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NEOLIBERAL IMMIGRATION POLICY AND ITS IMPACT ON AFRICAN AMERICANS

STEPHEN STEINBERG*

This paper builds on my earlier paper, *Immigration, African Americans, and Race Discourse*, published in *New Politics* in 2005.¹ In that paper, I argued that all through American history, beginning with slavery, ruling elites installed a system of occupational apartheid that relegated African Americans to the least desirable jobs in the preindustrial sectors of the national economy, especially Southern agriculture, and relied on European immigrants to provide the necessary manpower for burgeoning industries in the North. In effect, the industrial revolution was “for whites only,” reflecting a regional and racial division of labor that prevented blacks from gaining a foothold in job markets that allowed immigrants and their children to climb the ladder of success.² The mechanization of Southern agriculture, which progressed incrementally through the twentieth century and culminated with the development of the automated cotton-picking machines in the 1950s, drastically curtailed the South’s dependency on black labor, and triggered a massive influx of blacks to Northern cities.³ Not only were these labor markets dominated by white ethnics and their unions, which engaged in unabashed nepotism and rampant racism, but these industries themselves were undergoing a longterm decline as jobs were automated out of existence or exported to other regions of the country or to other nations.⁴

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1. Stephen Steinberg, *Immigration, African Americans, and Race Discourse*, *NEW POL.*, Summer 2005, available at <http://www.wpunj.edu/~newpol/issue39/Steinberg39.htm>, reprinted in *RACE AND LABOR MATTERS IN THE NEW U.S. ECONOMY* 175 (Manning Marable et al. eds., 2006).

2. BOB BLAUNER, *STILL THE BIG NEWS: RACIAL OPPRESSION IN AMERICA* 44–63 (rev. ed. 2001).

3. See generally NICHOLAS LEMANN, *THE PROMISED LAND: THE GREAT BLACK MIGRATION AND HOW IT CHANGED AMERICA* (Vintage 1992); FRANCES FOX PIVEN & RICHARD A. CLOWARD, *POOR PEOPLE’S MOVEMENTS: WHY THEY SUCCEED, HOW THEY FAIL* 181–263 (1978).

4. See generally STANLEY LIEBERSON, *A PIECE OF THE PIE: BLACKS AND WHITE IMMIGRANTS SINCE 1880* 1–15 (1980); DAVID R. ROEDIGER, *THE WAGES OF WHITENESS: RACE AND THE MAKING OF THE AMERICAN WORKING CLASS* (2007); WILLIAM

The post-civil rights era presented yet another opportunity to incorporate blacks into the mainstream of the American economy. As cities recovered from the flight of industries, the restructuring of the urban economy generated new demand for labor in the expanding service sector.⁵ In the wake of the civil rights revolution and the passage of laws proscribing employment discrimination, African Americans were uniquely positioned to take advantage of these expanding opportunities. However, they encountered yet another massive influx of immigrants, thanks to the passage of the Immigration and Nationality Act of 1965, abrogating the national origins quotas that had long restricted immigration to Northern and Western Europe.⁶ Once again, African Americans found themselves in the proverbial position of being “last hired,” despite the fact that their new competitors in the labor market were mostly “people of color.” To make matters worse, in both popular and academic discourses, immigrants have been cited as proof that African Americans lack the pluck and determination that have allowed millions of immigrants from Asia, Latin America, and the Caribbean to pursue the American dream.⁷

To be sure, mass immigration, including that of so-called “illegal” immigrants, has conferred immense economic benefit on the nation, and if only for this reason, these workers have earned the right of citizenship. But neither can it be denied that the policies that have spurred legal and illegal immigration have dealt yet another blow to the aspirations of African Americans for jobs and opportunity. Occupational apartheid is still a fact of life, and, with the evisceration of affirmative action laws and programs, is certain to grow even worse in the years ahead, notwithstanding the elevation of one African American to the top job in the nation.

JULIUS WILSON, *THE DECLINING SIGNIFICANCE OF RACE: BLACKS AND CHANGING AMERICAN INSTITUTIONS* 88–121(2d ed. 1980) (1978).

5. WILSON, *supra* note 4; see also ROGER WALDINGER, *STILL THE PROMISED CITY?: AFRICAN AMERICANS AND NEW IMMIGRANTS IN POST-INDUSTRIAL NEW YORK* (1996); Roger Waldinger & Jennifer Lee, *New Immigrants in Urban America*, in STRANGERS AT THE GATES 30 (Roger Waldinger ed., 2001).

