



Immigration Policy and The Politics of Bernie Sanders

By Jerry Kammer

In March, two days before Arizona's Democratic presidential primary election, former Congressman Ed Pastor, one of the state's most prominent Democrats, attacked Bernie Sanders' immigration record. "I served in Congress with Senator Sanders for years, and seemingly every time the Latino community had the most on the line, he stood across the aisle," Pastor wrote in an essay for the *Arizona Republic*. He declared his allegiance to Hillary Clinton.¹

Pastor, who served in the House from 1991 to 2015, called out Sanders for his opposition to 2007 immigration reform legislation that was defeated after rancorous debate in the Senate. Sanders, who had just entered the Senate after eight terms in the House, was a vociferous participant in that struggle. While he supported the legislation's proposal to provide a path to citizenship for illegal immigrants, he condemned its provision for a massive guest worker program, saying it would flood labor markets and damage American workers. He joined the Republican-led opposition in defeating the bill.

Pastor's attack was one of many that Clinton's Latino allies have directed against Sanders. Another came from Julian Castro, the Housing and Urban Development Secretary and a potential vice-presidential running mate for Clinton. "Thousands of families have been torn apart due to destructive behavior by Republicans, and we cannot have a president who stands by their side," said Castro. His statement was released by the Clinton campaign.²

The battle for the rapidly growing Latino vote has been a prominent subplot in the Democratic presidential campaign. About 27 million Latinos will be eligible to vote in the 2016 election, including 3.2 million who have been added to the rolls since 2012. "Bernie may be popular on college campuses and in liberal coastal cities," the *Los Angeles Times* reported last summer, "but the leading challenger to Hillary Rodham Clinton for the Democratic nomination is still struggling to gain a foothold among the Latino voters who play a crucial part in the contest."³

While the Clinton camp has assaulted Sanders' immigration record, Sanders and his allies have pointed to Clinton's own record of hard-liner positions on illegal immigrants, such as her opposition to a proposal to grant them driver's licenses in New York. Clinton critics have drawn attention to have drawn attention to a 2003 radio interview in which Clinton declared, "I am, you know, adamantly against illegal immigrants. We've got to do more at our borders. And people have to stop employing illegal immigrants."⁴

The Sanders-Clinton race has become a case study in a dominant dynamic of Democratic Party politics: the steady movement leftward on immigration policy, away from the centrist and even populist concerns that from the 1960s into the new millennium prompted many Democrats to advocate enforcement of laws to regulate the flow of newcomers. It also illustrates how the immigration debate on the left has become so fraught that any endorsement of a principle of immigration restriction is tarred as an act of hostility to immigration and complicity with right-wing Republicans.

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The reluctance of Republican congressional leaders to anger their base by working for passage of the sweeping set of measures known as comprehensive immigration reform is well known. But the Democratic coalition's neglect of the interests of American workers as it has pursued the Latino vote has also become obvious in recent years. Ironically, Sanders' bid for the presidency has prompted him to reverse the position he took in 2007 in order to win over Latino voters.

In their debates, Sanders and Clinton have competed for the title of most inclusive and welcoming of those who are in the country illegally. While Clinton has accused Sanders of guilt by association with Republicans in 2007, Sanders has scolded Clinton for suggesting that the United States may need to deport some of the thousands of Central American children and parents who continue to stream across the border in hopes of receiving asylum.

The Democratic competition has been the mirror image of the Republican race, which has featured a Donald Trump-Ted Cruz competition for voters furious at the federal government's failure to stem illegal immigration. Sen. Marco Rubio was chased from the race in part because of his cooperation with Democratic Sen. Charles Schumer (D-N.Y.) in the ill-fated "comprehensive immigration reform" measure of 2013 that was passed by the Democrat-led Senate only to wither in the Republican-led House of Representatives.

Sanders Gets the Message

Bernie Sanders launched his campaign last May with a rousing call for a "political revolution to transform our country". He laid out an agenda for "jobs, jobs, and more jobs" and a \$15 minimum hourly wage. He called for free tuition at public colleges and universities, a single-payer health care system, and bold action against income inequality and Wall Street recklessness. Sanders did not mention immigration in his announcement speech.

