]. 14 November 2012. Web.
- Foley, E. "Immigration Reform Framework Includes Citizenship, Drones, and Dreamers." *The Huffington Post*. 28 January 2013. Web.
- Gonzales, A. "Power, Justice, and Survival: Latino Politics in the 21st Century." *NACLA Report on the Americas* 43: 6 (2010): 13–14. Print.
- Gonzalez, G. G. *Guest Workers or Colonized Labor: Mexican Labor Migration to the United States*. Boulder, CO: Paradigm Publishers, 2004: 154. Print.
- Gramsci, A. *The Antonio Gramsci Reader: Selected Writings 1916–1935*. D. Forgacs (Ed). New York: New York University Press, 2000. Print.
- Hernandez Mexicana. "Border Militarization Amendment Prevails with Majority Democratic Vote: No Faustian Bargaining or Us." Press Release. 27 June 2013. Web.
- Hunt, A. R. "Republicans to Watch on Immigration." *The New York Times*. 16 June 2013. Web.
- Lenoir, G. "Senate Immigration Bill Goes from Bad to Worse." Black Alliance for Just Immigration. 28 June 2013. Web.
- Lopez, M. H. & A. Gonzalez-Barrera. "Inside the 2012 Latino Electorate." Pew Hispanic Center. 3 June 2008. Web.

- National Immigrant Justice Center. "The Good & Bad in S.744: Border Security, Economic Competitiveness, and Immigration Modernization Act of 2013." Heartland Alliance Program. Web.
- National Network for Immigrant and Refugee Rights Press Blog. "Senate Nears Vote on Flawed Immigration Bill." 26 June 2013. Web.
- Oleaga, M. "Immigration Reform: Latino Groups to Lobby, Track Politicians' Stance and Votes for Comprehensive Immigration Reform." *Latinos Post*. 27 December 2012. Web.
- Ortiz, M. "Hispanic Caucus Repeats Same Old Immigration Reform Policy." *Politics* 365. 28 November 2012. Web.
- Poulantzas, N. *State Power Socialism*. London: Verso Books, 1978: 237. Print.
- Rocco, R. "The Structuring of Latino Politics: Neoliberalism and Incorporation," *NACLA Report on the America* 43: 6 (2010): 40–43. Print.
- Rodriguez, R. M. *Migrants for Export: How the Philippine State Brokers Labor to the World*. Minneapolis: University of Minnesota Press, 2010: xxii. Print.
- . *Russia Today*. "McCain: US will have 'the most militarized border since the fall of the Berlin Wall'". 25 June 2013. Web.
- Schey, P. "Analysis of Senate Bill 744's Pathway to Legalization and Citizenship." Los Angeles CA: Center for Human and Constitutional Rights, June 2013. Web.
- Shah, S. "House Appropriations Committee Approves \$147 Million More to Detain Immigrants." *Detention Watch Network*. 23 May 2013. Web.
- Vogal, R. "Transient Servitude: The Guest Workers Program For Exploiting Mexican and Central American Workers" *Monthly Review* 25: 8 (2007). Web.
- Young, I. M. "Justice and the Politics of Difference." Princeton, NJ: Princeton University Press, 1990.