6. Officially, the Hart-Celler Act, Pub. L. No. 89-236, 79 Stat. 911 (1965).

7. See e.g., THOMAS SOWELL, *ETHNIC AMERICA: A HISTORY* (1981); WILLIAM JULIUS WILSON, *WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR* 136–45 (1996); Joel Perlmann, *Introduction: The Persistence of Culture Versus Structure in Recent Work. The Case of Modes of Incorporation*, in IMMIGRANTS, SCHOOLING AND SOCIAL MOBILITY: DOES CULTURE MAKE A DIFFERENCE? 22 (Hans Vermeulen & Joel Perlmann eds., 2000). On the supposed cultural deficiencies of African Americans, Sowell notes:

Groups today plagued by absenteeism, tardiness, and a need for constant supervision at work or in school are typically descendants of people with the same habits a century or more ago. The cultural inheritance can be more important than biological inheritance, although the latter stirs more controversy.

SOWELL, *supra*, at 284.

In this paper, I explore policy options for reconciling the legitimate interests of both immigrants and African Americans. First, however, it is necessary to rethink the politics that drive current immigration policy, and to remove the liberal blinders that have prevented us from confronting the negative impact of neoliberal immigration policy on African Americans who, we must remember, did not come as immigrants and endured two centuries of slavery and another century of Jim Crow. To be sure, there has been much progress during the post-civil rights era, but this does not reflect a deracialization of labor markets so much as it does the implementation of affirmative action mandates, which have been eviscerated by a series of Supreme Court decisions.⁸ As a result, occupational apartheid remains intact, and the majority of African Americans languish on the fringes of the job market or outside the job market altogether, and another generation of black youth grow up in poverty. It is not my contention that we should slam the door shut on aspiring immigrants, who have historical and political claim for access to American job markets. The question is whether we can envision an immigration policy that strikes a balance between the rights and interests of both African Americans and immigrants.

* * *

Immigrants fit perfectly into the Left imaginary. This is especially true of the estimated twelve million⁹ who are undocumented. This latest upsurge of immigration, both legal and illegal, began in the early 1970s. In the case of migrants from Mexico and Central America, “[i]mmigration was not the first choice for the poor,” as James Petras reminds us in an incisive online piece published in *Dissident Voice*.¹⁰ Most were peasants evicted from agriculture when land was consolidated into large-scale agro-export plantations under the imperial hand of the

8. See, e.g., *Regents of the Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978) (holding that while race was a legitimate factor in college admissions decisions, “quotas” were not); *Wygant v. Jackson Bd. of Educ.*, 476 U.S. 267 (1986) (ruling against a school board’s special protection of minority employees in layoff decisions); *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 472 (1989) (calling affirmative action “a highly suspect tool” and subjecting the practice in the states to “strict scrutiny”); *Adarand Constructors v. Peña*, 515 U.S. 200 (1995) (applying strict scrutiny to federal affirmative action programs); *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 127 S.Ct. 2738 (2007) (holding that public schools cannot use racial classifications for student assignments). See also *Grutter v. Bollinger*, 539 U.S. 306 (2003) and *Gratz v. Bollinger*, 539 U.S. 244 (2003) (reaffirming the holding of *Bakke*).

9. Jeffrey S. Passel, Pew Hispanic Ctr., *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.*, at i (Mar. 7, 2006), <http://pewhispanic.org/files/reports/61.pdf>.

10. James Petras, *Following the Profits and Escaping the Debts: International Immigration and Imperial-Centered Accumulation*, *DISSIDENT VOICE*, Aug. 8, 2006, <http://www.dissidentvoice.org/Aug06/Petras08.htm>.

International Monetary Fund, the World Bank, and private financial institutions.¹¹ More recently, NAFTA removed tariffs that opened Mexican markets to U.S.-subsidized agricultural products, again dislocating immense numbers of agricultural workers.¹² Add to this the imperial wars in Nicaragua and Guatemala that unleashed a huge stream of political refugees—not only peasants, but also teachers, health workers, and other professionals.¹³ In short, these so-called “illegal immigrants” are the product of the ravages of U.S. economic imperialism and military intervention in their home countries. At great risk and cost, they come to the U.S. where their labor is desperately needed and unconscionably plundered, yet they are hypocritically denied rights of citizenship and tagged as “illegal.” In 2006, we witnessed the spectacular mobilization of millions of immigrants protesting legislation¹⁴ that threatened immigrants with imprisonment and deportation, and even levied criminal penalties on treasonous social workers who gave aid and comfort to these economic and political refugees.¹⁵ No wonder the Left rallies to the cause of these struggling immigrants.

However, there are other ramifications of the immigration question that complicate the Left imaginary and present us with difficult choices.

