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Capitalism and the Immigrant Rights Movement in the United States

Marcel Paret, Sofya Aptekar, and Shannon Gleeson

America is fueled by the contributions of workers and immigrants who keep our nation afloat. Together, we are sending one clear message to the current administration: Our determination will stop deportation. Our feet will overcome any tweet. And our vision for what America should be will overpower Trump's division"¹ – May 1, 2017

Rusty Hicks, Executive Secretary-Treasurer

Los Angeles County Federation of Labor, AFL-CIO.

[6/2/19: Hicks was elected chairman of the California Democratic Party]

Introduction

Social movements are full of contradictions, and an inherent tension often emerges between reformist and radical flanks. This becomes especially true as activists attempt to draw connections between varied aims such as opposition to globalization and support for immigrants. During the 1999 Battle of Seattle, the movement focused on opposing neoliberalism (Graeber 2002) and advocating for alternative visions of globalization (Reitan 2012). Some activists also noted the hypocrisy of opening borders to capital while militarizing the borders for migrants. Yet, in the end, immigrant rights movements and their central issues did not feature prominently in Seattle or later anti-globalization efforts. Simultaneously, however, most immigrant rights advocates have not prioritized opposition to the destructive power of global capitalism. In this paper, we consider the implication of this critical omission.

The relationship of immigrant rights movements to anti- or alter-globalization movements is not straightforward, in part because of the tension between two opposing frameworks: "the right to stay" and "the right to move." The former framework is compatible with struggles against neoliberalism, in that it prioritizes opposition to harmful economic policies that disrupt livelihoods and displace communities in developing countries. Yet, this position may align comfortably with First World nationalisms that frame migrants as hurting native-born workers, and that justify building material and legal walls.

In some ways, the idea of a human right to migrate is central to alternative visions of globalization (Graeber 2002; Hardt and Negri 2000). It is compatible with challenges to neoliberal capitalism in that it seeks to provide workers with the same freedom of movement that capital currently enjoys. Undermining militarized border regimes is one way to oppose labor hierarchies, including those that divide workers living in different countries, and those dividing migrant and native-born workers within countries. In this sense, struggles for freedom of movement represent grassroots resistance to global capitalism and a potential pathway to redistribution (Wonders and Jones 2019). Freedom of movement also challenges the legacies of colonial and imperial regimes that always underpinned capitalist development, and which today continue to keep postcolonial subjects out of affluent metropolises (e.g. Achiume 2019, King

¹ <https://thelafed.org/releases/los-angeles-marches-may-1-resistance-unity-determination/>

2019). At the same time, right to movement arguments are compatible with individualist positions that emphasize the right of hard-working migrants to enjoy incorporation into global capitalism and a piece of the global capitalist pie. Prioritizing individual rights over international solidarity and political challenges (Striffler 2019), the human rights emphasis helps disarm the transformational potential of this framework.

This article traces the contemporary United States immigrant rights movement from its origins in 1990s California through current resistance in the Trump era. In doing so, we adopt a Seattle+20 lens in order to situate struggles around migration in relation to global capitalism and the tensions highlighted above. Issues of organized labor and worker power feature prominently in our account. In the United States, migrants played a special role in reinvigorating workers' movements plagued by decimation and bureaucratization (Lichtenstein 2002; Fantasia and Voss 2004). In a world where borders are increasingly irrelevant for elites and capital, and are ever more brutal for workers, labor movements – unionized and not – provide an important analytical lens for understanding the collective action of migrants. Given the growing centrality of migrants to contemporary global capitalism, immigrant rights movements also contain the possibility of challenging the status quo by subordinating the profit motive to the livelihood of all people, beyond borders, and by elevating democratic mechanisms over market mechanisms.

As we show below, few US-based immigrant right movements are anti-capitalist. Rather than challenging the logic of capitalism, many fight for a more equitable inclusion of migrants into the capitalist order. Since contemporary capitalism relies on the entrenchment of national borders, many immigrant rights movements do not challenge their existence. Though, the US immigrant rights movement is uniform or united. Divisions are rampant, as in any movement. In uncovering some of the tensions, we aim to probe the transformative potential of struggles around migration.

Origins of the contemporary immigrant rights movement (1990s)

To account for the contemporary US immigrant rights movement, we must start in the decade before the Battle of Seattle, turning in particular to the 1990s. This era marked an upsurge of anti-immigrant policies leading to mobilization and organizing by immigrants and allies, as well as the beginning of labor movement's shift toward pro-immigrant organizing. Below, we describe these roots of the contemporary movement. Whereas early struggles revolved around access to the welfare state, they eventually gave way to greater priority on the workplace and inclusion into the market economy. Immigrant rights struggles of the 1990s placed little emphasis on critiques of global capitalism, nor worked towards the dismantling of national borders.

The 1990s came on the heels of several decades of stark demographic change. As of 1970, foreign-born residents represented less than 5 percent of the total United States population. This 20th century low reflected, at least partially, decades of restrictive policies originating in the 1920s (Ngai 1994). Yet the tide turned dramatically in the 1970s and 1980s. Among other factors, growing demand for low-wage labor in the United States, new legal openings for migration following the 1965 Immigration Act, and declining economic fortunes in Latin America helped to usher in a new wave of mass migration. Between 1970 and 2000, the foreign-born population tripled, reaching 11 percent of the total (Migration Policy Institute 2019).

