

BORDER FIGHT

Regaining Control

PETER SKERRY

A new book seeks to rein in the rhetorical excesses on both sides of the immigration divide.

“Losing control” is an apt description of U.S. immigration policy over the last several decades. It is also the title of a surprisingly informative and insightful new book by veteran journalist Jerry Kammer.

I say “surprisingly” because over the last ten or 20 years there have been dozens of books about immigration by journalists who work and rework the same familiar, worn-out theme: heroic poor folks from around the world risking everything to make it to America, “just like our ancestors did.” Indeed, “losing control” would be an accurate description of the vast majority of journalists covering immigration, who have long since traded objectivity for empathy toward the outsider, and historical accuracy for romanticization of our immigrant past.

But not Jerry Kammer. He started his career at the *Navajo Times* and then worked at the *Arizona Republic* and later the *San Diego Union-Tribune*. Along the way he won the Robert F. Kennedy Journalism Award for reporting on abusive and hazardous working conditions in factories (*maquiladoras*) along the U.S.-Mexican border; the Gerald Loeb Award for his writing on Phoenix financier Charles H. Keating, Jr. and the savings and loan crisis of the 1980s and 1990s; and finally, the Pulitzer Prize for exposing the bribery scandal that sent California Congressman Randy “Duke” Cunningham to jail. And, oh, by the way, Kammer is currently senior research fellow at the Washington-based Center for Immigration Studies (CIS), which in 2017 was designated a hate group by the Southern Poverty Law Center.

If that catches your attention, you need to get a hold of Kammer’s gem of a book. Even if you share the Southern Poverty Law Center’s worldview, I believe you will find Kammer’s portraits of the individuals and organizations on the restrictionist right to be informative, even revealing. He manages his biases fairly and explicitly. As Kammer is at pains to make clear, he considers himself a liberal, and as such he emphatically does *not* identify with the restrictionist right—though he does acknowledge that his employer, CIS, gets financial support from such sources. Kammer would like to call himself an immigration *regulationist*, but acknowledges that label to be a non-starter. So he settles for calling himself a “liberal restrictionist” who “favor[s] clear limits and enforcement” but who also “celebrate[s] immigrants as a vital part of our national story” and “abhor[s] demonization of migrants, regardless of their legal status.” Moreover, Kammer supports “a comprehensive immigration reform that includes a generous amnesty,” but only if Congress avoids the blunders made with the last such effort in 1986.

Losing Control: How a Left-Right Coalition Blocked Immigration Reform and Provoked the Backlash That Elected Trump

Jerry Kammer
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To be sure, Kammer is occupying real estate whose price would appear only to be heading down—so don't read this book if you're a day trader. But do read it if you want some insight into the people, politics, and institutional dynamics that got us into this mess. After all, as much as any one issue, our immigration fiasco has led to the disastrous presidency of Donald Trump, of whose policies, it must be clearly stated, Kammer is no fan.

Kammer refuses to play word games. Acknowledging legitimate objections and problems with both “illegal immigrant” (or “illegal alien”) and “undocumented immigrant,” he informs the reader that he will use both terms. Nor does he take cheap shots at individuals he disagrees with or with whom he has sparred with on panels or in interviews. On the contrary, one of the real virtues of this book is Kammer's empathetic yet incisive personality portraits of the individuals fashioning immigration policy over the last several decades. He deftly captures former Senator Alan Simpson, the Republican from Wyoming, who played a key role in immigration policy throughout the 1980s and into the 1990s: “Known both for amiability and irascibility, the slender, six-foot-seven-inch Simpson was part Jimmy Stewart and part Yosemite Sam.” The now-forgotten Vilma Martinez, Obama's Ambassador to Argentina and former head of the once-powerful Mexican American Legal Defense and Education Fund (MALDEF), with whose views Kammer would often find himself in disagreement, gets described as “a woman of penetrating intellect and personal magnetism . . . whose convictions drew power from the long history of discrimination against Mexican-Americans.”

Kammer takes similarly dispassionate note of Los Angeles Congressman Ed Roybal's “overwrought language” in opposition to a pilot project to develop and test a secure driver's license. Advocated in 1990 by Senator Simpson to address the flood of phony documents being used by illegal immigrants and their employers to get around the 1986 reform, the proposal was nevertheless blocked. One reason why was the rhetoric wielded by Roybal during the floor debate: “It is ironic that South Africa has just abandoned its notorious pass-card identification program that has been an essential element of its hated apartheid system.” Noting that Roybal was the first Latino elected to Congress from California in the 20th century (though not mentioning that with his daughter, Lucille Roybal-Allard, succeeding him in 1993, that seat has been held by the same family for almost 60 years), Kammer calmly and graciously explains that the congressman's perspective was “reflective of emotions that were rooted in the discrimination Roybal had experienced as a young man in East Los Angeles.”