I. THE POLITICS OF IMMIGRATION

Contrary to prevailing belief, immigration policy is not a liberal project. Rather, it is the machination of the political Right—or more accurately, a business-oriented faction of the Right. Why else did George W. Bush spend his diminishing political capital fighting for immigration reform? Why did John McCain support the Bush reform bill? Why is business protesting the recent surge of INS raids of workplaces where undocumented workers are employed?¹⁶ In point of fact, the champions of current immigration policy are not liberals, much less ethnic leaders and organizations, but free-market economists—neoliberals—who see mass immigration as a panacea for a variety of economic ills.

11. *Id.*

12. *Id.*; see also ARISTIDE R. ZOLBERG, *A NATION BY DESIGN: IMMIGRATION POLICY IN THE FASHIONING OF AMERICA* 383 (2006).

13. Petras, *supra* note 10; ZOLBERG, *supra* note 12, at 352–53.

14. Border Protection, Anti-terrorism, and Illegal Immigration Control Act of 2005, H.R. 4437, 109th Cong. (2005).

15. See, e.g., Shannon D. Harrington, *U.S. Immigration Protests Fill Streets, Seek Reforms*, BLOOMBERG.COM, Apr. 10, 2006, <http://www.bloomberg.com/apps/news?pid=10000086&sid=aB3uF0y5.Hfs> (reporting on the April 10 rallies, the date with the largest turnout nationwide).

16. See, e.g., Julia Preston, *Employers Fight Tough Measures on Immigration*, N.Y. TIMES, July 6, 2008, at A1, available at <http://www.nytimes.com/2008/07/06/us/06employer.html>.

As David Harvey has observed, academic economists were among the progenitors of neoliberal theory and policy.¹⁷ This was conspicuously the case with respect to immigration policy. For example, in 1989 Julian Simon (who received his Ph.D. in business economics from the University of Chicago) published a book on *The Economic Consequences of Immigration*, and two years later Simon followed up with an article in *The Public Interest*, a neoconservative publication, entitled *The Case for Greatly Increased Immigration*.¹⁸ Simon argued:

1. That the nation stood to gain technologically through the addition of “top scientific talent.”¹⁹ (Never mind that from the standpoint of the sending countries, this amounted to a brain drain. Never mind that domestic workers might otherwise receive training, whether as nurses or tech workers or engineers.)

2. That immigration was necessary to satisfy business’s demand for labor, given declining birth rates that have sunk even below replacement levels.²⁰ (Never mind that tight labor markets might have led to higher wages and better working conditions as employers competed for scarce workers.)

3. That immigrants helped to pay for the Social Security pensions of the burgeoning number of baby boomers.²¹ (According to an article in the *New York Times*, in 2002 illegal immigrants paid \$6.4 billion in Social Security taxes for benefits that they will never receive.²²)

4. That immigration boosted the image of the United States abroad²³ (read: immigrants fit nicely into various foreign policy agendas. No surprise that corporations have discovered the virtues of “diversity” in a global market. Consider as well the importance of Antonio Villaraigosa, Bobby Jindal, and Barack Obama in providing American imperialism with a multicultural face.²⁴)

Granted, there have been some strident voices on the Right like Peter Brimelow, whose book *Alien Nation* was an unalloyed nativist screed.²⁵ But this brand of nativism is obsolete in a global economy, and

17. DAVID HARVEY, *A BRIEF HISTORY OF NEOLIBERALISM* 19 (2005).

18. JULIAN L. SIMON, *THE ECONOMIC CONSEQUENCES OF IMMIGRATION* (2d ed. Univ. of Michigan Press 1999) (1989); Julian L. Simon, *The Case for Greatly Increased Immigration*, 102 *PUB. INT.* 89 (1991).

19. Simon, *The Case for Greatly Increased Immigration*, *supra* note 18, at 90.

20. *Id.*

21. *Id.*

22. Eduardo Porter, *Illegal Immigrants are Bolstering Social Security With Billions*, *N.Y. TIMES*, Apr. 5, 2005, at A1, available at <http://www.nytimes.com/2005/04/05/business/05immigration.html>.

23. Simon, *The Case for Greatly Increased Immigration*, *supra* note 18, at 90.

24. *Cf.* Jodi Melamed, *The Spirit of Neoliberalism: From Racial Liberalism to Neoliberal Multiculturalism*, 89 *SOC. TEXT* 1 (2006).

25. PETER BRIMELOW, *ALIEN NATION: COMMON SENSE ABOUT AMERICA’S IMMIGRATION DISASTER* (1996).

Simon's 1989 book pumping immigration received rhapsodic reviews in the *Wall Street Journal*, *Forbes*, *Business Week*, *The American Spectator*, and *Barron's National Business and Financial Weekly*.²⁶

Other cheerleaders of "greatly increased immigration" contended that immigration lowered inflation²⁷ (never mind that it does this by depressing wages and busting unions!). Or that immigrants lowered the deficit by propping up domestic manufacturing²⁸ (never mind that this translates into sweatshops!).

