

TIME

Immigration: The Case for Amnesty

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Amnesty has emerged as the pariah term of the immigration debate, disavowed even by those who believe in its goals. But what are the alternatives to letting illegals stay? Deporting millions? Devising other punishments? Doing nothing at all? Few places have struggled with these questions as much as rural Beardstown, Ill., where an April immigration raid at the town's largest employer exposed a community that is both dependent on its undocumented workers and deeply resentful of their presence. Why legalizing the illegals makes sense for Beardstown — and for America.

1. Amnesty can work politically.

One day before the June 5 Republican debate, Senator John McCain tried to preempt the coming criticism. He knew he would spend the debate flanked by nine candidates waiting to rip into the Senate compromise bill he helped write, which calls for a salve of legalization, border security and guest-worker programs. So in a Miami speech on June 4, he sought to distance himself from the “a” word. “Critics of the bill attack this as amnesty,” he said. “[But] we impose fines, fees and other requirements as punishment.” The bill, he said, is not amnesty.

Yes, it is. Whether you fine illegal aliens or stick them in English classes or make them say a hundred Hail Marys, at the end of the day, illegals would be allowed to stay and become citizens under this bill. That's amnesty. And that's a good thing for America. The estimated 12 million illegals are by their sheer numbers undepportable. More important, they are too enmeshed in a healthy U.S. economy to be extracted.

Yet the word amnesty was still used as a cudgel at the G.O.P. debate — McCain's rivals clobbered him with the term, and he turned it on them as well, saying that doing nothing is “silent and de facto amnesty.” Why are the bill's supporters so skittish about the word? If the past five years of immigration debate have taught us anything, it's that railing against the illegal invasion is easy, popular and effective. Now politicians are being roasted for conceding a reality: illegal or not, most of those 12 million are here to stay.

The heat extends from President George W. Bush to McCain and all the way down to the mayor of Beardstown, where a decade of intense immigration has turned a nearly all-white town into a place in which 72% of the prekindergarten class is Hispanic. “If I got up and said I'm gonna run each and every Mexican out of town on a donkey, the voters here would cheer me on,” says Mayor Bob Walters. “But I'm not going to say that. It's not our job to deport them all, and it's not the right thing to do.”

Many of Beardstown's white residents were pleased by the federal raid on the massive pork-processing plant at the edge of town, owned by multinational meatpacker Cargill Meat Solutions (the April 4 operation targeted a subcontractor that was cleaning the plant, not Cargill itself). The raids netted 62 people, most of whom were sent to federal detention centers that night and later deported. “It's good they got those people,” Oscar Cluney, 18, told me as he hung out with his friends in the parking lot of the local Save-a-Lot store. “The whole situation here makes me kind of mad.”

And a lot of voters are upset too — but they are deeply conflicted about the right solution. A recent Gallup poll found that 60% of people who were following the bill closely were opposed to it. But an April USA Today/Gallup poll found that just 14% of respondents wanted to send illegal immigrants home with no chance of returning to the U.S. The public seems confused about the definition of amnesty.

Politicians are tapping into the public's uncertainty. In the June 5 G.O.P. debate, Rudy Giuliani summed up the bill's problem this way: "It's a typical Washington mess," he said. He's right, of course, but not for the reasons he thinks. Rather, the bill is a mess because it doesn't fully embrace its most important aim: amnesty. Instead, it is laden with punitive measures — designed to evoke a certain toughness — that will at most just keep illegals from participating. Amnesty, as defined by its opponents, has come to mean getting forgiveness for free. But under the Senate's current compromise, the path for illegals is not anything close to easy. Under the compromise, the 12 million would face a 13-year process including \$5,000 in fines per person, benchmarks for learning English and an onerous "touchback" provision that calls for the head of each household to leave job and family behind and return to his or her home country for an indeterminate amount of time to queue up for the final green card. Nothing free about that.

The touchback clause is partly designed to insulate the bill from criticism that amnesty would be unfair to those waiting in line to come legally. But that's a false comparison. If people are frustrated, as they should be, by the fact that some eligible immigrants have been waiting for citizenship for as many as 28 years, then by all means, fix that problem. Streamline the process for legal immigration. But don't blame that red-tape nightmare on the millions of low-wage illegals already here, who form a very different (and vastly more populous) group.

