

## Chapter 4

### Rethinking Cross-Border Employment in Overlapping Societies: A Citizenship Movement Agenda

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#### *Introduction*

The passage of Proposition 187 in California in 1994 launched a barrage of policy change creating a new and more hostile environment for immigrants and for immigration and naturalization; a new anti-immigrant civic regime. These policies have had a strong and sometimes brutal impact on families, especially on low income families; on the elderly and disabled; on employment conditions and labor rights; health care for immigrant families and educational opportunities for immigrant youth; and on the health and safety and often the lives of persons crossing the border for work. They have failed, however, to slow the growth of unauthorized immigration or the emergence of what appears more and more to be a new apartheid of citizenship status. Instead, by making border crossing more dangerous and expensive, they have accelerated the process of settlement and family formation inside the United States by migrants who might otherwise have maintained their primary residence in Mexico.

On the other hand, these developments have promoted the emergence of a citizenship movement among immigrants in the U.S.: a social movement for expanded participation in public life. The sharp rise in naturalizations, traced in figure one, represent a dramatic reversal of Mexican immigrants' long-time tendency *not* to naturalize. Importantly, at the same time that these legal permanent residents move in unprecedented numbers into U.S. citizenship, they sustain stronger connections with their homelands, especially in North America. These con-

rary trends have radical consequences for the future relationship between nationality and citizenship, to which I shall return in the final section below.

This is only one measure of a broad trend toward increased public life, concentrated among Mexican immigrants. It was accompanied, for example, by an explosion of participation in adult education classes beyond ESL and Citizenship. And it is now being followed by new citizen voter participation rates, which exceed those of native-born Latinos and match that of the general voting public. At the same time, moreover, the U.S. labor movement is reassessing and beginning to move away from its historically exclusionary attitude toward immigrant labor. This unfinished process has opened up new possibilities for more inclusive political coalitions, which can change the political balance of power and policies at every level of government in the U.S. As a result, new opportunities to re-define citizenship are likely to be open in the future.

If these possibilities are to be realized, it is imperative that those concerned about the status and treatment of immigrant workers move beyond opposition and toward the development of positive agendas. These are, to be sure, complex issues, and controversial enough to make dialogue difficult amongst those with different views. Given the balance of power in Congress and the prevailing anti-immigrant spirit in the country at large, moreover, the danger exists that reforms considered with the best of intentions may mutate into forms that only reinforce employer control and exploitation in low wage labor markets that are currently filled with unauthorized immigrants. The Forum for Transnational Employment is designed to operate in these circumstances: as a space committed not to policy advocacy but to the exploration of alternatives and dialogue among scholars and civic leaders.

This article aims to help inform and stimulate that dialogue. It will be useful, we believe, for participants:

- to grasp “citizenship” not as a fixed and inflexible thing, but as an unfinished and evolving set of relationships to public institutions that are a focus of social conflict and political struggle;
- to see themselves as participants in a social movement with realistic prospects of changing the direction of history;

FIG 1. NATURALIZED IMMIGRANTS  
1907-1998 AND BACKLOG, 11/30/97

- to grasp the pivotal role of the labor movement, both in generating a culture of citizenship and as potential allies—and potential adversaries—with much at stake in an agenda for expanded citizenship;
- to review and briefly assess today's contending agendas for cross-border employment rights (and to suggest, in passing reconsideration of a decades-old proposal to legalize the flow of temporary Mexican labor in the U.S. through individual visas not tied to companies, nor even to industries); and finally,
- to reflect on the direction of change in the relationship between citizenship and national identity in the emerging new conditions of transnational or overlapping societies.

### *The Citizenship Movement and the Labor Movement*

Unlike lawyers and many others, sociologists who study citizenship see it as more than a legal status. Though their views differ widely, most see citizenship as including the exercise of civil rights or basic freedoms of speech and movement and equal treatment under the law; social rights or protection from extreme poverty and participation in self-government (Marshall, 1950). For some, citizenship also means educational rights, including access to information (Parsons 1966); economic rights of some kind (Marshall 1950) and recently, the right to express and receive recognition of our own culture in a diverse society (Flores & Benmayor, 1997). Also, a great body of historical research on the emergence of citizenship has shown that labor movements among workers who are excluded from basic citizenship rights have been and remain today among the most important forces in history for the expansion of citizenship in all these domains (Hobsbawm 1968, Thompson 1974, Montgomery 1993, Foweraker & Landman 1997).