The vast majority of new migrants landed in just six states – California, Florida, Illinois, New Jersey, New York, Texas – which accounted for 73 percent of all foreign-born residents in

1990. California, the leading destination with 6.4 million foreign-born residents (one-third of the total foreign-born population) in 1990, arguably became the birthplace of the contemporary immigrant rights movement. The Sanctuary Movement of the 1980s, in which churches and other organizations provided refuge for undocumented migrants fleeing civil wars in Central America (which were fueled in large part by the United States), did extend beyond California, and laid an important foundation for future resistance. It was the growing anti-immigrant sentiment in California, however, that sparked the first massive protests for immigrant rights in the United States.

Anti-immigrant sentiment surged in the early 1990s. After winning the presidential election in 1992, Bill Clinton adopted a harsh stance against undocumented migration and oversaw a major increase in border enforcement and solidified interior enforcement mechanisms. The Immigration and Naturalization Service (INS) made the U.S.-Mexico border in southern California a major focus. Within California, the 1993 passage of SB976, which prevented undocumented residents from accessing drivers' licenses, signaled anti-immigrant hostility. One year later, Proposition 187 – a ballot initiative that called for excluding undocumented residents from public services, including public education and health care – provided a platform for native-born California residents to express their frustration. Incumbent Governor Pete Wilson fanned the flames by embracing the so-called “Save Our State” initiative as the centerpiece of his re-election campaign.

Proposition 187 and the general anti-immigrant climate fueled an explosion of protests in California throughout 1994 (Paret and Aguilera 2016: 370). The United Farm Workers organized a 10,000-strong rally in Sacramento in April, and another 25,000 protested in Los Angeles in May. On October 16, just weeks before the election, a massive 70,000 people protested in Los Angeles against Proposition 187, marking the largest street demonstration in the United States since the Vietnam War (Milkman 2011: 202). The mobilizations continued with major walkouts and protests by students – 8,000 on October 28 and 10,000 on November 2 – while a protest concert on October 30 drew 7,000 people. It was a remarkable surge of popular resistance in the immigrant rights community, on the eve also of the historic Seattle protests.

At the time of the 1994 mobilizations, there was not yet an established infrastructure of immigrant rights organizations. Two main campaigns emerged (HoSang 2010). The moderate Taxpayers Against 187, led by Democratic Party officials as well as labor and professional organizations, argued that undocumented migration was a problem, but that 187 was not the correct solution. In contrast, the grassroots Californians United Against 187, which brought together groups that were primarily engaged in service and legislative advocacy, offered an uncompromising defense of immigrant rights. Whereas the moderate group focused primarily on convincing voters to oppose the xenophobic proposition, the grassroots effort also sought “to build the political capacity of immigrant communities” (HoSang 2010).

The two groups clashed following the major October 16 protest, which featured Mexican flags (a direct challenge to more moderate assimilationist U.S.-centric narratives) alongside denunciations of Proposition 187 and its most visible proponent, Governor Pete Wilson. A coalition of local leaders and groups, such as Alvin Maldonado of the International Socialist Organization, the Brown Berets, One Stop Immigration, the Service Employees International Union (SEIU), the International Ladies and Garment Worker Union (ILGWU, later UNITE), and the AFL-CIO affiliated California Immigrant Workers' Association, helped to organize the historic event (Paret 2015:766; Diaz 2010). Taxpayers Against 187 interpreted the protest as a

public relations disaster that would alienate native-born white voters. In contrast, Californians United Against 187 acknowledged the protests as a rightful expression of anger and frustration (HoSang 2010).

Proposition 187 passed, and Wilson signed the bill into law, but the courts later struck it down as unconstitutional. One might read opposition to Proposition 187, which sought to limit the provision of public goods, as a struggle for state-led social protection against the uncertainties and devastations of the market (Paret and Aguilera 2016: 372-373). Yet the protests were more about inclusion into society than they were a direct challenge to market capitalism. It is telling, for example, that welfare and immigration reforms in 1996, which through various exclusions “accomplished nationally what Proposition 187 had been unable to do in California” (Massey, Durand, and Malone 2002: 96), did not provoke mass resistance. Over time, demands around legal status became the defining feature of the immigrant rights movement, while demands for social protection faded to the background (Paret and Aguilera 2016). Rather than forging solidarity with marginalized native-born groups around securing, expanding and universalizing the welfare state, immigrant rights struggles increasingly focused on the unique economic contributions of immigrants to American society, especially via their role as hard workers (Gleeson 2015).

Rather than contesting neoliberal austerity in the provision of public services, immigrant rights struggles placed much greater emphasis on the workplace. Indeed, the battles around Proposition 187 took place against a backdrop of labor organizing in which immigrants played an increasingly important role. The SEIU’s groundbreaking Justice for Janitors campaign in 1990, which featured strategic research, public shaming, civil disobedience, and broad community support, signaled the shift. Workers at American Racing Equipment launched a wildcat strike and joined the International Association of Machinists, while a massive strike by drywall workers fed into organizing for the Carpenters union. These campaigns shattered a prevailing myth that it was impossible to organize immigrant workers (Milkman 2006). In 1996, the California Labor Federation (CLF), the state-level body of the AFL-CIO, celebrated immigrant workers’ “large and effective campaigns to organize into unions ... All labor in California has benefitted as a result” (Paret 2015:764).

At a political level, labor remained ambivalent on the immigration question during these campaigns. Both the SEIU and CLF, for example, joined the more conservative Taxpayers Against 187, and the CLF continued to support border enforcement (Paret 2015: 766). But the tides were beginning to turn. Under the leadership of Miguel Contreras, formerly of the UFW and HERE, the Los Angeles County Federation of Labor forged an alliance between labor and Latinos in Los Angeles. Seizing upon the fear created by Proposition 187, the LA Fed helped to put pro-labor and pro-immigrant officials in office through naturalization, voter registration, and voter turnout efforts (Milkman 2011; Frank and Wong 2004).