Still others argued that immigration generates economic activity through enclave economies²⁹ (never mind that this amounts to the creation of a sub-proletariat of immigrant workers consigned to live in segregated ethnic enclaves, denied of political rights and fearful of deportation!).

In short, immigration is a neoliberal policy, and immigrants are central to the neoliberal project. It is the flip side of imperialist intervention in the economy and politics of Central and South American nations, and advances the neoliberal project in the receiving countries. All of this raises a vexing question: *How is it that the Left rails against neoliberal trade policy that exports millions of jobs to low-wage countries, but is silent when it comes to neoliberal immigration policy that imports millions of low-wage workers to U.S. labor markets?* In its reflexive support for immigrant rights, has the Left turned a blind eye to the negative consequences of immigration policy for workers, unions, and the cause of racial and economic justice?

II. AFRICAN AMERICANS

The downside of neoliberal immigration policy is especially evident when it comes to African Americans. The standard cant among immigration scholars is that immigrants take jobs that African Americans do not want. Well, this *may* be true of agricultural field work, food processing plants, sweatshops, and restaurant kitchens, but it is clearly not the case in other occupations where immigrants have made significant

26. William McGurn, *Let 'Em In: The Argument for Immigrants*, WALL ST. J. (Eastern ed.), Nov. 10, 1989, at 1; James Cook, *As I See It: The More the Merrier*, FORBES, Apr. 2, 1990, at 77; Michael Mandell, *Does America Need More "Huddled Masses"?* Yes, BUS. WK., Mar. 12, 1990, at 20; Gregory Fossedal, Book Review, AM. SPECTATOR, Feb. 1990, at 45 (reviewing SIMON, ECONOMIC CONSEQUENCES, *supra* note 18); Ben Rast, *Balancing the Books*, BARRON'S NAT'L BUS. & FIN. WKLY., Nov. 12, 1990, at 32.

27. Ben J. Wattenberg & Karl Zinsmeister, *The Case for More Immigration*, COMMENTARY, Apr. 1990, at 19, 22; see also Shankar Vedantam, *When Immigration Goes Up, Prices Go Down*, WASH. POST, Oct. 15, 2007, at A03, available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/10/14/AR2007101400993.html>.

28. Wattenberg & Zinsmeister, *supra* note 27, at 21.

29. Tarry Hum, *The Promises and Dilemmas of Immigrant Ethnic Economies*, in ASIAN AND LATINO IMMIGRANTS IN A RESTRUCTURING ECONOMY: THE METAMORPHOSIS OF SOUTHERN CALIFORNIA 77 (Marta López-Garza & David R. Diaz eds., 2001).

inroads: in construction, light manufacturing, building maintenance, the hotel and leisure industry, the healthcare industry, and even public-sector jobs where nearly one-third of blacks are employed.³⁰ Indeed, there is a curious contradiction in the literature: scholars of immigration deny that immigrants get ahead “on the backs of blacks,” as Toni Morrison has famously alleged.³¹ Yet they celebrate the occupational mobility of immigrants and their children. This success is then cited as proof that blacks lack the requisite social and cultural capital that have allowed immigrants to claw their way out of poverty.³²

To put this in historical perspective, during the racial crisis of the 1970s, liberal policy wonks issued public reassurances that things would get better by the end of the century, when declining birth rates would result in tight labor markets that would finally soak up the excess of black labor. In 1973, Eli Ginsberg, a prominent Columbia University economist, went so far as to predict that “by 1980, one of every two new young workers in the city will be black or Puerto Rican.”³³ Well, something happened on the way to the new millennium—the importation of some thirty-five million legal immigrants,³⁴ plus millions of undocumented workers. This massive influx of foreign workers occurred precisely at a time when blacks were positioned to take advantage of the gains forged by the Civil Rights Movement. It is worth remembering that most of these immigrants would not be here but for the black liberation movement, which led to the passage of the Immigration and Nationality Act of 1965, abolishing quotas that previously restricted immigration to Northern and Western Europe.³⁵ To be blunt, the new immigrants from Asia and Latin America have incurred a political debt to African Ameri-

30. E.g., ROGER WALDINGER & MICHAEL I. LICHTER, *HOW THE OTHER HALF WORKS: IMMIGRATION AND THE SOCIAL ORGANIZATION OF LABOR* 205–17 (2003); Kristine M. Zentgraf, *Through Economic Restructuring, Recession, and Rebound[.] The Continuing Importance of Latina Immigrant Labor in the Los Angeles Economy*, in *ASIAN AND LATINO IMMIGRANTS IN A RESTRUCTURING ECONOMY*, *supra* note 29, at 46.