*From this point of view, "citizenship" first appears not when governments recognize rights but when people begin demanding and exercising them. Also from this point of view the long history of struggle for this whole array of citizenship rights among Mexican immigrants and their descendents in the U.S. can be understood as a broad current of citizenship— at times forceful, at times nearly dormant— moving through this population, or a citizenship movement. And from this point of view it makes sense that the citizenship movement among Mexican immigrants and their descendents has mainly grown out of farm workers' and urban immigrants' struggle for fair treatment in employment.*

Despite the massive scale of recent changes in Mexican immigrants' participation in U.S. public institutions, the citizenship movement is as yet more potential than reality today. Tangible to organizers working in this community, it is a disorganized and low-key social movement, more a current of change than a wave of collective action. It suffers from:

- a lack of visible public leadership;
- the absence of clear and strong language through which participants express their cause and locate their movement in history;

- an ambivalent relationship to the U.S. labor movement; and
- as *Latinos* and their allies begin to win electoral power, an absence of viable local policy agendas to champion, especially at the local level.

Whether this new citizenship movement achieves its potential depends in part on whether leaders emerge who articulate it as a movement for social justice; whether those involved tap this expanded interest in civic participation or instead rely on bureaucratic client processing; whether labor leaders adopt agendas that respond to the interests of immigrant workers; and whether emerging Latino political leaders and their allies are equipped with viable policy proposals that allow them to assemble coalitions with the capacity to govern. Here, we focus in particular on its relationship to the labor movement.

Citizenship movements are also more than struggles for labor rights. The citizenship movement among Mexican immigrants is also, for example, largely a movement of women, powerfully affected by concerns about the future of children, and structured in basic ways by family relationships that both cross borders and that serve as criteria of eligibility for immigration to the United States. It is also partly rooted in the recent and growing vitality of civic participation in indigenous peoples' groups and hometown associations. And it is also probably strongest today in the realm of education, though it could be much stronger there as well.

But the connections between the labor movement and the long struggle for expanded citizenship are easy to see. Starting in the 1970s, for example, the United Farm Workers union led many thousands of Mexican immigrants into a series of dramatic electoral campaigns. Since the UFW began to embrace the rights of undocumented workers in the 1970s, that organization has emerged as among the most powerful voices for immigrant rights in the U.S. Also, during the amnesty program in the late 1980s, and again during the huge surge of new applications for U.S. citizenship in the 1990s, a variety of Latino-led labor unions mobilized support for immigrants making their way through the immigration and naturalization process.

Over these decades, the Mexican immigrant workers' movement grew in strength not only among the newly "legal" immigrant workers but also among undocumented immigrants, empowered by a relatively porous border and relatively lax enforcement of laws prohibiting their

employment (Milkman & Wong 1999). Elsewhere in the United States other farm worker labor movements also gained ground. After years of decline, the UFW itself began to experience organizing success again in the early 1990's, and a series of immigrant worker movements surfaced in a wide variety of other industries as well. Among the best-known of the new movements was the Service Employees International Union's Justice for Janitors campaign, which, starting in the late 1980's, succeeded in many cities in reorganizing an industry where union membership had virtually collapsed since the mid-1970's (Johnston 1994).

The Justice for Janitors campaign had consequences far beyond the building maintenance industry; it helped to propel an insurgency within the top ranks of the AFL-CIO which led to the emergence of new labor leadership more committed to organizing. The AFL-CIO had pressed, in previous rounds of immigration policy-making, for stronger border enforcement and employer sanctions targeting undocumented workers, in direct opposition to the agendas of immigrant advocates and Latino community leaders. The new AFL-CIO leadership, however, was committed to organizing undocumented first-generation immigrants.

But many labor leaders continue to believe that by preventing a labor surplus, border enforcement could enhance the conditions for organizing. Also, the strength of these movements among undocumented workers had by the early 1990's persuaded many scholars and union organizers that citizenship status and immigrant rights issues were not significant factors in organizing (Delgado 1993). So leadership changes in the AFL-CIO would not produce significant new advocacy for immigrant rights, support for the naturalization movement which would explode in the mid-1990's, or a changed stance on border enforcement and employer sanctions. Ironically, in fact, the AFL-CIO withdrew its support for the California Immigrant Workers Association and for LA-MAP, two labor initiatives which had indeed tied the defense of immigrant rights to labor organizing.