2. Amnesty won't depress wages — globalization has already done that.

Before you talk about amnesty, it makes sense to address the anger that many citizens feel. Across the U.S., Americans feel squeezed and threatened by the newcomers. Part of the anxiety is undeniably race based. Fox News's Bill O'Reilly leavened his reluctant support for the Senate bill with warnings that it "drastically alters" a country that is already "one-third minority." Others worry about language preservation. Republican Congressman Tom Tancredo of Colorado gave a breathless defense of the English language at the G.O.P. debate, saying that bilingualism has failed other countries and that the U.S. was fast headed in that direction. Yes, it's true: Mexicans speak Spanish. Relax. Mexicans also know that English is the key to getting ahead in the U.S. When Beardstown opened a bilingual program for all the kids in the elementary school, Hispanic parents were as worried as white parents about missing out on an English-only education. Assimilation is slow, but it is inevitable. Beardstown was settled in the 19th century by unapologetically German immigrants, but you won't hear so much as a *gesundheit* uttered there today. What is lacking, in Beardstown as in Washington, is faith in America's undimmed ability to metabolize immigrants from around the world, to change them more than they change the U.S.

Economic anxiety animates much of the resistance to amnesty, particularly from the left. Real wages have been stagnant for nearly three decades throughout the U.S., and for a place like working-class Beardstown, having to deal with a huge new influx of Spanish-speaking workers seems like adding insult to economic injury. But if times are tough in rural America, are illegal immigrants to blame? It turns out that the truly good jobs left Beardstown long before the Mexicans came. In the mid-'80s, the Cargill plant was owned by Oscar Mayer. Walters was the union representative at the plant back then, and he says it offered good jobs and good benefits, but globalization and other corporate pressures caught up with them. The company shuttered and sold the plant in 1987. Five months later, it reopened under a new owner, with lower wages and fewer benefits. "The starting wage went from \$11 an hour to \$7.50," says Walters. "The meatpacking industry ought to be ashamed of what they did to towns like ours."

The first Hispanics didn't come to work at Cargill en masse until years later. And as Cargill likes to point out, more white workers work at the factory than before. The plant has in fact grown, thanks in large part to hard-working migrants, not just from Mexico but from more than 20 other countries. The business seems robust for the time being. The workforce is unionized again. Salaries are creeping up. A new Wal-Mart Supercenter is on the way. Cargill's strength has turned Beardstown into, if not a boomtown, at least a place that investors are paying attention to. And the town is leading its pitch with the fact that it has a large Hispanic workforce, a bellwether for economic growth. "That's all I need to tell them," says Steve Twaddle, the county's director of economic development. "Businesses understand."

That progress, in Beardstown and in similar towns throughout the U.S., is imperiled by illegality. Cargill has long struggled to rid its rolls of illegal workers who are using false documentation. Most notably, a rumor that another raid was imminent swept through the night shift last month. Those workers who had false papers had to make a decision: stay and risk detention and deportation if the rumor were true, or leave and expose themselves as illegal workers. Cargill wouldn't comment on the incident, but locals say that dozens fled the plant that night and were fired or quit after having outed themselves by leaving.

It is not easy to replace them. Meatpacking is a hard job at any salary. There's plenty of new technology in the meatpacking industry, but no machine has yet been invented to take over some of the toughest positions, like the role of gut snatcher, whose sole job is to tug the offal out of each freshly killed hog that comes down the line.

The economics of immigration remain a mysterious science. Everyone has a pet study proving immigration suppresses wages or it builds economies. A less malleable truth is that many towns, like many companies, are faced with a stark choice in the global economy: grow or die. So Beardstown is growing, a healthy economy surrounded by dying rural towns. The U.S. is in the same situation. For all the stresses of immigration, it is the only industrialized nation with a population that is growing fast enough and skews young enough to provide the kind of workforce that a dynamic economy needs. The illegals are part of the reason for that, and amnesty ensures that competitive advantage.

3. Amnesty won't undermine the rule of law.

Google "this is a nation of laws," and you'll find a thousand online Cassandras warning that our failure to prosecute illegals is an invitation to anarchy. They are right about the U.S. being a nation of laws. But our legal system is not a house of cards, one flick away from collapse. U.S. jurisprudence has in fact always been a series of hedged bets, weighing the potential harm of a violation against the costs of enforcement. That's why people get arrested for assault but not for jaywalking. It's time to think seriously about exactly where the act of illegal immigration lies in the spectrum of criminality. Consider the complicity of U.S. employers ranging from multinational corporations to suburbanites looking for gardeners. Factor in the mixed signals that lax law enforcement sent to would-be immigrants throughout the '80s and '90s, and the crime should rank as a misdemeanor, not a felony. Even if we step up border enforcement in the future — as we should — it is true that for a long time, crossing the Rio Grande was akin more to jaywalking than breaking and entering.