These dynamics were indicative of the future, not just for California but, to some extent, the country as a whole (Milkman 2011). They signaled both labor’s growing involvement in immigrant rights struggles, and the presence of factional divisions within that burgeoning movement. Often working alongside the faith community, social service organizations, and racial justice groups, unions became one of the major lobbies pushing for federal immigration reform. Not only did organized labor promote immigrant rights demands in the public sphere, but it represented a new site for grassroots organizing. Struggles within unions became central to the immigrant rights movement. Yet, many unions maintained close ties to the mainstream politics

of the Democratic Party, which continued to push through neoliberal reforms. Blunting anti-capitalist sensibilities, this entanglement encouraged the persistent division within the immigrant rights movement between radical and reformist positions.

This division and the movement's predominant lack of engagement with an anti-capitalist critique must be considered against the contemporaneous rise of the Zapatista struggle among largely indigenous Mexicans in the southern Mexican state of Chiapas, the Zapatista Army of National Liberation (EZLN). The Zapatista uprising of 1994 marked the emergence of a grassroots movement against globalization that critiques neoliberal global capitalism (e.g. NAFTA) and continues to have a global reach. In fact, EZLN analysis and organizing methods (i.e. consensus building) had a significant impact and drew attention among the US based left. There were US-based groups of migrants and allies that were part of EZLN's network in the 1990s and shared its turn away from lobbying the state and towards building a network of grassroots movements and communities to challenge neoliberal capitalism (Dellacioppa 2011). Nevertheless, these networks remained largely disconnected from the more prominent, mainstream strands of the immigrant rights movements that we describe in this section.

The convergence between immigrant and labor rights (1999-2005)

The burgeoning immigrant rights movement became central to organized labor's outward-looking turn in the United States, just as union membership continued to plummet.² Throwing labor into an existential crisis, this decline encouraged a new emphasis on organizing, especially the growing immigrant labor force. It also pushed unions to embrace broader struggles, beyond the workplace, in order to gain power (Clawson 2008; Paret 2015). This included both immigrant rights struggles and anti-globalization struggles, making unions a potential bridge between the two.

In 1986, the AFL-CIO was a key engineer of the "employer sanctions" provisions of the Immigration Reform and Control Act, which entailed fines for employers who knowingly hired undocumented workers. Yet this law proved more detrimental for working conditions, and especially for worker organizing efforts, than it was a deterrent for employers or a threat to their profits. These provisions eventually led to I-9 audits, often dubbed as "silent raids," which later gained prominence during the Obama administration (Griffith and Gleeson Forthcoming). By relying on employer requirement to screen for work authorization, the state also effectively enhanced the vulnerability of immigrant workers to workplace exploitation (Paret 2014: 517-518, Brownell 2017). In the late 1990s, activists within organized labor began to push for a new orientation towards immigration.

AFL-CIO delegates debated the immigration question at the federation's 1999 national conference in Los Angeles. During the conference, activists organized a massive march with immigrant workers who were central to organizing campaigns over the previous decade. As one activist noted, "It was such a clear contrast between the old white male leadership of the AFL-CIO that was sitting up on stage versus hundreds of hundreds of workers of color, immigrants, women, that were marching in" (Interview, May 24, 2012). The AFL-CIO officially adopted a

² By the 1990s, organized labor had continued its sharp decline. From a peak around 35 percent in the 1950s, union density in the United States dropped to 16 percent in 1990 and 13.5 percent in 2000. Union density reached dramatic lows in the private sector, which stooped to 12 percent in 1990 and 9 percent in 2000.

pro-immigrant stance in February 2000. That stance included opposition to employer sanctions and support of amnesty for undocumented migrants. In effect, immigrant rights became a centerpiece of working class struggle.

As labor turned outward, it also took a stand in the infamous Battle of Seattle, a five-day protest at the World Trade Organization (WTO) Ministerial meeting in 1999. Far from the narrow struggles of union members to improve their own wages or working conditions, the enormous protests saw American labor joining environmentalists, anarchists, human rights activists, and unionists from abroad to challenge neoliberal globalization. As Smith (2001) notes, the Seattle mobilizations grew out of opposition to “trade liberalization agreements, World Bank and IMF policies, and failures to protect human rights and the environment” (4). Commentators noted the novel solidarity between labor and environmental activists – the much-celebrated unity of “Teamsters and Turtles” – who, in their respective pursuits of good jobs and ecological protection, often found themselves in opposition to each other.

Despite the international orientation of the Seattle protests, immigration issues did not figure prominently in the Battle of Seattle, nor for much of organized labor. Given the trajectory of immigrant rights movements elsewhere, it is conceivable that labor, immigrant rights groups, and anti-globalization efforts could have converged around an anti-capitalist agenda in this political moment. To be sure, many Seattle protesters placed special emphasis on debt crises in middle- and lower-income countries. Yet, they were less concerned with how those debt crises encouraged migration, or the issues confronting migrants from those very same countries that were living in the United States. Noting the very limited presence of people of color, one observer remarked that, “the forty to fifty thousand demonstrators were overwhelmingly Anglo” (Martinez 2000: 141). Nor did immigration issues figure prominently in the broader “anti-globalization” or “global justice” movement that followed from Seattle, which saw protests at global trade negotiations and meetings of the World Bank, IMF, and G8, and began to organize through the World Social Forum. This represented a missed opportunity to build solidarity between two burgeoning social movements.