Consequently, despite these deep connections between the emergence of citizenship and labor movements among immigrant workers and despite a broad turn toward a more political unionism, efforts to revive the U.S. labor movement have to date largely missed the opportunity to identify unionization with immigrant communities' citizenship aspirations. Instead, labor unions struggle to organize low-wage workers in difficult conditions created, to a degree, by their own policies.

Labor unions, then, are by no means always the immigrants' best friend. They can choose to defend established economic advantages

against newcomers, and frequently do so. Frequently in history labor unions have been both decisive adversaries as well as key allies of immigrants and others excluded from full citizenship. Labor is mainly an ally of immigrant rights when it is a social movement, committed to the expansion of citizens' rights in the field of industry or in the particular public institution where workers are employed, and elsewhere. *The critical point about the present period, however, is that while U.S. labor hasn't really changed its mind about immigrants, it has begun to do so.* This may prove to be an historic opening, with great significance for the future shape of our society.

The historic exclusion of first-generation immigrants from labor unions and from full participation in citizenship more generally has had decisive consequences for U.S. politics and the economy, including a weaker labor movement, a deeply dualistic economy and labor market (divided, that is, between very low-wage and relatively high-wage work), deeper income inequalities, and more regressive public policies. Because labor and immigrant rights advocates have been at odds with each other in the past, the embrace of first-generation immigrant workers by the U.S. labor movement might well produce rapid changes in policy and explosive developments on the organizing front. If an extended dialogue between labor and immigrant rights leaders produced a new consensus, the result would be a sharp change in the pattern of political conflict around this issue in Washington D.C., opening up dramatic new possibilities for positive legislation protecting the rights of the currently undocumented workforce.

Today the struggle for expanded citizenship continues on many fronts, from education to the electoral arena. Since the barrage of new anti-immigrant policies began with the passage of Proposition 187 in California in 1994, most Latino civil rights energies have been taken up with defensive efforts, seeking to stop or blunt attacks on social welfare rights, bilingual education, and affirmative action. But as the new political strength of Latino communities begins to become evident, it is possible that new political coalitions will form with the capacity to roll back the array of anti-immigrant policies put in place during the 1990s. In these circumstances, critical questions arise: Will labor union leaders learn the lessons of recent organizing failures, to become advocates for the rights of the undocumented workers whom they would like to organize? More generally, will we be prepared to advance our own policy agenda for fair cross-border employment? Or will we remain so focused on opposing anti-immigrant initiatives that we never take the time to develop and build support for our own positive agendas?

### *The Struggle over Cross-border Employment*

The past five years have seen a dizzy pace of change in immigrant rights, caused by the struggle over citizenship. This pace is likely to continue, with new conflicts and new changes already on the horizon. Two new initiatives focused on Mexican employment in the U.S. now threaten to further develop the new anti-immigrant regime, while also stimulating greater opposition to it. One is an element of the INS' new "internal enforcement" agenda, and involves what might be called "*industrial audits*": computerized identification of persons without valid social security numbers. This technique, which allows the INS to selectively target and "purge" particular industries and regions of "suspect" workers has already been field-tested and found effective in the meatpacking industry in the mid-west and in the apple industry of the Northwest.

A second agenda has been persistently pushed by agricultural employers who find themselves increasingly dependent on unauthorized immigrant workers. Since 1995, they have sought to sharply expand and streamline the *guestworker program*, giving employers more ready access to temporary Mexican workers. Labor and immigrant advocates oppose the expanded guestworker program arguing that, though it does allow workers to work legally in the United States, it places them under conditions of control by a single corporation that are not consistent with work in a free society. These advocates also oppose the new industrial audit agenda, both to defend the rights of targeted workers and to deal with the consequences of these mass firings for families, local economies, and social service systems.