Sure, there is a very real national-security threat in having a porous border. But a large — if unquantifiable — percentage of the people crossing that line illegally are not newcomers but rather people who have already established lives in the U.S. and would qualify for amnesty. If they were legalized and free to circulate, we could concentrate on the serious criminals and terrorists crossing the border, not a worker going back to his family.

In Beardstown, amnesty would also help authorities tackle crime. Right now, they spend a lot of their energy sorting out who is who in the community because illegals present local police with a bewildering maze of identities. The illegals of Beardstown work under one name and go to church under another. Parents give their kindergarteners fake names to use in school. "We are absolutely unable to identify our own people," says Walters. It

sounds counterintuitive, but with immigration, forgiving a crime may be the best way to restore law and order.

4. Amnesty won't necessarily add to the social-services burden.

Many of the undesirable traits of illegal populations stem in large part from the simple fact that they are illegal. They use expensive emergency rooms because they lack insurance or are afraid a primary-care doctor might create a paper trail. They often don't file tax returns because of the same fear, and they turn to welfare or other social services because their illegal status consigns them to the lowest rung of the economy. We infantilize undocumented workers by relegating them to second-class status, and then we chastise them for being dependent on the nanny state.

"[White people] think we have it easy, that we don't pay taxes," says Fernanda, 19, whose parents were deported in the April raid. "They don't know how hard it is to get ahead here."

Fernanda has been in the U.S. since the eighth grade and graduated last year from Beardstown Middle/High School. Those five years of public education represent a significant investment by the U.S. government. And what's the return on that investment? Fernanda had dreams of going to college to study nursing, and Beardstown badly needs bilingual nurses. But she's illegal, and after the deportation of her parents, she has to support the entire family. So she's looking for work at local hog farms, a manual-labor job that does not make the most of her talents. "There's a great human potential in this town that doesn't see the light of day because of the legal status," says community organizer Julio Flores.

Some would argue that Fernanda should not have been schooled on our dime in the first place. But the reality is that Fernanda is here in the U.S. to stay. She's not going back to Mexico. Amnesty would offer millions like her a fighting chance at self-sufficiency and social mobility.

5. Amnesty doesn't have to spawn even more illegal immigration.

A popular reading of recent history holds that the amnesty of 1986, which offered a path to citizenship for 3 million illegals, sparked the much larger wave of unlawful immigration that followed. According to that logic, the '86 amnesty showed would-be migrants from around the world that the U.S. was weak-willed and would eventually relent and give citizenship to its illegals. Duly encouraged, Mexicans and others stormed our borders with unprecedented vigor.

Illegal immigration did soar, but that's not why. Studies show that the valleys and peaks in migration have depended far less on changes in policy or policing and far more on the basic economic conditions in the U.S. and Mexico. If you want to truly tamp down illegal immigration, you could induce a recession in the U.S. A better idea might be to help Mexico create more jobs that pay better. A recent Council on Foreign Relations study found that when Mexican wages drop 10% relative to U.S. wages, attempts to cross the border illegally rise 6%. As complex and corrupt as the Mexican economy is, we ignore it at our peril.

While Mexico patches itself up, at least the security options are better today than in 1986. There is both the political will and the technology to make enforcement a serious part of any amnesty plan. National ID cards, real employer verification, high-tech border controls can all aid in making sure that this would be the last amnesty of this size.

Over fried catfish at the Riverview restaurant, Walters says he calls the feds about illegals in his town a few times a month. But he is tired of the hassle and ready for legalization. "If I could wave a magic wand, I'd rather have no Hispanics and have this town be like it was in the '50s. But that's just not going to happen," he says. "Amnesty is touchy, but we can't keep doing nothing."

The need for action is one thing that unites all the Presidential candidates. And the coalition for immigration reform is strong enough — and wide enough — to take principled stands. The President, much of the Democratic Party, and a clutch of G.O.P. lawmakers all support legalization. It's not too much to hope that together they could make a frank and forceful argument for amnesty and win over a conflicted nation.