31. Toni Morrison, *On the Backs of Blacks*, *TIME*, Dec. 2, 1993, available at <http://www.time.com/time/community/morrisonessay.html>; see also Vernon M. Briggs, Jr., *The Economic Well-Being of Black Americans: The Overarching Influence of U.S. Immigration Policies*, in *THE IMPACT OF IMMIGRATION ON AFRICAN AMERICANS 1* (Steven Shulman ed., 2004).

32. Nelson Lim, *On the Back of Blacks? Immigrants and the Fortunes of African Americans*, in *STRANGERS AT THE GATES*, *supra* note 5, at 186. See also note 7 *supra* and accompanying text.

33. Christopher S. Wren, *Skilled Minorities Called City's Hope for Future*, *N.Y. TIMES*, Feb. 27, 1973, at 39.

34. Dan Glaister & Ewen MacAskill, *U.S. Counts Cost of Day Without Immigrants*, *GUARDIAN*, May 6, 2006, available at <http://www.guardian.co.uk/world/2006/may/02/usa.topstories3>.

35. See JOHN D. SKRENTNY, *THE MINORITY RIGHTS REVOLUTION* 2, 21, 52, 331 (2002); DANIEL J. TICHENOR, *DIVIDING LINES: THE POLITICS OF IMMIGRATION CONTROL IN AMERICA* 215 (2002).

cans. Sadly, this is not a debt that is likely to be paid. Like earlier waves of immigrants, the new immigrants disassociate themselves from African Americans and their struggles.³⁶ Indeed, as Toni Morrison went on to say, these immigrants, including Latinos and even Caribbeans, establish their legitimacy by distancing themselves from the black nemesis.³⁷

III. POLICY DILEMMAS

What to do about the negative consequences of neoliberal immigration policy, not only for African Americans, but also other low-income workers, including immigrants themselves? This is the ultimate policy question that the Left is loathe to talk about, precisely because it presents difficult choices. Instead, we hear a lot of cant about “open borders.”³⁸ Or empty rhetoric about forging alliances between Latinos and African Americans.³⁹ Or we are discouraged from even raising the issue because it pits one nationality against the other (as though Asians and Latinos are not complicit in the exclusion of blacks from their hiring networks, unions, and enclave economies). Or we hear blanket denials that blacks and Latinos compete for the same jobs and opportunities.⁴⁰ Or utopian

36. See, e.g., NICOLÁS C. VACA, *THE PRESUMED ALLIANCE: THE UNSPOKEN CONFLICT BETWEEN LATINOS AND BLACKS AND WHAT IT MEANS FOR AMERICA* (2004).

37. To quote Morrison: “In race talk the move into mainstream America always means buying into the notion of American blacks as the real aliens. Whatever the ethnicity or nationality of the immigrant, his nemesis is understood to be African American.” Morrison, *supra* note 31.

38. See, e.g., NICHOLAS DE GENOVA, *WORKING THE BOUNDARIES: RACE, SPACE, AND “ILLEGALITY” IN MEXICAN CHICAGO* (2003); JASON L. RILEY, *LET THEM IN: THE CASE FOR OPEN BORDERS* (2008); Robert L. Bartley, *Open NAFTA Borders? Why Not?*, WALL ST. J., July 2, 2001, at A15, available at <http://www.opinionjournal.com/columnists/rbartley/?id=95000738>.

39. For a pessimistic view of the prospects of a Black-Latino coalition, see VACA, *supra* note 36. For a more sanguine analysis, see Ron Hayduk & Susanna Jones, *Immigrants and Race in the U.S.: Are Class-Based Alliances Possible?*, 22 *SOCIALISM & DEMOCRACY* 335 (2008). The 2008 Presidential election provided fodder for both the pessimists and the optimists of interracial coalition. In the Democratic primary, Hillary Clinton garnered two-thirds of the Latino vote in California, New Jersey, New Mexico, New York, Puerto Rico, and Texas, and this was as true among young voters as older ones. See Susan Minushkin & Mark Hugo Lopez, Pew Hispanic Ctr., *The Hispanic Vote in the 2008 Democratic Presidential Primaries* 1–3 (rev. June 3, 2008), <http://pewhispanic.org/reports/report.php?ReportID=98>. However, according to exit polls, two-thirds of Hispanics voted for Obama in the general election. See Mark Hugo Lopez, Pew Hispanic Ctr., *How Hispanics Voted in the 2008 Election* (rev. Nov. 7, 2008), <http://pewresearch.org/pubs/1024/exit-poll-analysis-hispanics>.