The anti-globalization movement proved short-lived, peaking at the 2003 World Social Forum in Porto Alegre, though many observers drew links between the mobilizations of 1999-2003 and the later Occupy movement. The immigrant rights movement, however, continued to grow, and became increasingly entangled with organized labor. Labor’s policy reversal on immigration reflected a need for new strategies in an era of union decline, and the growing significance of immigrants within the US labor force. Perhaps most importantly, though, it represented a response to the growing militancy of immigrant workers, who were organizing both inside and outside of unions. In 2002, the California Labor Federation remarked that, “immigrants are the future of the labor movement ... immigrants have proven to be more pro-union, more militant, more willing to strike and generally more pro-labor than native born workers” (Paret 2015:765).

The relationship between the labor and immigrant rights movements took different forms. Milkman (2011), for example, argues that the “immigrant labor movement” developed three distinctive strands. One strand included traditional trade unions who, as noted above, began to embrace immigrant workers as a key source of organizing and revitalization. Equally important, however, was a second strand: the surge of non-profit organizations known as “worker centers,” which often combined service, advocacy, and organizing (Fine 2006). Worker centers primarily targeted low-wage migrant workers in sectors where unions had limited reach, such as domestic

workers, restaurant workers, and day laborers. They represented a foundation for what later became the “alt-labor” movement.

The immigrant rights movement represented a third interconnected strand of the immigrant labor movement. While focusing primarily on demands related to legal status, as Milkman (2011:369) argues, the “underlying thrust” of the immigrant rights movement was “to improve the economic opportunities available to immigrants, especially the unauthorized. In that sense the immigrant rights movement can be understood as a form of labor activism.” Given the growth of precarious work and declining workplace power, labor movements increasingly sought to target the state rather than employers. Immigrant rights struggles provided a crucial avenue for doing so (Paret 2018; Fine 2011).

These three strands often converged. Following the AFL-CIO’s policy reversal on immigration, the labor federation hosted a massive rally of 20,000 people in Los Angeles, including two-thousand day laborers and domestic workers as well as religious and community groups (Paret 2015:767-768). In 2003, the AFL-CIO, along with affiliates SEIU and HERE, spearheaded the Immigrant Worker Freedom Rides (IWFR). Modeled after the Freedom Rides of the civil rights era, the IWFR featured buses of migrant workers who traveled across the country – from California to Washington, D.C. – to share their stories and promote the demand for immigrant rights. It also solidified organizational links: “A critical aim of the IWFR was to boost working relationships between labor unions and the many community, civil rights, religious, student, and immigrant rights groups that collectively comprised the nation’s immigrant rights movement” (Shaw 2011:90). These relationships helped to lay a foundation for the massive protests in 2006.

Worker center involvement in immigrant rights struggles represented another convergence. On May Day in 2000, a group of worker center activists in Los Angeles organized a march to “reclaim May 1st and make it an immigrant workers day, make it about immigration” (Interview, August 14, 2012). The march attracted more than 500 low-wage, migrant workers, and led to the formation of the Multi-Ethnic Immigrant Workers Organizing Network (MIWON). In subsequent years, MIWON’s pro-immigrant May Day march, which frequently fused demands around workers’ and immigrants’ rights, became an annual event in Los Angeles. After the explosion of protests in 2006, the May Day tradition of pro-immigrant marches and rallies extended beyond Los Angeles, across California and to the rest of the country.

The convergence between labor and immigrant rights highlighted the connection between immigrants and the future of American capitalism. Not only were immigrant workers a growing proportion of the labor force, but they were also challenging a status quo that reinforced their vulnerability and exploitation. The separation between immigrant rights and anti-globalization struggles, despite their common links to organized labor, represented a missed opportunity, and one that may have helped to integrate anti-capitalist politics into the immigrant rights movement. Yet the immigrant rights movement was growing, and its most spectacular mobilizations were still ahead.

Explosion and aftermath (2006-2008)

By the middle of the decade, Congress had proven its capacity for progress, retrenchment, and stasis. Senators Ted Kennedy and John McCain had attempted a bipartisan

compromise, the Secure America and Orderly Immigration Act (S 1033)³ in May 2005, as had two Republican Senators (John Cornyn and Jon Kyl) via the Comprehensive Enforcement and Immigration Reform Act of 2005 (S 1438) later that summer.⁴ Both foregrounded enforcement and temporary work visas, and both failed to move forward. By the end of 2005, congressman Jim Sensenbrenner introduced the Border Protection, Antiterrorism, and Illegal Immigration Control Act, or HR 4437, which became known as the Sensenbrenner Bill.⁵ Passed in the House of Representatives in December 2005, this bill sought to make illegal presence in the U.S. a criminal offense. The passage of HR 4437 was a major shift from the amnesty two decades prior, and was watershed moment in U.S. immigration policymaking (Wong 2017).

As many social movement scholars have detailed, HR 4437 became the spark for arguably the largest mass mobilizations around immigration in world history. In just over two months, close to 5 million protesters took to the streets in anti-HR4437 mobilizations across the country (Voss and Bloemraad 2011). The protests hit cities both large and small, and included long-standing immigrant destinations such as Chicago, New York, and Los Angeles, as well as newer destinations such as Milwaukee, Charlotte, Atlanta, and Omaha (Benjamin-Alvarado et al. 2009). Zepeda-Millan (2017) argues that the Sensenbrenner Bill “triggered feelings of linked fate and racial group consciousness among millions of Latinos in general, but people of Mexican descent in particular ... in turn making them more receptive to calls for large-scale collective action” (196). While responding to national political dynamics, however, the varied local coalitions that propelled the mobilizations gave them an important local character. Each coalition took a distinct form, though the Catholic Church, labor unions, and smaller community organizations played crucial roles in many places, as did Spanish-language media.