That omission drew a pointed response from Rep. Luis Gutierrez (D-Ill.), a passionate advocate of illegal immigrants and a Clinton supporter. In a much-publicized television interview, Gutierrez claimed momentary amnesia about one of the contenders for the Democratic nomination. "We've got the socialist," Gutierrez said. "I can't remember his name — Bernie Sanders. I don't know if he likes immigrants because he doesn't seem to talk about immigrants."⁵

Sanders got the message. As *Politico* reported, "Sanders inserted new remarks in his stump speech ... calling for a 'rational immigration process' that differed from the 'Republican alternatives of self-deportation or some other draconian non-solution.'"⁶

Sanders courted the Latino political class in a series of meetings with prominent Latino organizations, including the National Council of La Raza, National Association of Latino Elected and Appointed Officials, and the U.S. Hispanic Chamber of Commerce. He talked warmly about his immigrant father, who came from Poland at age 17 "without a nickel in his pocket" and with no understanding of English.

Sanders described his efforts to improve the working conditions of Latino farm workers in Florida. He called for illegal immigrants to be granted a more lenient and less expensive path to citizenship than what was proposed in the 2013 bill. That measure passed with an "aye" vote from Sanders after he won adoption of an amendment for a \$1.5 billion jobs program to balance guest worker provisions. That program ultimately died along with the rest of the bill.

Sanders has courted the Latino vote in ways both subtle and overt. While he was committed in 2007 to stopping "illegal immigrants" who threatened to flood labor markets, he now speaks warmly of "the undocumented" who must be given legal status so that they can demand better pay. His previous call for policies to defend American workers from imported competition has been replaced by a call for expansive immigration policies designed to appeal to Latino voters.

Once a Defender of American Workers

Sanders no longer demands that immigration legislation protect American workers from the risks of loose labor markets crowded with imported competition. The immigration debate no longer rings with the Sanders rhetoric of 2007, when he attacked the guest worker plan by condemning it as plan conceived in corporate greed and employers' insatiable hunger for

cheap labor. “With poverty increasing and the middle class shrinking, we must not force American workers into even more economic distress,”⁷ Sanders said. Ironically, that battle cry has been taken up most forcefully by Donald Trump.

But in 2007 Sanders’ was the Senate’s most passionate defender of American workers. The record of the debate on the Senate floor, which was waged like combat in the policy trenches of the bill’s 761 pages, is replete with his declarations of outrage at what he saw as a disgraceful betrayal. Said Sanders:

--At a time when millions of Americans are working longer hours for low wages and have seen real cuts in their wages and benefits, this legislation would, over a period of years, bring millions of low-wage workers from other countries into the United States. If wages are already this low in Vermont and throughout the country, what happens when more and more people are forced to compete for these jobs? ... This immigration bill is legislation that will lower wages and is designed to increase corporate profits.⁸

--We hear over and over again from large multinational corporations that there are jobs Americans just will not do and that we need foreign workers to fill those jobs. Well, that is really not quite accurate. If you pay an American or any person good wages and good benefits, they will do the work.⁹

In his bid for the presidency Sanders has muted and even denied the concerns of 2007. When Hillary Clinton, at the Democratic debate in Milwaukee in February, proudly noted that she had voted for the 2007 legislation, Sanders tried to rewrite the record of his vote against it. Said Sanders:

I voted against it because the Southern Poverty Law Center, among other groups, said that the guest worker programs that were embedded in this agreement were akin to slavery. Akin to slavery, where people came into this country to do guest work were abused, were exploited, and if they stood up for their rights, they’d be thrown out of this country.