40. See, e.g., Simon, *The Case for Greatly Increased Immigration*, *supra* note 18, at 96 (“A good-sized body of competent recent research shows that immigration does not exacerbate unemployment, even among directly competing groups; in California, for instance, immigrants have not increased unemployment among blacks and women.”); Wattenberg & Zinsmeister, *supra* note 27, at 20–21 (“Indeed, one finds little evidence of higher unemployment or of a serious depressive effect on wages even among the most

proposals for incorporating immigrant workers into unions, thus eliminating the two-tier labor market that gives employers incentive to hire immigrants.⁴¹

Let us try to envision a Left agenda on immigration—one that takes into account the legitimate interests of both immigrants and African Americans:

1. *We must reject the tag “illegal immigrants.”* To echo C. Wright Mills, when two or three individuals—or for that matter, groups of twenty or thirty—sneak across the border, this is a matter of individual malfeasance, subject to penalty.⁴² But when twelve million people violate immigration laws, then this is no longer simply a matter of “individual choice” or “market forces,” but rather, as Petras writes, “a consequence of the policies of the imperial state.”⁴³ These twelve million workers “comprise the vast connective tissue that allows the American economy to function,” as Justin Akers Chacón and Mike Davis argue in their book, *No One Is Illegal*.⁴⁴ Aside from providing indispensable labor, immigrants pay an estimated \$133 billion in taxes to federal, state, and local governments.⁴⁵ According to a report by the American Farm Bureau Federation, the cutoff of migrant labor would lay waste \$5 to \$9 billion of agricultural revenue, and as many as one-third of farm producers.⁴⁶ In short, the practice of criminalizing the undocumented while profiting from their labor is sheer hypocrisy.

2. *While the slogan of “open borders” is just that, a vacuous evasion of the real issues, it is a different matter when it comes to the border between Mexico and the United States.* Indeed, the border was open for nearly half of U.S. history. There is national amnesia that in its imperial expansion, the U.S. conquered and annexed forty percent of Mexico’s national territory, a vast area comprising the present states of California, Nevada, Utah, and parts of Colorado, Arizona, New Mexico, and Wyoming.⁴⁷ The claim that migrants are returning to “occupied Mexico” cannot be dismissed as hyperbole: Mexicans have historical and moral claim for access to U.S. territory and labor markets, and this should be reflected in an immigration policy that provides substantially higher quotas for Mexicans.

vulnerable native groups—low-skill black workers or American-born Hispanics—when there is a rise in the proportion of immigrants in the local labor market.”).

41. See, e.g., Peter Drucker, *Mobilizing Immigrants and Blacks*, NEW POL., Winter 2006, available at <http://www.wpunj.edu/newpol/issue40/Drucker40.htm>.

42. C. WRIGHT MILLS, *THE SOCIOLOGICAL IMAGINATION* 8–10 (40th anniv. ed. Oxford Univ. Press 2000).

43. Petras, *supra* note 10.

44. JUSTIN AKERS CHACÓN & MIKE DAVIS, *NO ONE IS ILLEGAL: FIGHTING RACISM AND STATE VIOLENCE ON THE U.S.-MEXICO BORDER* 157 (2006).

45. *Id.* at 165.

46. *Id.* at 159.

47. MYLES E. HILL & JOHN S. GOFF, *ARIZONA: PAST AND PRESENT* 128 (1970).

3. *There should be a blanket amnesty for undocumented workers who have been here for four years.* The clear precedent is the 1986 Immigration Reform and Control Act (IRCA), passed overwhelmingly by Congress and signed by that renowned Leftist, Ronald Reagan.⁴⁸ It gave amnesty to 2.7 million immigrants who arrived before 1982.⁴⁹

So far so good. But what should be done about the job crisis in the black community that is exacerbated by flooding labor markets with foreign workers who receive preference in hiring? In Washington and Chicago, as many as half of black men are outside the labor force,⁵⁰ and instead of programs to address the job crisis in the black community, Barack Obama delivered a Father's Day oration replete with homilies on becoming better husbands and fathers.⁵¹ Can the Left give unequivocal support to the immigrant cause, and pretend there is no relationship between immigration and the job crisis in the black community? For that matter, what does the Left have to offer the white victims of NAFTA in Michigan and Ohio, besides the commiseration and false promises that we heard in the 2008 election?⁵²

4. *The conclusion is unavoidable: we need a manpower policy that takes the interests of domestic workers into account, even if this means calibrating immigration quotas to economic conditions and unemployment rates.* Nor should the idea of reducing the volume of immigration be viewed as

48. Pub. L. No. 99-603, 100 Stat. 3359 (1986).

49. *ILLEGAL IMMIGRATION IN AMERICA: A REFERENCE HANDBOOK* 33-35 (David W. Haines & Karen Elaine Rosenblum eds., 1999).