New York Senator Chuck Schumer is accurately depicted as a “compulsive deal-maker” whose restlessness extends to brokering romances and marriages for his staffers, earning him the title of “the Yenta of the Senate.” Dubbed by lobbyists as “the Monty Hall of Immigration” (after the creator, producer, and long-time host of television's *Let's Make a Deal*), Schumer played a critical role in securing passage of the almost stillborn Immigration Reform and Control Act (IRCA) of 1986.

Schumer's secret sauce was the Special Agricultural Worker program. SAW provided a path to legalization and citizenship for agricultural workers who had entered the country illegally and then picked crops for a mere 90 days or more, instead of the five-year minimum residency requirement that the typical undocumented person needed to gain amnesty. By assuaging growers' concerns that they would be deprived of their customary workforce, SAW was the sleight-

of-hand needed to get any kind of overall immigration reform enacted. And

indeed, because they were permitted to present dubious or simply fraudulent pay stubs, rent receipts, and other such “documents,” over one million undocumented eventually secured legal status under SAW. A few years later Roberto Suro of the *New York Times* adjudged the program to be “one of the most extensive immigration frauds ever perpetrated against the United States Government.” Nevertheless, about Schumer and his involvement with IRCA, Kammer concludes that “his effort was sincere” and “the product may have been the best he could achieve under the circumstances.”

Kammer is similarly even-handed in his account of the Obama Administration’s immigration and refugee policies. Acknowledging the pressure Obama was under from Latino voters in an election year, Kammer goes easy—too easy, in my opinion—on the president for reversing his previous position and in June 2012 announcing the Deferred Action for Childhood Arrivals (DACA) program by executive order. Kammer goes on to dismiss soon-to-be candidate Trump’s criticisms of Obama’s efforts to deal with the flood of migrants and asylum seekers arriving at our southern border beginning in 2014. As Kammer concludes, “Trump had yet to learn that U.S. law and international commitments obligated the Obama Administration to allow asylum seekers to present their claims.”

Doris Meissner, commissioner of the now-defunct Immigration and Naturalization Service (INS) for eight years under President Clinton, refused to be interviewed by Kammer. Yet he treats her in the same dispassionate, though not uncritical, manner as he does others. He quotes one career INS official describing Meissner as “probably the most knowledgeable commissioner we had with respect to the scope of her understanding of immigration.” But Kammer goes on to highlight how her vision of “a kinder, gentler immigration service,” as one former colleague put it, resulted in a focus on the facilitation of cumbersome, archaic naturalization procedures. These efforts then alienated agents and managers “immersed in a conservative culture of commitment to the rule of law.” As one former INS analyst put it, “Doris seemed more uncomfortable with the enforcement side of the house. . . . She was much more comfortable with giving than enforcing.” As Kammer concludes, this divide within the INS between enforcement and naturalization services “presented a microcosm of the broader national debate.”

More damning is Kammer’s perhaps questionable suggestion that Commissioner Meissner’s “aversion to enforcement” and her “chilly relationship with the INS investigations division” caused her to be less attentive to terrorist threats than she should have been. Here Kammer relies on an interview with one of Meissner’s former assistant commissioners, who claimed to have alerted her to a 1995 CIA briefing in an email, labeled “Threat Assessment of Islamic Fundamentalist Groups and Impact upon INS.” She subsequently characterized that meeting as “a waste of time.” It is difficult to determine exactly what to make of all this. But eight years later when Meissner was interviewed by the staff of the 9/11 Commission, she did report the rather damning fact that she had never heard of Osama Bin Laden until August 2001, nearly ten months after she had left INS.

As for the other side of the immigration debate, Kammer is just as even-keeled. He is certainly critical of Trump’s favorite lawman, Joe Arpaio of Maricopa County, Arizona. He depicts “America’s toughest sheriff” as an opportunist with a “relentless in-house publicity machine,” whose abuse and humiliation of the

undocumented cost the county “tens of millions in court awards, settlements, and legal fees.” On the other hand, Kammer emphasizes that immigrant advocates played right into Arpaio’s hand in 2006 and 2007 “by assembling more than 100,000 protesters in Phoenix” and thereby stirring “anxiety among Arizonans who feared that the state was being ‘Mexicanized.’”

To be sure, most of what Kammer sheds light on is not news to Washington insiders and immigration policy junkies. But that’s the point. This book is informative, accessible, and dispassionate and perfect for Americans who are tired of stories about our immigrant grandmothers (by the way, I’ve got one of them!) and just want to make sense of our confused and confusing immigration policies. While Kammer engages the reader with his insights into the personalities and policy predilections of the individuals involved, his account is also about the institutions through which those individuals pursue their agendas. In this regard, his focus on generational succession at the *New York Times* highlights an overlooked but dramatic shift in how one critical institution has framed immigration for itself and elite opinion more generally.