A Call for Patriotism

Sanders in 2007 was not just a worker advocate; he was an unabashed patriot, defending his countrymen against what he saw as traitorous corporate elites who served only the principles of profit maximization and self-aggrandizement. Dismayed at what he saw as an outrageous panorama of boardroom greed, he said:

We would hope that companies in the United States would have just enough patriotism, maybe just a little bit of patriotism so they would work to hire qualified American workers. But if you look at the statements and conduct of some of these companies, you realize that patriotism — love of country — is becoming a dated concept for those who are pushing extreme globalization.¹⁰

Sanders’ passion had not dimmed in 2013 when the senators known as the Gang of Eight made a comprehensive foreign worker program part of their reform agenda. Said Sanders:

At a time when nearly 13 percent of the American people do not have a full-time job, at a time when the middle class continues to disappear, and at a time when tens of millions of Americans are working longer hours for lower wages, it makes no sense to me that the immigration reform bill includes a massive increase in temporary guest worker programs that will allow large corporations to import and bring into this country hundreds of thousands of temporary blue-collar and white-collar guest workers from overseas.¹¹

Sanders was particularly outraged about the State Department’s Summer Work Travel Program, which was the subject of a 2011 CIS report.¹² He denounced the program as a cheap labor scam dressed up as cultural exchange. “This program is a real disservice to the young people of this country,” said Sanders. “It seems to me terribly wrong that we have programs like this J-1 Summer Work Travel Program ... which brings students from all over the world into the United States to take jobs that young Americans want to do.”¹³

Bernie Sanders and the Imperatives of 2016

The electoral imperatives that Sanders faces in his presidential campaign are far different from those that shaped his elections in Vermont, which has a tiny Hispanic population.

“Let me be very honest with you. I come from a state, the state of Vermont, [and] it’s a small state. There aren’t a lot of Latino people,” Sanders told reporters after speaking at the Congressional Hispanic Caucus Institute’s annual Public Policy Conference. “What we are trying very, very hard to do — you are going to see us moving very aggressively in that area — is introduce myself to the Latino community. I will fight for every vote I can get in the Latino community.”¹⁴

As Sanders sought to make inroads with Latino voters, he faced constant hectoring from Clinton’s Latino surrogates, especially Luis Gutierrez, who effectively made “Remember 2007” his battle cry. Said Gutierrez in an essay for Univision: “He even went on the Lou Dobbs show on CNN — the number one propaganda broadcast of the anti-immigration movement at the time — to proclaim how immigrants were bad for the American economy and other twisted ideas about immigrants.”¹⁵

Sanders told Dobbs that he was taking a stand against greedy employers who:

*Are selling out American workers, and in fact, they are selling out our entire country. And that is a major struggle that we have got to engage in, to take back our country from these very powerful and wealthy special interests. ... If poverty is increasing and if wages are going down, I don’t know why we need millions of people to be coming into this country as guest workers who will work for lower wages than American workers and drive wages down even lower than they are right now.*¹⁶

In 2016, Sanders’ position qualified as a betrayal of inclusiveness in the world of Clinton partisans like Maria Cardona, a television commentator and political consultant who advised Clinton during her 2008 presidential race. Cardona, an immigrant from Colombia, complained in an essay for *U.S. News & World Report* that Sanders had a record of “favoring American laborers over their immigrant counterparts.”¹⁷

Cardona also found Sanders guilty of association with Steve King, the Iowa Republican arch-foe of illegal immigrants. She wrote that Sanders’ immigration position had received “praise from those on the right whose policies have made things harder for immigrants.” As if she was exposing a conspiracy of xenophobes, she quoted King as saying, “Bernie has taken some positions that I agree with, and part of his immigration policy is something that I agree with.”

Hiring Activists

The Sanders campaign sought to blunt such attacks with a series of hires of Latino activists. Its most conspicuous acquisition came last October, as polls showed Sanders suffering from poor name ID among Latinos. The campaign hired Arturo Carmona, the executive director of Presente.org, an Internet-based organization that seeks to mobilize Latinos in order to “advance Latino power and create winning campaigns that amplify Latino voices.”¹⁸

Presente.org specializes in political hardball. It had made headlines in 2009 when its “Basta Dobbs” [Enough of Dobbs] campaign successfully pressured CNN to cut its ties with the controversial newsman. Carmona, who joined Presente.org in 2012, developed a reputation as a sharp-elbowed political operative, especially for his furious response to President Obama’s 2014 decision to delay until after the election a controversial move to curtail deportation of illegal immigrants. Calling the move a politically expedient “betrayal” of Latinos, Carmona wrote: “Obama and the Democratic Party are trying to make the argument that because so many Republicans have shown themselves to be xenophobic at best, anti-immigrant and blatantly racist at worst, that we should be thankful to Democrats for tolerating us.” Carmon said voting against Democrats was a necessary tactic “if we are ever going to see politicians of any party approach the Latino constituency as one to be catered to, not spat on.”¹⁹