50. See Harry J. Holzer, *Reconnecting Young Black Men*, WASH. POST, May 15, 2006, available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/05/15/AR2006051500312.html> (reporting that "as few as 20 percent of black teens are employed at any time" and that, of those black men aged 16-24 who are not in school, only "about half" are working); PETER EDELMAN ET AL., *URBAN INST., RECONNECTING DISADVANTAGED YOUNG MEN: IMPROVING EDUCATION AND EMPLOYMENT OUTCOMES* ch. 1 (2005), available at <http://www.urban.org/pubs/reconnecting/chapter1.html> (same); Bob Herbert, *Locked Out at a Young Age*, N.Y. TIMES, Oct. 20, 2003, at A17, available at <http://query.nytimes.com/gst/fullpage.html?res=9400E0D7103EF933A15753C1A9659C8B63> (reporting that forty-five percent of black men aged 20-24 in Chicago are out of school and jobless); see also VERNON M. BRIGGS, JR., *MASS IMMIGRATION AND THE NATIONAL INTEREST: POLICY DIRECTIONS FOR THE NEW CENTURY* 224-26 (3d ed. 2003) [hereinafter BRIGGS, *MASS IMMIGRATION*] (discussing the widening gap in labor force participation by black males as opposed to white males). For more on the labor crisis among black males, see generally *BLACK MALES LEFT BEHIND* (Ronald B. Mincy ed., 2006).

51. See Julie Bosman, *Obama Calls for More Responsibility From Black Fathers*, N.Y. TIMES, June 16, 2008, at A15, available at <http://www.nytimes.com/2008/06/16/us/politics/16obama.html>. The video is available at <http://www.youtube.com/watch?v=Hj1hCDjwG6M> (last visited Mar. 3, 2009).

52. Associated Press, *Obama, Clinton Spar Over NAFTA in Fiery Debate*, Feb. 26, 2008, available at <http://www.cbc.ca/world/usvotes/story/2008/02/26/debate-democrats.html>. The full debate transcript is available at <http://www.iht.com/articles/2008/02/27/america/26textdebate.php>.

betrayal of the immigrant cause. Early in the twentieth century, Jewish labor leaders grappled with the problem that the relentless influx of their co-religionists from abroad undermined efforts to organize the garment trades.⁵³ César Chávez faced the same dilemma in the struggle to organize migrant farm workers.⁵⁴ The fact of the matter is that immigrant workers are the first to feel the brunt of overcrowded labor markets.

5. *The expulsion of surplus population has too long served as a political safety valve for oligarchic regimes.* As Petras writes, “out-migration is a tremendous loss for the labor-exporting countries[’s] economic capability, despite the rising inflows of immigrant remittances to the home country.”⁵⁵ There is a certain romance about immigration that runs through the immigration literature—of the tired, the poor, and the huddled masses, yearning to be free. But Petras offers us a more sobering account, from the perspective of the sending countries: “Imperial interventions, which block revolutions and profound structural changes and forcibly uproot families and labor, create a mass of potential international immigrants to the imperial country.”⁵⁶ In other words, immigration serves imperialism’s purposes in both the sending and receiving countries, while these hapless immigrants are uprooted and mercilessly sent adrift to fend for themselves, in a situation where their desperation makes them all the more exploitable.

6. *The 1986 amnesty was part of a deal that entailed future sanctions on employers who hired undocumented workers.* However, sanctions were rarely enforced, primarily due to the failure to pass a reliable identification system for verifying employee eligibility.⁵⁷ The most effective and humane way to curb illegal immigration is not to spend billions of dollars sealing off our borders and hunting down workers as though they were criminals. Instead, there should be a second amnesty in exchange for the institution of a national ID card that would facilitate the enforcement of employer sanctions already on the books.⁵⁸

I know this idea is anathema not only to the Luddites among us, but also to civil libertarians who have legitimate concerns about potential

53. IRVING HOWE, *WORLD OF OUR FATHERS: THE JOURNEY OF THE EAST EUROPEAN JEWS TO AMERICA AND THE LIFE THEY FOUND AND MADE* 52–53 (1976).

54. See RANDY SHAW, *BEYOND THE FIELDS: CÉSAR CHÁVEZ, THE UFW, AND THE STRUGGLE FOR JUSTICE IN THE 21ST CENTURY* 15 (2008); United Farm Workers, *The Story of César Chávez*, 2006, http://www.ufw.org/_page.php?menu=research&inc=history/07.html; ZOLBERG, *supra* note 12, at 341–42.