The 2006 protests represented a rebellion by an increasingly precarious American working class. While drawing together a wide range of pro-immigrant forces, working-class Latinos undoubtedly dominated and animated the protests (Pulido 2007). Their central demands were for recognition – of their hard work, of their status as family members, and of their contributions to American society – and for the legalization of undocumented residents. More than simply symbolic and political, however, the protests had an important economic underpinning. Because a lack of legal status reinforced exploitation and abuse at work, as well as the relegation of migrant workers to low-wage jobs and low-income neighborhoods, the mobilizations against HR4437 were also about economic well-being. Within the 2006 protests, it was impossible to fully separate demands for dignity, respect, legal status, and basic livelihood (Paret 2018). It is therefore not surprising that the slogan, “We are workers, not criminals!” featured so prominently.

If these central demands united protesters across the country, debates nonetheless emerged around political orientation and tactics. Two issues were especially prominent: the question of national allegiances and use of the boycott tactic. In terms of the former, many protestors who gathered throughout the country came together as a sea of white-t-shirts, often draped with American flags. Others took to the streets with Mexican flags. The latter approach fueled backlash from both the nativist right and centrist organizers, who feared that the

3 <https://www.congress.gov/bill/109th-congress/senate-bill/1033>

4 <https://www.congress.gov/bill/109th-congress/senate-bill/1438>

5 <https://www.congress.gov/bill/109th-congress/house-bill/4437>

binational symbolism might deteriorate the message of immigrant inclusion. This backlash resembled the response of the moderate Taxpayers Against 187 group during the mobilizations against California's anti-immigrant Proposition 187. Even the fringe flank of the immigrant rights movement that promoted Mexican flags, however, embraced a neoliberal understanding of citizenship that linked belonging to the provision of labor (Beltrán 2009; Baker-Cristales 2009). Their demands focused on labor market inclusion through work permits, and for some included a willingness to accept a guest-worker program.

Boycotts were another major source of tension during the Spring 2006 protests. The tactic peaked on May Day, an international day of labor solidarity, when organizers called for a boycott of work, school, and business. With the action, organizers sought to convey "a more dramatic demonstration of how dependent the nation was on immigrant labor," and a defensive posture against the claim that "immigrants were a drain on the economy" (Zepeda-Millán 2017: 95). As Zepeda-Millán argues, however, many mainstream immigrant rights groups, including the labor movement, did not accept this approach. They believed that it would alienate the broader public, even while affirming the dignity of immigrant labor. Congressional hearings on immigration policy featured consistent criticism of boycotts and rallies, which one National Immigration Forum leader characterized as "polarizing" in public opinion and in the partisan divide amongst policymakers (173).

These tensions revealed the immigrant rights movement's growing entanglements with the country's dominant institutions, from unions and the Democratic Party, to processes of legislative wrangling (Pallares and Flores-González 2010; Voss and Bloemraad 2011; Nicholls 2013; Gonzales 2013; Zepeda-Millán 2017). Such entanglements limited opportunities to link immigration issues to broader critiques of capitalism. The May Day boycott, which essentially turned into an impressive general strike among low-wage migrant workers, hinted at such a critique. It also hinted at the possibility of a serious challenge to the status quo through mass mobilization. As is clear in retrospect, however, it proved to be the last gasp of any hope for either of these outcomes, and with little to no connection to transnational labor struggles or the historical roots of U.S. interventionism and subsequent migrant exodus (Gonzales 2013). Subsequent efforts for immigrant rights either pursued mainstream channels, or became small movements on the fringe.

Occupy and Obama (2008-2016)

Barack Obama's rise to the presidency coincided with the peak of the immigrant rights movement. His well-known speech at the Democratic National Convention in July 2004 effectively launched his presidential campaign, less than two years before the spring 2006 protests exploded. His eventual victory in November 2008 presidential election followed closely after. Further, Obama adopted a prominent phrase from within the immigrant rights movement, "Si se puede!/Yes we can!" as one of his key central campaign slogans. Many immigrant rights activists supported his campaign. Even more important, like Proposition 187 in California a decade earlier, HR4437 and the subsequent protests helped to encourage a wave of naturalizations and voter registration, which in turn helped to give Obama a boost at the polls (Zepeda-Millan 2017: 181-193; Milkman 2011).

By the time Obama assumed the presidency at the beginning of 2009, the push for Comprehensive Immigration Reform (CIR) was very well-established. National coalitions began to emerge in the early 2000s (Hondagneu-Sotelo and Salas 2004:215-220), and the 2006 protests

further encouraged major efforts for immigration reform in 2006 and 2007, under the Bush administration. These efforts ultimately failed. On the campaign trail, however, Obama expressed support for providing undocumented immigrants with a “pathway to citizenship,” and promised to introduce legislation for immigration reform during his first year in office. This promise never materialized, as the Obama administration made health care reform the top legislative priority.

By 2010, as prospects for comprehensive immigration reform faded away, the major immigrant rights movements players shifted their attention to state and local practices, including the 287(g) law enforcement partnership program and Arizona’s “show me your papers” Senate Bill 1070. As Nicholls details, the National Day Labor Organizing Network, with the support and several key funders, launched a large-scale boycott in Arizona and called for actions in other states and localities where anti-immigrant policies proliferated. Meanwhile NDLO, the Mexican American Legal Defense and Education Fund (MALDEF) and the UCLA Labor Center (backed also by the AFL-CIO) pushed for the DREAM Act, defending its position as a “stepping stone for more difficult immigrant groups like day laborers” (Nicholls 2013, 82). The DREAM Act would provide a path to legalization to immigrants brought to the US as children.