The agenda for an expanded guestworker program is mainly driven by employer interests. It reflects their recognition of the reality of cross-border employment, and their preferred way of organizing it. Even with the passage of new legislation, however, determined labor resistance backed by broad public opposition make it highly unlikely that a significant portion of the temporary Mexican immigrant workforce will ever be brought into this framework. If as appears likely, however, these two programs do take root and expand, they may trigger increased organizing and advocacy for alternative policies in affected communities on both sides of the border. In particular, the spectacle of thousands of unauthorized Mexican workers being discharged and replaced by thousands of Mexican guestworkers is likely to inspire demands from employers as well as others affected that legal status of some kind be instead given to those workers already in place.

Two other influential agendas for change might be called the *enforcement agenda* and the *anti-enforcement agenda*. Economists influential in the Clinton-Gore administration argue that stronger and better enforced regulation of wages and working conditions will reduce both the abuse of low-wage workers and the employment of unauthorized immigrants. On the other hand, immigrant rights advocates argue for the non-enforcement of employer sanctions and, more specifically, for prohibiting collaboration between the INS and the Social Security Administration to identify workers suspected of unauthorized immigration status. Many are fearful, however, that any program expanding legal temporary employment in the U.S. will be so biased toward employer power that it weakens immigrant rights still further, and so do not support efforts to legalize temporary immigrant employment in the U.S.

As it appears that Clinton and Zedillo administrations are sidling toward some new guestworker program, several other new proposals aiming for more far-reaching change in cross-border employment policy have recently been offered as alternatives. The United Farm Workers Union has set their sights on a new amnesty program, which would provide legal permanent residency status to those currently working in agriculture. Others argue for more far-reaching reforms, which would simultaneously seek to stabilize employment in agriculture. Specifically, Mines & Alarcón (1999) and Papametriou & Heppel (1999) offer plans which vary in some details but basically involve:

- a limited amnesty for those now employed in agriculture,
- an expanded guestworker program with stronger protection for workers' rights,
- efforts to stabilize and upgrade the agricultural labor market to reduce turnover and so slow its appetite for more low-wage immigrant workers, and finally
- a still more intense crackdown on unauthorized immigrants.

It is not clear why, aside perhaps from considerations of political viability, these proposals include the last of these elements (intensified crackdown on unauthorized immigrants). Importantly, however, these ideas have attracted the interest of Senator Dianne Feinstein, among others.

Although it is not being actively circulated today, Wayne

Cornelius' 1981 proposal to simply legalize the flow of temporary migrant workers from Mexico through the issuance of massive numbers of temporary worker visas on a first-come, first-served basis represents a yet another approach. Because the proposal allows the worker to move freely in the U.S. labor market, avoids the intensified crackdown on unauthorized immigrants, allows the migrant to have dependents with him or her, and also responds to the particular interests of unions and workers involved in strikes and organizing campaigns, it may be a better starting point for discussion than some of the other approaches outlined above. Interestingly, this is a "free market" agenda: relieving employers of burdensome paperwork, while offering workers the option of "exit" which is so essential if they are to enjoy the option of "voice".

We would strengthen this proposal by calling for mechanisms that ensure a voice by those affected in its administration and implementation. Low-wage and low-skill migrant workers temporarily employed in the U.S. are so vulnerable that, left to the labor market, their conditions of employment will be inconsistent with work in a free society. It is unlikely, moreover, that labor organizations will back a plan which could potentially flood the U.S. labor market with an unlimited number of low-wage competitors.<sup>1</sup> Specifically, then, we would place it under the administration of a board that includes both U.S. and Mexican labor representatives, and also include provisions supporting representation of and by migrant workers on the job as well as in the administration of this program.

### ***Conclusion: Facing the New Transnational Realities***

There are few more powerful forces in the social world than the labor market. The failure of the past decade of immigration policy to reduce cross-border employment shows the folly of policies that assume they can effectively abolish the cross-border labor market. As an unintended consequence of increased enforcement, for example, most

<sup>1</sup> It is interesting to consider, however, that the only break-through in private sector U.S. labor organizing on a scale comparable to that which unions hunger after today came not in a tight labor market, but rather in the Great Depression. Similarly, during a short-lived period of success in immigrant worker organizing of the late 1980s and early 1990s, low-wage labor markets were awash in unemployment. In such circumstances, social movement unionism has generated political resources able to overcome the challenge of high unemployment.

informed observers agree that temporary workers have increased their rate of settlement and family formation in the U.S. due to the increased cost and difficulty of border crossing. As long as wage levels differ on a scale similar to today's 8:1 ratio between the U.S. and Mexico, such policies are never likely to do more than deepen undocumented workers' isolation and vulnerability to unemployment.