55. Petras, *supra* note 10.

56. *Id.*

57. BRIGGS, *MASS IMMIGRATION*, *supra* note 50, at 185; TICHENOR, *supra* note 35, at 261–62; ZOLBERG, *supra* note 12, at 379, 383.

58. Steven Shulman and Robert C. Smith came to the same conclusion in their article *Immigration and African Americans*, in *AFRICAN AMERICANS IN THE U.S. ECONOMY* 199, 204 (Celia A. Conrad et al. eds., 2005).

abuses of such a databank.⁵⁹ However, a national ID is commonplace in many democratic nations in Europe, Asia, and Latin America. As John Torpey points out, identity cards can be used for good as well as ill, “enabling their bearers to obtain access to the benefits associated with citizenship,” including the voting booth.⁶⁰ Clearly, safeguards are imperative. Remember, though, that the current system has political drawbacks as well. To repeat, there is nothing progressive about creating a sub-proletariat of immigrant workers, nor about bumping domestic workers from entire industries and whole job sectors.

7. *There is an urgent need for policies and programs to address the job crisis in the African American community.* Much of the economic progress made during the post-civil war period reflects the impact of affirmative action policy, not only in the professions and corporate management, but also in major blue-collar industries.⁶¹ The gutting of affirmative action by neocons and reactionary jurists propped up by the Federalist Society is an irreparable setback.⁶² But we also have to confront the fact that the Left has often equivocated on affirmative action because it antagonizes white workers. Here, too, we must confront an unpalatable truth: “divide and conquer” is not only the mischief of greedy capitalists, but also of workers and their unions.⁶³ The end result is the persistence of a dual labor market that allocates the best jobs, especially in core industries, to whites, and increasingly to immigrants, while another generation of black youth languish on the margins of the job market.

As I argue in *Race Relations: A Critique*, the U.S. is evolving into a dual melting pot that corresponds to this dual labor market.⁶⁴ One melt-

59. See, e.g., ACLU, *National ID Cards: Five Reasons Why They Should Be Rejected* (Sept. 8, 2003), <http://www.aclu.org/privacy/gen/14898res20030908.html>.

60. JOHN TORPEY, *THE INVENTION OF THE PASSPORT: SURVEILLANCE, CITIZENSHIP, AND THE STATE* 165 (2000).

61. See generally TERRY H. ANDERSON, *THE PURSUIT OF FAIRNESS: A HISTORY OF POLITICAL ACTION* 275–84 (2004); WILLIAM G. BOWEN & DEREK BOK, *THE SHAPE OF THE RIVER: LONG TERM CONSEQUENCES OF CONSIDERING RACE IN COLLEGE AND UNIVERSITY ADMISSIONS* (1998); Harry J. Holzer & David Neumark, *Assessing Affirmative Action* (Nat'l Bureau of Econ. Research, Working Paper No. W7323, 1999), available at <http://ssrn.com/abstract=197088>.

62. Cf. George E. Curry & Trevor W. Coleman, *Hacking Justice: The Federalist Society, A Right-Wing Network of Lawyers, Judges and Supporters, is Undoing Civil Rights and Other Gains Made Through the Courts*, EMERGE, Oct. 1999, at 42, reprinted in *THE BEST OF Emerge Magazine* 535 (George E. Curry ed., 2003); see also Jerry Landay, *The Federalist Society: The Conservative Cabal That's Transforming American Law*, WASH. MONTHLY, Mar. 2000, available at <http://www.washingtonmonthly.com/features/2000/0003.landay.html>.

63. Herbert Hill, *Race, Ethnicity, and Organized Labor: The Opposition to Affirmative Action*, NEW POL., Winter 1987, at 31; Herbert Hill, *Race and Ethnicity in Organized Labor: The Historical Sources of Resistance to Affirmative Action*, 13 J. INTERGROUP REL. 5 (1984).

64. STEPHEN STEINBERG, *RACE RELATIONS: A CRITIQUE*, *supra* note *, at 140–41; see also GEORGE YANCEY, *WHO IS WHITE: LATINOS, ASIANS, AND THE NEW*

ing pot is for people of African descent, including African Americans, Afro-Caribbeans, Afro-Latinos, and recent immigrants from Africa. The other melting pot is for everybody else, not just Europeans but also Asians and light-skinned Latinos. What can we expect from a colorblind Left that insists on seeing the world only through the prism of class? We need to construct a Left imaginary that takes *both* race and class into account, and that confronts the role that immigration plays in deepening the racial divide.