A few days after hiring Carmona, Sanders won an endorsement from Rep. Raul Grijalva, a Democrat from Tucson who got his start in politics in the late 1960s as a Chicano radical at the University of Arizona. Grijalva was head of the Congressional

Progressive Caucus. *Esquire* magazine said he represented a “brand of Latino populism [that] will likely become commonplace in decades to come.”²⁰

Carmona, three decades younger than Grijalva, illustrates that point.

As he went to work for Sanders, Carmona made clear that he had no intention of dialing back on his hard line tactics. “What the senator is calling for is a political revolution, inclusive of all Americans, and Latinos will disproportionately (sic) benefit from that movement,” he said. “So I will be continuing to provide the same type of leadership, being a vocal activist representing our community.”²¹

Three weeks after Carmona joined the campaign, the Sanders website added information on the sharp decline of Mexican immigration to the United States because of improving economic opportunity in Mexico. It was an important story, which the *New York Times* first reported in 2011 when Carmona was the director of an association of hometown clubs formed by Mexican immigrants from across Mexico.²²

Carmona in 2011 cautioned against reading too much into the story, warning that in Mexico, “Large sectors of the population remain in deep poverty, particularly in many areas that are beginning to create migratory patterns towards the United States.” While some areas had seen improvements, he said, “in many regions where poverty is much harsher, you are beginning to see a cultivation of migration.” In other words, Carmona expected a vigorous continuation of Mexican immigration to the United States.²³

Indeed, as the history of Latin American migration shows, it is subject to rapid surges in response to economic shock, such as the 1995 collapse of the Mexican peso, and social unrest like the violence that has combined with economic misery to propel the ongoing influx of minors from Guatemala, Honduras, and El Salvador. Meanwhile, illegal immigration from Asia and Africa has seen sharp growth, and illegal immigrants continue to arrive in the United States at the rate of 300,000 to 400,000 every year.

But the Sanders website omitted such complexity in order to advance an argument whose super-heated tone was characteristic of the confrontational Carmona. It flatly declared: “The idea that we have hoards (sic) of undocumented immigrants pouring across the border is a myth propagated by racist, right-wing media and political actors.”²⁴ What Carmona had described as an important reality of Mexican immigration the Sanders campaign now condemns as an errant notion propagated by the malicious clamoring of bigots and hacks.

Bringing a Dreamer on Board

Ten days after the Sanders website heated up with that accusation, Carmona announced a hiring that BuzzFeed reported under the headline “Bernie Sanders Just Hired the Best Known Immigration Activist in the Country.”²⁵

The new member of the Sanders team was Erika Andiola, who had become a national figure as a leader of the “Dreamers,” those who entered the United States illegally when they were children, usually with one or both parents.

Andiola came at age 11 with her mother, who was fleeing an abusive husband in the Mexican state of Hidalgo. Like many Dreamers, Erika was ambitious and accomplished. She graduated from Arizona State, but she was frustrated that her future was constrained by her immigration status. She was a powerful spokeswoman for a cause taken up by a 2012 cover story in *Time* Magazine. Accompanied by portraits of Andiola and other Dreamers, the story was titled, “We Are Americans — Just Not Legally.”²⁶ President Obama shielded many Dreamers with an executive order that provided protection from deportation and the right to a work permit, but not legal status.

The Sanders campaign announced the Andiola hire with a carefully worded statement that put a new frame on Sanders’ old concerns about the conflicting interests of American workers and immigrants. It quoted Carmona as saying, “Erika’s personal story as a Mexican undocumented woman with an undocumented family and a long history of advocacy for Latinos speaks directly to the campaign’s commitment to fight for immigrants, Latinos, and working class Americans in every community across the country.”²⁷

While that statement bordered on cynicism with its whitewash of Sanders’ concerns that took dramatic form during the debate of 2007, it was custom-made for a campaign that needed desperately to widen its appeal beyond its passionate base of mostly young whites. But while Andiola was an attractive representative of the most sympathetic group of illegal immigrants, her mother’s story was less winning.