Throughout the summer of 2010 many “dissident” DREAMers occupied congressional offices, often balancing the narrative of deservingness based on their achievement and innocence in breaking immigration laws with the refusal to throw their parents and other undocumented immigrants under the bus. Student groups such as United We Dream pushed back against the tendencies of the mainstream immigrant rights movement to broadcast “immigrant exceptionality,” carefully curated by several key funders that used DREAMers as the poster children for the movement. Yet another emerging radical flank would engage in even more militant actions such as infiltrating detention centers (Heredia 2016). However, while critiques of the DREAM Act (which is currently seeing renewed hope at the time of this writing) demanded greater inclusion of the 11-to-12-million strong undocumented community, advocates often still narrowly argued for a broader legalization effort based on immigrant’s contribution as workers.

Movimiento Cosecha grew out of the dissidents of the DREAMer movement, who rejected exceptionalism and wanted to focus on #All11million undocumented residents, rather than just the undocumented youth who were brought to the US as children. Organizing in a coalition of circles across the nation, they combine fights for local issues such as winning access to drivers’ licenses, with a long-term campaign for a strike to demonstrate the economic contributions of specifically undocumented immigrants to the US. Resembling the May Day boycott during the 2006 protests, they seek to show that the US could not function without the undocumented and should therefore admit them to full rights. This is a critique of incomplete economic incorporation, rather than an indictment of capitalism. Interestingly, *Movimiento Cosecha* in large part does not work with the labor movement or aim to situate their efforts within the history of labor movement strikes. To be fair, this might also be reflective of the labor movement’s own reticence to embrace more radical immigrant demands.

Obama also inherited an economic crisis, following the collapse of Lehman Brothers in September 2008, and oversaw a series of major bank bailouts. As foreclosures and unemployment spread across the country, the combination of crisis and bank bailouts laid a foundation for another surge of popular resistance in the form of the Occupy Wall Street movement, which began in New York but quickly spread to cities across the country. Like the

anti-globalization movement a decade before, Occupy did not pay very close attention immigration issues. While the demands were often fuzzy and the issues diverse, the central themes of Occupy revolved around economic inequality, debt, and capture of the state by the wealthy “1%.” In a survey of participants in a May 2012, Occupy-led protest in New York, Milkman and colleagues found that only 7 percent of respondents who identified as “actively involved” in the movement indicated that issues of immigrant rights led to their involvement. In contrast, the following four issues dominated: inequality/the 1% (45 percent); money in politics/frustration with D.C. (29 percent); corporate greed (19 percent); student debt/access to education (19 percent).

Occupy’s emphasis on global capitalism echoed the Battle in Seattle. Unlike Seattle, however, by the time Occupy arrived there was already a well-established immigrant rights movement. While the latter had done little to challenge Wall Street or the broader capitalist system, immigrants had demonstrated their tremendous capacity for collective action in 2006. Demands for CIR were reaching Washington, even they met with limited success. The immigrant rights and Occupy movements set to clash on May Day, which the pro-immigrant activists had secured as a central day of action over the previous decade. The Occupy movement was on its heels after experiencing a wave of evictions the previous November. Many activists hoped to use May Day in 2012 to restore the movement’s strength. The Occupy movement in Los Angeles called for a General Strike, and many local Occupy groups embraced the call. Appropriating the vocabulary of the immigrant rights movement, some Occupy activists dubbed the day, “A Day Without the 99%,” mimicking previous referrals to the May 1, 2006 boycott as “A Day Without Immigrants.”

May Day mobilizations in 2012 showcased a mixture of division and solidarity between the Occupy and immigrant rights movements. The situation varied across local contexts. In places such as New York and Santa Ana, California, for example, Occupy activists and immigrant rights activists worked together to plan joint actions. In other places such as Los Angeles, however, immigrant rights organizations and the Occupy movement had more difficulty finding common ground. Some immigrant rights activists were frustrated that Occupy activists were dominating a space that they had worked hard to build for many years, while some Occupy activists understood themselves as promoting a broader or more radical challenge to the status quo. The two groups planned separate actions.

In Oakland, the mobilizations were even more complicated, featuring three groups with overlapping memberships: Occupy Oakland (OO); the Dignity and Resistance Coalition (DRC), comprised of long-standing immigrant rights activists, the Occupy-breakaway group Decolonize Oakland, and activists from Occupy Oakland; and Oakland Sin Fronteras (OSF), led by *Mujeres Unidas y Activas* (MUA) and other pro-immigrant non-profit groups. On May Day, OSF joined the DRC-organized march, but later split off when a contingent of OO activists joined for the final leg of the march into downtown Oakland. If the dynamics demonstrated the possibility of solidarity, they also revealed just how fragile that solidarity can be, if it even emerges in the first place (Paret 2016).

As the Occupy movement fizzled, the attack on immigrants persisted. While shying away from the divisive matter of immigration reform, Obama did not hesitate to shore up the apparatus of immigration enforcement. Some immigrant rights supporters referred to him as the “deporter-in-chief.” For the most part, the Obama administration affirmed trends that were already underway (Figure 1). As during the Bush era, under Obama the number of “returns” –

individuals prevented from entering the United States, but never placed into formal court proceedings (previously known as “voluntary departure”) – decreased. This number tracks closely to the number of apprehensions at the U.S.-Mexico border, though after 2011 the latter held steady while returns continued to drop. In contrast, “removals,” which involved expulsion after a formal court order, climbed over Obama’s first six years before dropping some in his second term. Overall, the Obama administration formally removed more than 3 million people, contrasting with approximately 2 million under Bush and close to 870,000 under Clinton (Chishti et al. 2017).