Under the heading “A Tale of Two Sulzbergers,” Kammer traces the paper’s starkly different perspectives on immigration under publisher Arthur Ochs Sulzberger Sr. and his son and eventual successor, Arthur Jr. Under the former, the *Times* pursued an editorial policy that “stands out for its moderation, moral modesty, and understanding that there were respectable reasons for opposing illegal immigration on the massive scale of the 1990s and early 2000s.” Notably, Kammer assigns a good deal of the credit for the *Times*’s “pragmatic idealism” in that period to renowned editorial writer Jack Rosenthal, who was born in Tel Aviv in 1935 and arrived in the US at the age of three, the son of a refugee from Nazi Germany. By contrast, Sulzberger Jr. is a child of privilege who as a young man was reportedly shy and insecure. Yet as a student at Tufts in the early 1970’s he apparently came into his own, engaged in civil disobedience against the Vietnam War, and reportedly emerged as a young man of excessive self-confidence and arrogance.

It is not always prudent to attribute shifts in institutional culture and worldview to personnel changes at the top. But for the *New York Times*, such a case can certainly be made, and Kammer makes it forcefully. As he concludes, “the younger Sulzberger’s *Times* produced a body of editorial work that was brash, self-righteous, and confrontational.” This certainly characterizes the *Times*’s impassioned opposition to virtually any reforms that would curtail levels of immigration, shift toward more skills-based admission criteria, or seriously tackle illegal immigration. By contrast, Kammer points out that when Sulzberger Sr.’s *Times* lamented the demise of immigration reform in 1984, it criticized Democratic presidential contenders for “pandering to Hispanic leaders.” It is impossible to imagine any such commentary issuing from today’s *Times*.

Kammer presents similarly informative accounts of how and why over the past several decades both the environmental and labor movements have shifted their positions and signed on to the agenda of immigration advocates. Still, I would challenge his assumption that unions have done so because they view immigrants as potential members. Indeed, I would argue that embattled unions understand better than anyone how difficult it is to organize immigrants, whether legal or illegal. They have abandoned advocacy for controls and restriction out of a desperate need to gain the sympathy and support of well-heeled liberal allies.

Finally, Kammer is especially helpful and informative about the budgetary and bureaucratic politics that have shaped and confounded immigration reform. He reminds the non-specialist of Congress's penchant for enacting laudable authorizing legislation—say for worksite investigators to root out the hiring of undocumented workers—but then failing to follow through with the appropriations necessary to actually fund those positions. He also highlights implementation problems that arise when agencies with divergent missions are called on to cooperate. For example, during the second half of the 1990s, the Department of Labor agreed to work with INS to identify employers who knowingly hired undocumented workers. Yet it turned out that Labor limited its cooperation with INS out of concern that such workers might fear deportation and consequently be disinclined to report labor standards violations, which was of course Labor's priority. Kammer notes that, for similar reasons, consolidating agents from separate Customs and INS bureaucracies into the much maligned ICE (Immigration and Customs Enforcement) under the broader umbrella of the post-9/11 Department of Homeland Security did not result in "a happy union," but rather in an agency with continual battles over priorities and mission.

Harvard social scientist Christopher Jencks, who began his career as a journalist, once described sociology as "slow journalism." In recent years journalism has undergone changes such that we might now regard much of it as "fast sociology." I have in mind the plethora of soft news pieces about social and cultural changes and controversies—and how "ordinary people" *feel* about them. No doubt a super-abundance of readily available survey data has contributed to this phenomenon. But so, too, have shrinking newspaper budgets and the disinclination of journalists and editors to expend the time and energy to dig into and explain increasingly complicated and technical political controversies to ever more distracted readers.

Be that as it may, immigration, as I have already suggested, has been peculiarly prone to this human-interest, impressionistic, tendentious treatment. And this is precisely why Jerry Kammer's *Losing Control* is such a valuable contribution.

While offering a highly engaging and readable account, Kammer eschews the romance of immigration and focuses on the critical bureaucratic and political dynamics that seldom get explored or explained in a way that allows interested citizens to inform themselves. And he does so in an honest, straightforward manner that refuses to engage in the polemics and recrimination that now pervade our political and civic life.

Hard-line immigration restrictionists will dismiss this book as too squishy. Immigration advocates will ignore Kammer's thoughtful, respectful criticisms and condemn him for refusing to endorse their agenda. Those few looking for serious approaches to resolve our immigration dilemmas will not find much to chew on here. All the rest of us—who need to get a handle on the intellectual, political, and bureaucratic crosscurrents that have brought us here—should read this book.

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