Six months after Erika’s appearance in *Time*, Maria Arreola was detained in Arizona for driving without a license. A records check revealed that years earlier she had crossed the border illegally and been arrested by the Border Patrol. She had been returned to Mexico, only to cross the border illegally again. That combination of circumstances made her a high priority for deportation under federal policy.

Arreola and her son Heriberto, who was too old to qualify for DACA, were about to be deported when Erika posted a video on YouTube making a tearful plea for public support. “We need to do something,” she said. “We need to stop separating families. This is so real. This is not just happening to me, this is happening to families everywhere.”²⁸

Andiola’s appeal stirred an outcry in the community of immigrant activists. They unleashed a storm of protest — with online petitions, Twitter, emails and phone calls — pressuring the Obama administration to unravel the actions by Immigration and Customs Enforcement. Speaking on behalf of Presente.org, which claimed a membership of 250,000, Arturo Carmona accused federal authorities of seeking retribution against one of their own. “What is the Obama Administration saying with this action?” Carmona asked. “We condemn I.C.E. for abusing its authority to ‘pay back’ our friend and outspoken immigrant leader, Erika Andiola, for her immigrant rights activism by arresting and detaining her mother, Maria, and her brother, Heriberto.”²⁹

Within a few days, Arreola was released. A spokesman for Immigration and Customs Enforcement said the case had been found to merit an “exercise in discretion” as provided by the policies of the Obama administration.³⁰

It was the sort of federal action that has convinced many critics of illegal immigration of the fecklessness of the federal government. To them it conveyed the message that if illegal immigrants persist in their defiance of immigration law, they will eventually win out. But a story in the *New York Times* provided a different frame, reporting that the outcry from immigration activists “offered the Obama administration a taste of what it might expect when it gets into the thick of the debate over an immigration overhaul.”

That debate lines up along an axis of concerns. At one end are the militant demands of Arturo Carmona. At the other is the firm conviction of the late Barbara Jordan, the head of the federal Commission on Immigration Reform, which declared in its 1994 report to Congress:

*Credibility in immigration policy can be summed up in one sentence: Those who should get in, get in; those who should be kept out, are kept out; and those who should not be here will be required to leave. The top priorities for detention and removal, of course, are criminal aliens. But for the system to be credible, people actually have to be deported at the end of the process.*³¹

The Sanders-Clinton Debate

The debates between Bernie Sanders and Hillary Clinton have been marked by a bidding war for the votes of those who seek full rights for the undocumented. Both want a wide and smooth path to citizenship. Sanders includes them in his plan for free college tuition, prompting a pledge from Clinton to assist “any state that takes that position. ... and encourage more states to do the same.” Sanders has also matched the Clinton pledge to go further than President Obama’s executive orders to shield illegal immigrants from deportation.

The competition became particularly energetic at a debate in March. One of the questioners was Univision anchor Jorge Ramos, a dual citizen born in Mexico who makes no effort to conceal his conviction that the United States must embrace all migrants, regardless of their legal status. When the discussion turned to a tentative effort by the Obama administration to stem a flood of asylum seekers from Central America, Ramos took on the role of auctioneer in a bidding war.

Sanders scoffed at Clinton's past statements that suggested understanding, if not active support, for the administration's position that those whose asylum applications had been denied would have to be deported in order to discourage an even broader exodus from countries battered by gang violence and poverty. "We have to send a clear message, just because your child gets across the border, that doesn't mean the child gets to stay," she had said. "So, we don't want to send a message that is contrary to our laws or will encourage more children to make that dangerous journey."

Sanders had no patience for such a principle of restraint. He considered it as a hard-hearted rejection of those who deserved a compassionate welcome. "I said welcome those children into this country; Secretary Clinton said send them back," Sanders said.

Clinton tried to brush off the criticism, insisting that what she wanted was respect for "the process" of reviewing asylum claims. She then quickly pivoted, going on the offensive with a claim that in 2006 Sanders "sided with the Republicans to stand with vigilantes known as Minutemen who were taking up outposts along the border to hunt down immigrants."