<Insert Figure 1>

Organized resistance to deportations continued in this period, particularly as ICE began to apprehend immigrants in their homes and communities, and not only in workplace raids. Efforts to build local responses to raids, apprehensions, and detentions included developing rapid response hotlines and networks, which focused on sharing information about and disrupting ICE activity. Disruption might entail turning people out to observe ICE activity, advising people to not open their doors for ICE officials, or helping migrants escape. Some groups developed Migra Watches, modeled on Cop Watch programs, where activists patrolled the streets for ICE officials who often used unmarked vehicles.

Rejuvenating a long-standing practice of pro-immigrant resistance, the New Sanctuary movement housed a small number of high-profile undocumented immigrants in churches. This strategy was predicated on the “sensitive locations” internal policy provision that cautioned ICE officials from conducting raids in houses of worship, hospitals, and schools. The Sanctuary in the Streets movement in Texas trained to turn out masses of community members to surround and paralyze ICE activity. Activists also conducted know your rights trainings and built a network of safe houses. These efforts often connected to movements against the carceral state, in that they rejected deservingness rhetoric and explicitly articulated a philosophy of “leave no one behind,” regardless of criminal record. Late in the second Obama term, a radical network, ICEFreeNYC called out the hypocrisy of local politicians and their instrumental use of pro-immigrant rhetoric and demanded complete withdrawal of ICE from the city. ICEFreeNYC combined grassroots organizing of immigrant communities with visible and disruptive actions. While usefully connecting deportations and ICE to the broader role of the state in criminalizing and incarcerating people of color, these efforts rarely connected to analysis or critique of global capitalism.

In June 2012, Obama issued an executive action – the Deferred Action for Childhood Arrivals (DACA) program – which provided some undocumented residents who arrived as children with relief from deportation and legal eligibility to work. In November 2014, Obama sought to extend this program, and to add a second program for undocumented parents of children with legal residence, known as Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), initially dubbed the Deferred Action for Parental Accountability. The possibility of DAPA was significant. For an estimated 4 million undocumented individuals, it was the closest the IRM had gotten to a wide-reaching path to citizenship. While not premised on immigrant labor contribution (as was the agricultural program of the 1986 amnesty), much of its rationale included the massive economic contribution of these workers and the need to support their families (Pastor et al. 2015). However, the courts blocked the November 2014 actions, preventing them from taking effect.

Trump Era

Since the election of Donald Trump in 2016, the anti-immigrant wave of policy and public discourse has reached new heights, although many observers point out multiple continuities with the previous administrations. At the very least, we can agree that there has been a quantitative onslaught of enforcement measures, even if the mechanism for these are well established in previous administrations (Griffith and Gleeson Forthcoming). Likewise, strands of the immigrant rights movement that developed before the Trump administration continue their work. This includes, for example, the New Sanctuary movement, Movimiento Cosecha, as well as some of the radical direct action organizing that began in protest to Obama's deportation policies. At the same time, there have been new mobilizations against recent federal policy changes, particularly in connections with organized labor and in response to the Muslim ban and the refugee caravans on the US-Mexico border. More recently, key labor unions have also joined forces to push for a path to permanent citizenship for temporary migrants who stand to lose legal status through the Trump administration's efforts to end the Temporary Protected Status (a humanitarian relief program that has provided regular renewals to a range of countries, especially Haiti and in Central America) and the Deferred Action for Childhood Arrivals programs (Gleeson Forthcoming).

The AFL-CIO and the Change to Win federation (which emerged largely from the immigrant labor movement) cover over 5 million US workers.⁶ Both federations continue to support immigrant rights. AFL-CIO now has a toolkit to assist members facing workplace raids, and other unions have developed similar trainings. Several major unions, including UNITE HERE and United Food and Commercial Workers, formed the Working Families United coalition with the express goal to fight deportations (Milkman 2019). In the winter of 2017, tens of thousands of immigrants who were members of traditional labor unions and alt-labor organizations participated in a Day without Immigrants action, which was particularly striking in the Midwest. While the giants of what is left of US organized labor appear to maintain their pro-immigrant stance, border patrol and ICE agent unions endorsed Trump and promote Trump's anti-immigrant policies, with little reprimand from the AFL-CIO (Nolan 2016). Local police unions also supported anti-immigrant actions, even when the police department leadership was neutral or pro-immigrant.

Perhaps the most visible direct action of the immigrant rights movement took place soon after Trump's inauguration, when he instituted a travel ban on seven Muslim-majority countries. Thousands of protestors gathered in US airports, including JFK in New York and LAX in Los Angeles, and local federal judges stopped the ban. The outcry about the Muslim ban did not contain much of a critique of either borders or capitalism. It focused primarily on Islamophobia and Trump's attacks on Muslims as inherently associated with terrorism (Gleeson Forthcoming).

New iterations of the sanctuary movement continue to shelter a small number of immigrants under direct threat of deportation. This movement builds on arguments about

⁶ While the Change to Win Federation emerged directly from the immigrant labor movement, led primarily by SEIU as a democratic alternative to the entrenched politics of the AFL-CIO, many of these unions have ultimately reaffiliated with the AFL-CIO. Critics of the newly created coalition, which billed itself as a more democratic labor front, have argued that its ultimate significance has largely been unfulfilled (e.g. Early 2011).

immigrants' moral deservingness as hard workers and participation in heteronormative patriarchal families, and are anchored in religious ideologies about welcoming the stranger. The New Sanctuary Coalition in New York runs legal clinics where undocumented migrants can get information on the few and narrowing pathways to legalization. The political backlash and retaliation against such efforts is perhaps more apparent under Trump: a prominent leader of the New Sanctuary Coalition, Ravi Ragbir, saw his own deportation case recently ramped up.

