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EDITORIAL

They Are America

Almost a year ago, hundreds of thousands of immigrant workers and their families slipped out from the shadows of American life and walked boldly in daylight through Los Angeles, Washington, Chicago, New York and other cities. "We Are America," their banners cried. The crowds, determined but peaceful, swelled into an immense sea. The nation was momentarily stunned.

A lot has happened since then. The country has summoned great energy to confront the immigration problem, but most of it has been misplaced, crudely and unevenly applied. It seeks not to solve the conundrum of a broken immigration system, but to subdue, in a million ways, the vulnerable men and women who are part of it. Government at all levels is working to keep unwanted immigrants in their place — on the other side of the border, in detention or in fear, toiling silently in the underground economy without recourse to the laws and protections the native-born expect.

The overwhelming impulse has been to get tough, and tough we have gotten:

Border enforcement. What little the last Congress did about immigration was focused on appeasing hard-line conservatives by appearing to seal the border. President Bush's new budget continues that approach, seeking 3,000 more Border Patrol officers and another \$1 billion for a 700-mile fence, adding to the billions spent to militarize the border since the 1990s. That still isn't enough to build the fence and it hasn't controlled the illegal flow; you need more visas and better workplace enforcement to do that. It has directed much traffic into the remote Southwest desert, making more immigrants vulnerable to smugglers and leaving many people dead.

Federal raids. In December federal agents stormed a half-dozen Swift meatpacking plants, rounding up hundreds of suspected illegal immigrants and exposing the secret that is no secret: America's dirtiest, hardest jobs are done by people too desperate to shun them and too afraid to complain. The raids have been replicated in other states and industries, on day-labor street corners and in homes from Connecticut to California. In immigrant communities, the undercurrent of fear has been replaced by terror, and employers are jittery, too. The immigration agency says it singles out only fugitives in Operation Return to Sender, but the sweeps are broad and panic is indiscriminate.

Local crackdowns. State, county and local officials have picked up where they left off last year, introducing bills to get tough on illegal immigrants. They cannot control federal policy, so they try other ways to punish those they see as unfit neighbors, to stifle their opportunities, extract money, expose them to legal jeopardy and otherwise inflict suffering, in the deluded hope that piling on miseries will make them disappear. In suburban Long Island, where resentment over an influx of day laborers has festered under a hapless and intolerant county government, lawmakers are considering banning workers from county roadsides. Texas legislators are mulling a bill to reject the 14th Amendment and deny the benefits of citizenship to children born in this country to undocumented parents. Local officials all over are trying to deputize police officers as immigration agents, causing overburdened

police forces and prosecutors to bristle. Some bills are symbolic, most are simply spiteful, and their effect is a chaotic patchwork, not a sane national policy.

Gutted due process. Laws enacted a decade ago and tightened after 9/11 distance even legal immigrants from the protection of the law. Immigrants are routinely detained without bond, denied access to lawyers, deported without appeal and punished for one-time or minor infractions with a mechanistic ferocity that precludes a judge's discretion or mercy. Several of the immigration bills that Congress has considered seek to heighten the efficiency with which immigrants who run afoul of the authorities can be railroaded out of the country. This gums up another aspect of the legal system, which deals with refugees and asylum seekers. A much tighter web for immigrants has been erected, and it catches many blameless victims.

The web of suspicion. The Justice Department wants to expand routine DNA collection to include detained illegal immigrants, creating a vast new database that will sweep up hundreds of thousands of innocent people. DNA, far more than fingerprints, is a trove of deeply personal information. Its routine collection from law-abiding citizens is considered an outrageous violation of privacy rights. In the belief that illegal immigrants lack such rights, DNA swabs and blood would be collected even if a detainee is not suspected of a crime. This reinforces the notion that immigrants should be treated as one huge class of criminal suspects.

The bureaucratic trap. The federal bureaucracy, notorious for backlogs and bad service, wants to charge more to immigrants who want to become Americans — an average increase of 66 percent in the price of visas and citizenship papers. Such steep and arbitrary increases would create a means test for citizenship, an affront to our national values.

The rise of hate. The Anti-Defamation League, acutely sensitive to the presence of intolerance, has detected an increase in Ku Klux Klan activity around the country, much of it focused on hatred of new immigrants. This virus in the bloodstream usually erupts amid national ferment and fear, and according to a report available at www.adl.org, hate groups like the Klan have moved quickly to exploit the simmering debate over immigration.

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Hopelessly fixated on toughness, the immigration debate has lost its balance, overlooking the humanity of the immigrant. There is a starkly diminished understanding that hospitality for the stranger is part of the American ethos, and that as much as we claim to be a nation of immigrants, we have thwarted them at every turn. We must do better.

The new year began with renewed optimism for the chances of sensible immigration reform in Washington. The hope is justified, but time is short and real change will still require boldness and courage. Citizenship must be the key to reform. The idea of an earned path to citizenship for illegal immigrants was missing from President Bush's State of the Union address this year, though he has continued to say his usual favorable words about reform. The new Democratic Congress and moderate Republicans cannot be afraid to stand up to the anti-amnesty demagogues and lead Mr. Bush to a solution.

Enforcement of laws cannot be ignored. Punish immigrants who enter illegally, make them pay back taxes and fines, restrict their ability to get work through deceit and false identities. But open a path to their full inclusion in the life of this country.

The alternative — the path of immigrant exploitation, of harassment without hope — will only repeat the ways the country has shamed itself at countless points in its history.

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