Sanders and the Minutemen

Bernie Sanders' vote on the obscure 2006 measure that Clinton referred to provides another case study of the fraught nature of the immigration debate. It also shows the ease with which concerns can be exaggerated by cultural sensitivities, distorted by caricature, and exploited for political gain.

The Sanders vote concerned the immigration policy litmus test of the Minutemen, a group that filled headlines in 2005, a chaotic time on the Arizona border. The background included statistics documenting that in the previous year the Border Patrol had arrested nearly a half million illegal immigrants in the Tucson sector, which is responsible for patrolling 271 miles of the state's 360-mile border. Journalists were documenting the disorder in southern Arizona and the discontent of the residents. Arizona Gov. Janet Napolitano declared a state of emergency, in an effort to stem the tide. New Mexico Gov. Bill Richardson echoed Napolitano's urgency. As the *National Journal* reported, the two Democratic governors "said their southern counties are being devastated by drug and human smuggling, kidnapping, murder, destruction of property, and killing of livestock and pets."³²

The Minutemen were a loosely organized group — mostly middle aged, with many military veterans — who went down to the border with binoculars, lawn chairs, handguns strapped to their hips, and cell phones to report illegal crossers to the Border Patrol. Critics denounced them as cactus-country Rambos. Supporters hailed them as patriots responding to an urgent threat to national sovereignty. Arizona writer Charles Bowden made a nuanced assessment: "Minutemen are punctilious about the niceties of law and what they are doing — armed patrols against lawbreakers are legal. They are the inevitable consequence of illegal immigration, part of a new page in American Nativism. They are neither alarming, nor unfriendly, nor relevant."³³

Sanders' vote concerned an amendment that addressed suspicions that U.S. authorities were notifying Mexican counterparts about the location of the Minutemen. The amendment barred such notification, except in situations required by international treaty. The brief, anodyne discussion on the House floor made it out to be a ho-hum affair, perhaps an effort by the measure's sponsor — Georgia Republican Jack Kingston — to placate a constituent.

Said Democrat Martin Olav Sabo of Minnesota: "We are told by Customs and Border Patrol (sic) that this amendment has no effect on its operation because it only shares information when it is required by international treaty, the same as what this amendment says. So to the best of my knowledge this amendment simply states what is policy. If people want to put it in the bill, that is okay because it apparently does nothing."³⁴

The amendment, then, apparently had only symbolic value. It was a gesture of concern about the need to protect the border. Sanders voted for the amendment. He was running for the Senate at the time, so perhaps he wanted to preempt a potential 30-second political ad claiming he was soft on border security. At any rate, the amendment passed, supported by nearly all Republicans and 76 Democrats. But it was not included in the final version of the DHS spending measure to which it had been attached.

The amendment was a Capitol Hill version of a phenomenon in the Southwest known as a dust devil, a short-lived whirlwind in the desert that stirs up dust and brush and then disappears.

But last March, during the Democratic debate in Miami, Hillary Clinton sounded the alarm about Sanders' complicity with immigration-hawk Republicans. She said Sanders had "sided with those Republicans to stand with vigilantes known as Minutemen who were taking up outposts along the border to hunt down immigrants." Rep. Ed Pastor, in his essay for the *Arizona Republic*, expressed dismay that Sanders had supported "a band of racist vigilantes". Julian Castro was also chagrined, declaring, "Bernie Sanders voted with Republicans to protect the Minutemen, a hate group that used military tactics against our community."

Postscript

Hillary Clinton has defeated Sanders in nearly all of the state contests in which the Latino vote played a significant role. Most exit polls indicated that she was favored by a solid majority of Latino voters. Nevertheless, the Sanders campaign clearly improved the senator's standing among Latinos, especially the rapidly growing young who were mobilized by Arturo Carmona and Erika Andiola.

The central theme of the Bernie Sanders campaign for president is that the United States needs a revolution to transform our society. It is ironic that in his effort to win the Democratic nomination Sanders has launched what amounts to a counter-revolution against the principles of immigration restraint that he once espoused as necessary to the preservation of a just and equitable American society.

End Notes

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