Since Trump's election, *Movimiento Cosecha* has continued to grow its nationwide, decentralized network of volunteer organizers. In addition to building towards an eventual strike that they hope will demonstrate the economic power of migrant labor in the US, *Cosecha* continues to organize for drivers' licenses. *Cosecha* also became involved in activist mobilizations on the US-Mexico border in late 2018 and early 2019, along with many other immigrant right groups and members of the labor movement. At the time, there was growing media coverage of "caravans" of Central American asylum seekers headed to the US-Mexico border. Tens of thousands of migrants, including families with young children, massed on the southern side of the border, with the normally sluggish asylum processes practically disabled by the federal government. Immigrant rights activists provided humanitarian aid, both to those who were stuck in tent encampments in Mexico, and those few detained on the US side of the border. They also provided legal assistance by advising migrants on how to pass the credible fear interview that is the beginning of the asylum process. The prevailing sense of a state of emergency and dire situations of the migrants perhaps understandably drew efforts to the narrow and immediate humanitarian and legal dimensions.

The immigrant rights organizing at the border for the most part failed to connect the build-up and further militarization of the wall between Mexico and the US with the militarized and growing wall that Israel uses to imprison Palestinians. This is a missed opportunity for a more global systemic critique because the military equipment and expertise in building both walls are shared between these two contexts, and the border surveillance and militarization models are often directly imported from the Israeli Defense Forces. Moreover, Israel is now helping Honduras build up its borders to contain its population and curtail out migration. The latter, of course, also helps contain Honduran workers from accessing higher wages and traps them as an uber exploitable labor pool. Meanwhile, those who have been able to leave are stranded in Mexico, their struggle framed primarily as a human rights crisis through calls for an improved asylum process.

When activists deviated from these narrow dimensions, such as when one radical group attempted to lead a group of migrants across the border and denounce its legitimacy, other activist groups criticized and shunned them. Despite their work to assist the migrants, rather than develop systemic critiques, much of the organizing implicitly and explicitly upheld the validity of national borders, and called for the asylum process to work properly. Leftwing commentators provided analysis of this migration stream that incorporated critiques of US imperialism in Central America and the importation of US-based gangs there (e.g. Lovato 2018), but few IRM activists centered this as a primary rally cry, nor Mexico's complicity in policing their southern border under the thumb of U.S. threats (Bernal 2019).

Conclusion

As we have shown, it has been rare to find explicit globalization and capitalism critiques in the US immigrant rights movement. Yet, there have been more radical, albeit less visible,

efforts that point to such possibilities, including efforts that seek to sabotage rather than improve or reform the system of borders. Some of these efforts are explicitly anti-capitalist and anti-border, and engage with post-colonial and indigenous critiques. Their strategies often reject deservingness narratives (e.g. leave no one behind), which enables solidarity and material support of immigrants who do not fit easily into the dominant capitalist system as compliant hard workers or their heteronormative family members. In their work with immigrants attempting to escape the deportation regime, they might also subvert, resist, or disregard immigration laws and national borders

The persistence and visibility of the immigrant rights movement over the past three decades stems, at least partly, from the involvement of mainstream organizations such as trade unions, churches, non-profit organizations, and the Democratic Party. If these forces helped to legitimate and promote immigrant rights goals, they also muted more radical challenges. As a result, one could argue that pro-immigrant struggles placed greater emphasis on inclusion and incorporation into existing frameworks than they did on transforming them.

Some activist groups seek to avoid mainstream incorporation. They explicitly reject grants and other funding from the non-profit sector, foundations, or government, because they view such sources of money as weakening militancy in favor of liberal reforms that help to entrench injustice and inequity. Collaboration with non-profit groups can also weaken security within organizations, which is crucial in a time of proliferating state surveillance. Ongoing state repression and the lack of resources that naturally accompany such a principled rejection of the non-profit industrial complex (INCITE! 2007) limited the scope of these efforts. At the same time, security culture makes it difficult to estimate their true scope.

What does a radical, anti-capitalist politics of immigration look like? Emphasis on labor is certainly important. As we argued above, however, such an emphasis can lead to neoliberal notions of citizenship that make inclusion into American society contingent upon degrading, low-wage labor. Such a framework is unsatisfying. We do not have the answer, and our goal here was not to provide one. We sought, instead, to highlight both the amazing successes and the limits of immigrant rights struggles in recent decades. Especially notable is the absence of broader systemic critiques of global capitalism and national borders, which intertwine to marginalize many international migrants, not just in the United States but across the globe.

One of the greatest weaknesses of the immigrant rights movement may be its isolation from radical social movements that do incorporate these critiques. We noted above the separation of immigrant rights struggles from the Battle in Seattle, the Occupy movement, and struggles in Palestine. We could just as well have pointed to distance from other movements, such as Black Lives Matter. It is only through building solidarity with other struggles from below that the immigrant rights movement is likely to find a more radical pathway. Moving forward, social movement scholars should take seriously these critiques as they delve into the strategies and demands that justice campaigns have taken on.

FIGURES*Figure 1. Deportations under Clinton, Bush, and Obama, 1993-2016*

Source: Chishti, Pierce, and Bolter 2017. "The Obama Record on Deportations: Deporter in Chief or Not?" <https://www.migrationpolicy.org/article/obama-record-deportations-deporter-chief-or-not>.

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