

Millions Outside, 535 Inside

By Maria Echaveste



Photo by Getty Images.

The pictures of hundreds of thousands of people in cities across the nation taking to the streets to protest harsh anti-immigrant legislative proposals have taken many pundits and elite opinion leaders by surprise. Commentators have repeatedly stated that immigrant and Hispanic communities around the country have suddenly found their voices, marveling at the outpouring of support for legalization and comprehensive immigration reform. Many are asking whether these mass mobilizations have had any real impact on the Congressional debate. In order to begin to answer this question, we need to understand the apparently invisible organizing that has taken place over the last decade as well as the relationship of Washington, D.C.-based and community-based organizations to the legislative process and the political context in which this debate takes place.

What so many commentators have failed to recognize is the work of immigrant advocates and other organizations that has been ongoing

since 1994. Beginning with the anti-immigrant Proposition 187 passed in California in that year, the elimination of benefits to legal immigrants as part of welfare reform in 1996 and the reduction in due process rights for legal and illegal immigrants also enacted by Congress in 1996, the immigrant community has been under steady attack for over a decade. In the wake of 9/11, there have been countless other legislative and executive policy enactments and proposals at the local, state and federal levels directed mostly at illegal immigrants but also at legal immigrants. During this period, community-based, statewide coalitions and national organizations have attempted to respond and fight back. While mostly unsuccessful in pushing back against these proposals, one result has been the expansion and maturity of the loose network of organizations — large and small, national and local — representing different interests such as immigrant communities, workers, faith-based groups, advocates for civil rights and civil liberties and community-service

Immigration protestors listen to speakers on the National Mall in Washington, D.C.

Millions Outside, 535 Inside

continued from previous page

providers, among others.

While the focus between 1994 and 2000 was mostly defensive, the election in 2000 of George Bush and Vicente Fox, as president of the United States and Mexico, respectively, set the stage for a more ambitious agenda: how to provide legal channels for the future flow of migrants and address the growing population of undocumented persons in the United States. Building on the work of the previous president of Mexico, Ernesto Zedillo, Fox made a concerted effort to connect to the millions of his compatriots working in the United States, both legally and illegally. Increased attention to hometown associations (organizations of persons from specific parts of Mexico) by the Mexican government helped deepen relationships and networks of Mexican immigrants across the United States. Additionally, immigrants from Central America, the Caribbean and Asia had also strengthened their organizations and networks as they struggled against draconian federal policies and Congressional proposals beginning in the late 1980s. Another watershed moment was the AFL-CIO resolution in the spring of 2000 calling

for the legalization of undocumented persons; a significant statement from an organization previously generally perceived as anti-immigrant.

The events of 9/11 and the focus on national security, but also the growing dependence of some economic sectors on immigrant labor, led many people to realize that the existing immigration system was badly broken and serving no one well. By late 2002, key leaders realized that immigration was likely to become a highly controversial issue and began developing a progressive and proactive agenda that could attract key organizations and interest groups, including business interests. There was also a realization that grassroots advocacy would be critical to success but only if connected to a legislative strategy. Informal strategy meetings took place; organizations jockeyed for position and primacy. Slowly there emerged a set of core principles: earned legalization for the currently undocumented, reduction of family backlogs, labor protections and a worker program to regulate the future flow of migrants with a path to permanent residency and citizenship. Plans were made to organize a legislative campaign

A billboard advertises for new Border Patrol agents.

Photo by Susie Hicks and Jason Cato.





Photo by Manuel Vilasenor

focused on trying to enact comprehensive immigration reform with a special emphasis on grassroots support.

Without going into all the details of legislative strategy and grassroots advocacy plans between 2002 and 2005, by December 2005 the legislative battle was publicly joined. The House had passed HR 4437, otherwise known as the Sensenbrenner bill, a draconian anti-immigrant measure that criminalizes all those in this country illegally, including 1.7 million children. There is no question that this bill has galvanized and angered many, many people and served as a rallying cry. Many political pundits argue that “fear” is a more powerful mobilizing force than proactive policy proscriptions. It is important to note, however, that being against something does not ensure the enactment of something more palatable. A foundation for an alternative policy proscription needs to have been laid; otherwise, simple opposition may not be sufficiently effective.

In the Senate, McCain and Kennedy had previously introduced their version of comprehensive immigration reform. Struggling to find a way to counter the House bill, D.C.-based advocacy groups focused on a Senate strategy built around the McCain/Kennedy bill. By highlighting that this bill called for comprehensive immigration reform — not just addressing border enforcement issues but also dealing with the millions of people who are in the country illegally and the thousands who will likely seek to come into the country — advocates sought to frame the debate in more favorable terms. One sign of success is that many in the Republican Party have started calling for “comprehensive” reform — though, of course, their definition is much narrower and more limited. More importantly, the D.C.-based groups were able to provide to the local, community-based groups with talking points regarding why McCain/Kennedy would not only be more effective in controlling the border but

California State Senator and Futures Forum participant Gil Cedillo (left) raises a flag with other marchers at the May 1 demonstration in Los Angeles.

Millions Outside, 535 Inside

continued from previous page

also in helping people to become legalized.