Both current policies and most responses and proposed alternatives suffer from a failure to face reality when they assume that government enforcement efforts can override the power of a labor market that crosses borders. Similarly, immigrant advocates who assume that no legal status short of permanent residence can protect migrant workers in the U.S. remain trapped within a notion of citizenship rights increasingly unsuited to the global age. Both fail to grasp the reality of our increasingly overlapping societies, tied together by a transnational labor market, by a huge and growing number of transnational families, and increasingly by transnational citizenries.

It is useful to reflect briefly on the historic significance of this change. In the past, when waves of mass migration have changed the composition of society in the United States, first generation immigrants have remained attached to their homelands. Only in the second generation have migrant communities sought—and sometime won—inclusion as full members of society. Not until the labor movement of the 1930s and the upheavals in local government politics in the same period, for example, did the children of immigrants from southern and eastern Europe win a degree of membership comparable to that of northern European immigrants in U.S. society.<sup>2</sup> This historical exclusion of first generation migrants is closely related to the dualism or sharp inequalities in U.S. labor markets and in the economy more generally. For the past century, this pattern of exclusion has defined the character of the labor movement and shaped the economy and politics of the United States (Piore 1979, Mink 1986).

Now, however, something new is happening. On the one hand, even more than in previous periods many immigrants are remaining

<sup>2</sup>Michael Piore (1979:158-64) suggests that the urban upheavals of the 1960s represent a similar struggle for inclusion by the children of African-American migrants from the rural south, and that the Chicano movement reflected a similar process at work among the children of migrants from Mexico and the rural southwest.

rooted in their countries of origin, thanks to cheaper and faster travel and communication and to continuing migration flows (Massey 1995, Portes 1996, Smith & Guarnizo 1998). Increasingly, political elites in sending countries have recognized and sought to tap into these “transnational communities” as an economic and political resource (Basch et al 1994). Since March 1998, Mexico has joined other countries (including the U.S.) in allowing its citizens to remain nationals after naturalization in another country (Spiro 1998), and the Mexican government is now considering plans that will permit dual citizens to vote in Mexican elections (Dillon 1999).

On the other hand, driven by the desire to secure rights for themselves and their families, unprecedented numbers of these same first generation immigrants are seeking full membership in U.S. society. As they do so they feel deeply ambivalent, torn between their attachment to Mexico and their new connection to the land where their children were born and their descendants will live. So, as *Los Tigres del Norte* say in their wildly popular song, they make a place for two countries in the same heart.

Together, these trends suggest a disconnection between nationality and citizenship; possibly the decline of (and certainly a challenge to) the nation-state model of citizenship. Unchecked, they imply the emergence of what might be called post-national or trans-national citizenries: nationalities that participate in more than one polity, and polities that embrace more than one nationality. The first shares in more than one public life, while the second shares in a bounded citizenship that nonetheless embraces diversity. These two crosscutting kinds of “transnational citizenship” have consequences not only for immigrant groups and the cross-border relationships that bind them to their homeland but also, we argue here, for public life, public policy and public organization within receiving countries.

There is no inevitable triumph on the horizon for the transnational citizenship envisioned here, neither for its embrace of diversity within the U.S. public nor for its recognition of the rights of citizens of our sister countries like Mexico, who labor here in low-waged jobs. But the new and still-growing level of immigrant participation in U.S. public institutions will certainly produce opportunities for rolling back the exclusionary policies of the 1990s and for re-defining the terms of membership in our over-lapping societies. Success in this project will depend to a great degree on

the course of what we have called here the citizenship movement.

This movement has a message, we believe, not only for Mexican and other immigrants coming to terms with their own transnational lives and identities, but also for others in the U.S. who are prepared to embrace the growing diversity of our society. Its strength will depend in part on our self-consciousness, or our shared vision of who we are and what we stand for. It will depend in part, that is, on our ability to grasp and to express our role in history, on California's cutting edge in the struggle to realize the promise of democracy in the global age.

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