The inside-Washington legislative game began to be played in earnest when the Senate reconvened in late January. There was, and is, great fear that an enforcement only/border-focused approach will be the only thing that Congress can agree upon. Faced with that possibility, it became apparent to activists that there needed to be a show of how laws like the ones proposed would affect real families and real communities. Arcane rules of Senate procedure and process were the subject of countless discussions; equal time was spent thinking about how to show the power and force of grassroots advocacy to elected officials. Plans were laid to visit members' offices while on recess and beyond. As word spread of the potential impact of the House bill, immigrant leaders and communities began to ask what they could do to fight back. As people learned how draconian the House bill was, a sense of urgency and anger began to take shape. The preexisting loose network of organizations and leaders focused on immigration reform allowed the anger and frustration to be channeled

This is not to say that national organizations or even state and local organizations were completely in control of the size or message of these demonstrations. Rather, because of the preparatory work, information concerning the House bill and the alternative Senate proposals could be quickly communicated through press releases, talking points and messages that organizers of these various protests could use. In other words, the structure that had slowly been building over several years was able to provide assistance to the increasingly unhappy and numerous immigrant communities.

The first huge demonstration took place in Chicago, Illinois on March 10, with crowds estimated at 100,000 or more. On March 25, over half a million people demonstrated in Los Angeles, calling for comprehensive immigration reform and protesting draconian proposals such as HR 4437. Demonstrations big and small have taken place since then, and more are planned. Interestingly, much of the credit for these mass

demonstrations has gone to disc jockeys and radio stations for promoting civil protest. And thus, many conclude that these demonstrations are both spontaneous and locally-driven. Again, it is important to note that while the anger over 4437 may be the driving force, at least initially, the strength of the outside is helping those inside the Beltway negotiate and strategize on how to achieve a better bill.

In that regard, these demonstrations occurred at important points in the legislative debate underway in Washington, D.C. While arcane rules of procedure and committee processes may be tedious to some, the reality is that the demonstrations in Chicago and Los Angeles, as well as the other efforts, took place at critical junctures. The Chicago demonstration took place just before the beginning of the Senate Judiciary Committee's consideration of various immigration proposals; the Los Angeles march took place the weekend before the final day the Committee had to consider the various proposals, under the artificial deadline imposed by the majority leader Senator Frist. There was a measurable shift in momentum in the legislative halls in the period between Chicago and Los Angeles. The ability of thousands of people to not only oppose bad policy but also to articulate that there was an alternative legislative proposal was vital. Many a legislative strategist has argued that to defeat bad policy ideas, one needs a good policy alternative — you have to be “for” something, not just against something.

But even good policy alternatives will not gather much steam unless there is demonstrable support from the outside. This is the classic inside/outside game. The size of the demonstrations impressed politicians of both parties, strengthening the hand of the inside-D.C. players and lobbyists, including key Senate staffers in both parties. Without the strong D.C.-based and national organizations with staff fully familiar with legislative process and procedures, the energy of the outside supporters would have been dissipated. Instead, it furthered the legislative process.

This is where the politics of the issue

began to become important. The demonstrations helped strengthen the hand of progressive Democrats and moderate Republicans — helping them argue that immigration reform that did not effectively and realistically address the status of the 12 million undocumented immigrants currently in this country would be insufficient. But political considerations can also be an impediment, especially in an election year. There will be some Democratic and Republican officials who will look at this issue and try to figure out where to find the policy position that will be most advantageous for them personally in retaining their seat or electing someone who is acceptable to them.

In the immediate aftermath of the March 31, 2006, votes on immigration in the Senate, many were trying to blame some Democrats for stopping the compromise that had been reached in the last hours with Republican leaders. Some were arguing that the Minority Leader Harry Reid was more interested in protecting Democrats and having an issue on which to focus Latino voters than in finding a solution. For many politicians, thousands of people taking to the street represent future voters (either themselves or their families). Accordingly, it causes some politicians to try to negotiate the best immigration deal they can with Senator Frist. But a small minority might conclude that keeping the issue open may motivate Hispanics to participate more heavily during election season. The politics are difficult to fathom because if Republicans are held responsible for blowing up a potential agreement, it is possible they will be blamed by Hispanics in the voting booth come November and beyond. On the other hand, if Hispanics conclude that Democrats purposely achieved a stalemate, there may be some in the community who will object to such strategies.

What is clear is that the public manifestations of anger and concern have crystallized in many people’s minds that the Hispanic community is a growing political force. Still fresh in many politicians’ memories is the way Hispanic



Photo by AP Wide World.

citizens were galvanized by Proposition 187, leading, in many experts’ opinions, to a Democratic hold on the state legislature in California. Many Republicans are concerned that such a result may be one outcome of this immigration debate if Republicans are not positioned properly. Democrats need to worry that if they play the political card too hard, they may lose Hispanic voters anyway.

One thing is clear, the massive demonstrations, which exceeded prior public manifestations on other issues, have changed the way politicians look at immigrants and the Hispanic community. Whether those numbers will actually result in Congress enacting good comprehensive immigration reform is still unknown.

Maria Echaveste is a researcher and lecturer at Boalt Hall School of Law and the Goldman Graduate School of Public Policy. Previously, she worked as an attorney and consultant in Washington, D.C. and was Deputy Chief of Staff in the Clinton White House from 1998 to 2000.

Eduardo Sotelo, better known as the disc jockey “El Piolín” addresses his audience. Many of those protesting anti-immigrant legislation learned where, when and even how to demonstrate from Spanish-language media.